



City of Port Colborne  
Special Meeting of Council 23-19  
Monday, August 26, 2019  
Council in Closed Session – 5:30 p.m.  
Committee Room 3, 3<sup>rd</sup> Floor, 66 Charlotte Street

## Agenda

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Council in Closed Session:**

- (i) Motion to go into Closed Session

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council meetings: July 8, 2019 (special meeting of Council), July 8, 2019 (regular meeting of Council)
- (b) Engineering and Operations Department Report 2019-118 regarding Re-organization of the Engineering and Operations Department, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.
- (c) Chief Administrative Officer Report 2019-131 and presentation regarding 2018 Employee Engagement Survey, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual and Subsection 239(3.1) for the purpose of educating or training the members.

**Note:** Sherri Rossi, Consultant, Employers Choice, will attend to provide a presentation about the above item.

- (ii) Disclosures of Interest (closed session agenda)
- (iii) Consideration of Closed Session Items
- (iv) Motion to Rise With Report

6. **Disclosures of Interest Arising From Closed Session:**
7. **Report and Motions Arising From Closed Session:**
8. **Adjournment:**

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**City of Port Colborne  
Special Council Meeting 24-19 – Public Hearing  
Monday, August 26, 2019 – 7:00 p.m.  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

- 1. Call to Order:** Mayor William C. Steele
- 2. National Anthem:**
- 3. Confirmation of Agenda:**
- 4. Disclosures of Interest:**
- 5. Public Hearing Under the Development Charges Act**
  - (a) Planning and Development Department, Planning Division, Report 2019-132, Subject: Public Hearing Report – Background Study and Development Charges By-law Update (Page No. 5 – 212)
    - (i) Presentation of Development Charges Background Study by Watson and Associates Economists Ltd.
    - (ii) Questions of Clarification to Planning Staff
    - (iii) Oral Presentations and/or Questions from the Public:
    - (iv) Explanation of Future Meetings:
- 6. Adjournment:**

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Report Number: 2019-132

Agenda Date: August 26, 2019

**SUBJECT: Public Hearing Report – Background Study and Development Charges By-law Update**

**1) PURPOSE:**

The purpose of this report is to provide Council and the public with information regarding the mandatory 5 year update to the Development Charges By-law and underlying background study.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:**

On September 8, 2014 Council approved By-law 6131/97/14 being a by-law to impose development charges for the City of Port Colborne. In accordance with the provisions of the *Development Charges Act*, a development charge background study was completed in August of 2014, and the Development Charges By-law was passed within one (1) year of completion of the development charges study.

The *Development Charges Act* requires that municipalities must update their Development Charge By-law every 5 years including a background study and the creation of a new by-law.

At its meeting on August 28, 2018, Council approved the recommendations contained in PDD 2018-140 being:

“That a by-law be adopted authorizing the Mayor and Clerk to sign an agreement with Watson and Associates for the completion of a Development Charges study and updated by-law at a total cost of \$35,800 exclusive of HST.”

**3) STAFF COMMENTS AND DISCUSSIONS:**

Development Charges provide for the recovery of growth-related capital expenditures from new development. The Development Charges Act is the statutory basis to recover these charges. Working with Watson and Associates the Background Study (attached hereto as Appendix A) which includes a draft by-law, has been prepared to satisfy the statutory requirements of the *Development Charges Act, 1997*.

The background study includes the following:

- Overview of the legislative requirements of the Act;
- Review of present development charge policies;
- Summary of the residential and non-residential growth forecasts;
- Approach to calculating the development charge;
- Review of historic service standards and identification of future capital requirements to service growth and related deductions and allocations;

- Calculation of the development charges;
- Development charge policy recommendations and rules; and
- By-law implementation.

The study also provides a draft version of the 2019 Development Charge By-law which is included as Appendix B to this report.

The background study represents the service needs arising from residential and non-residential growth over the forecast periods. The following services are calculated based on the anticipated development to occur for urban build-out:

- Wastewater Services; and
- Water Services.

The following City-wide services are calculated based on an 18-year forecast:

- Roads;
- Public Works; and
- Fire Protection Services.

All other City-wide services for Outdoor Recreation, Indoor Recreation and Administration.

#### Calculations

The methodology for the calculation of development charges can be summarised as:

- a) Identify amount, type and location of growth;
- b) Identify servicing needs to accommodate growth;
- c) Identify capital costs to provide services to meet the needs;
- d) Deduct:
  - i) Grants, subsidies and other contributions;
  - ii) Benefit to existing development;
  - iii) Statutory 10% deduction (soft services);
  - iv) Amounts in excess of 10-year historic service calculation; and
  - v) DC reserve funds (where applicable)
- e) Net costs are then allocated between residential and non-residential benefit; and
- f) Net costs divided by growth to provide the DC charge.

The Notice of Public Meeting was published in the Leader on July 25, 2019.

The Planning Division will provide Council with its recommendation report on the proposed Amendment to the Development Charges By-law after comments have been

received from the Public Hearing. This report will be available at a later date for Council's consideration prior to the expiration of the existing by-law.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

Not applicable, as this report is for information purposes only.

**b) Other Options**

Not applicable, as this report is for information purposes only.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:**

Not applicable.

**6) ATTACHMENTS:**

Background Study

**7) RECOMMENDATION:**

That Planning and Development Department, Planning Division Report 2019-132, Subject: Public Hearing Report – Background Study and Development Charges By-law Update be received for information.

**8) SIGNATURES:**

Prepared on August 20, 2019 by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer



# Development Charges Background Study

City of Port Colborne

July 24, 2019

Watson & Associates Economists Ltd.  
905-272-3600  
[info@watsonecon.ca](mailto:info@watsonecon.ca)



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# Table of Contents

	Page
<b>Executive Summary .....</b>	<b>i</b>
<b>1. Introduction.....</b>	<b>1-1</b>
1.1 Purpose of this Document.....	1-1
1.2 Summary of the Process.....	1-2
1.3 Changes to the D.C.A.: <i>Smart Growth for our Communities Act, 2015</i> (Bill 73).....	1-3
1.3.1 Area Rating.....	1-3
1.3.2 Asset Management Plan for New Infrastructure.....	1-3
1.3.3 60-Day Circulation of D.C. Background Study .....	1-4
1.3.4 Timing of Collection of D.C.s.....	1-4
1.3.5 Other Changes.....	1-4
1.4 Proposed Changes to the D.C.A.: Bill 108 – An Act to Amend Various Statutes with Respect to Housing, Other Development and Various Other Matters.....	1-5
<b>2. Current City of Port Colborne Policy .....</b>	<b>2-1</b>
2.1 Schedule of Charges .....	2-1
2.2 Services Covered .....	2-1
2.3 Timing of D.C. Calculation and Payment .....	2-2
2.4 Indexing .....	2-2
2.5 Redevelopment Allowance .....	2-2
2.6 Exemptions .....	2-3
<b>3. Anticipated Development in the City of Port Colborne .....</b>	<b>3-1</b>
3.1 Requirement of the Act .....	3-1
3.2 Basis of Population, Household and Non-Residential Gross Floor Area Forecast .....	3-1
3.3 Summary of Growth Forecast .....	3-2
<b>4. The Approach to the Calculation of the Charge .....</b>	<b>4-1</b>



# Table of Contents (Cont'd)

	Page
4.1	Introduction..... 4-1
4.2	Services Potentially Involved ..... 4-1
4.3	Increase in the Need for Service..... 4-1
4.4	Local Service Policy..... 4-6
4.5	Capital Forecast..... 4-7
4.6	Treatment of Credits ..... 4-7
4.7	Existing Reserve Funds ..... 4-8
4.8	Deductions..... 4-9
4.8.1	Reduction Required by Level of Service Ceiling ..... 4-9
4.8.2	Reduction for Uncommitted Excess Capacity ..... 4-10
4.8.3	Reduction for Benefit to Existing Development..... 4-10
4.8.4	Reduction for Anticipated Grants, Subsidies and Other Contributions..... 4-11
4.8.5	The 10% Reduction ..... 4-12
4.9	Municipal-wide vs. Area Rating..... 4-12
4.10	Allocation of Development ..... 4-12
4.11	Asset Management..... 4-12
4.12	Transit..... 4-13
<b>5.</b>	<b>D.C.-Eligible Cost Analysis by Service..... 5-1</b>
5.1	Introduction ..... 5-1
5.2	Service Levels and 10-Year Capital Costs for D.C. Calculation..... 5-1
5.2.1	Outdoor Recreation Services ..... 5-1
5.2.2	Indoor Recreation Services..... 5-4
5.2.3	Administration Studies ..... 5-6
5.2.4	Library Services ..... 5-10
5.3	Service Levels and Long-Term (2019-2031) Capital Costs for Port Colborne's D.C. Calculation ..... 5-12
5.3.1	Services Related to a Highway ..... 5-12
5.3.2	Fire Protection Services..... 5-17
5.4	Service Levels and Urban Long-Term (2019-2031) Capital Costs for Port Colborne's D.C. Calculation ..... 5-19
5.4.1	Water Services..... 5-19
5.4.2	Wastewater Services ..... 5-21
<b>6.</b>	<b>D.C. Calculation..... 6-1</b>
<b>7.</b>	<b>D.C. Policy Recommendations and D.C. By-law Rules ..... 7-1</b>
7.1	Introduction ..... 7-1
7.2	D.C. By-law Structure ..... 7-2
7.3	D.C. By-law Rules..... 7-2
7.3.1	Payment in any Particular Case..... 7-2



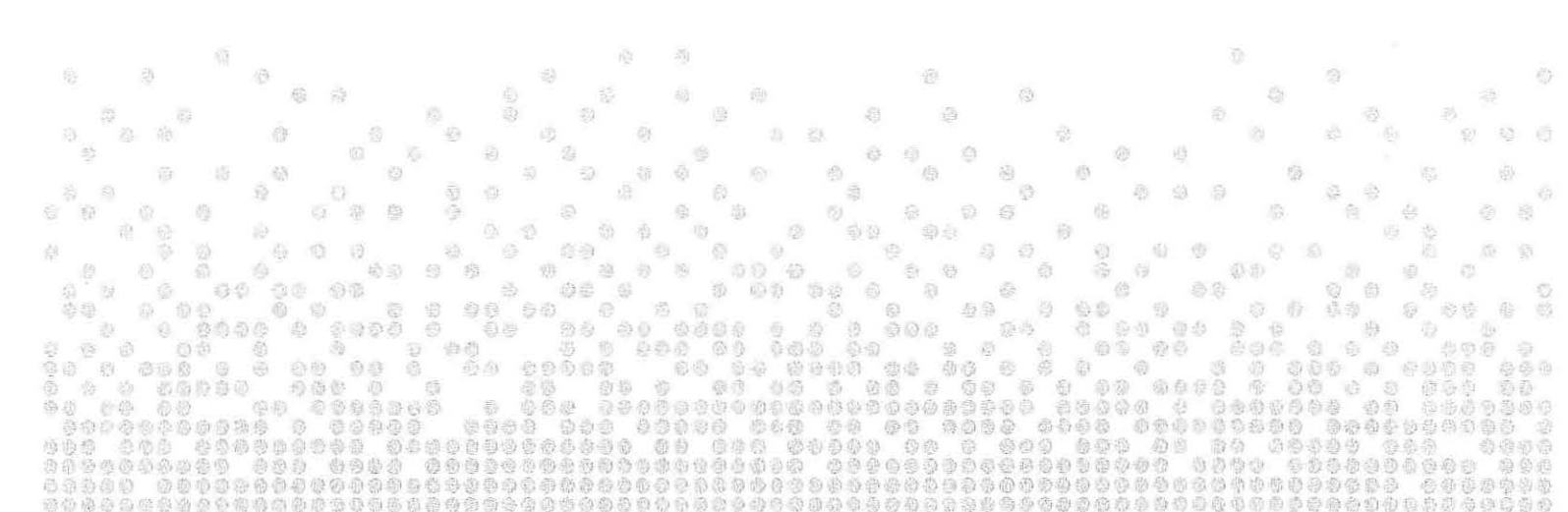
# Table of Contents (Cont'd)

	Page
7.3.2	Determination of the Amount of the Charge..... 7-3
7.3.3	Application to Redevelopment of Land (Demolition and Conversion)..... 7-3
7.3.4	Exemptions (full or partial) ..... 7-4
7.3.5	Phasing in ..... 7-5
7.3.6	Timing of Collection ..... 7-5
7.3.7	Indexing ..... 7-5
7.3.8	The Applicable Areas ..... 7-6
7.4	Other D.C. By-law Provisions ..... 7-6
7.4.1	Categories of Services for Reserve Fund and Credit Purposes..... 7-6
7.4.2	By-law In-force Date ..... 7-6
7.4.3	Minimum Interest Rate Paid on Refunds and Charged for Inter-Reserve Fund Borrowing ..... 7-6
7.4.4	Area Rating ..... 7-7
7.5	Other Recommendations ..... 7-8
<b>8.</b>	<b>By-law Implementation ..... 8-1</b>
8.1	Public Consultation Process ..... 8-1
8.1.1	Introduction ..... 8-1
8.1.2	Public Meeting of Council..... 8-1
8.1.3	Other Consultation Activity..... 8-1
8.2	Anticipated Impact of the Charge on Development..... 8-2
8.3	Implementation Requirements ..... 8-3
8.3.1	Introduction ..... 8-3
8.3.2	Notice of Passage ..... 8-3
8.3.3	By-law Pamphlet..... 8-3
8.3.4	Appeals ..... 8-4
8.3.5	Complaints ..... 8-4
8.3.6	Credits ..... 8-5
8.3.7	Front-Ending Agreements..... 8-5
8.3.8	Severance and Subdivision Agreement Conditions ..... 8-5
<b>Appendix A Background Information on Residential and Non-Residential Growth Forecast ..... A-1</b>	
<b>Appendix B Level of Service ..... B-1</b>	
<b>Appendix C Long-Term Capital and Operating Cost Examination ..... C-1</b>	
<b>Appendix D D.C. Reserve Fund Policy..... D-1</b>	
<b>Appendix E Local Service Policy ..... E-1</b>	



# Table of Contents (Cont'd)

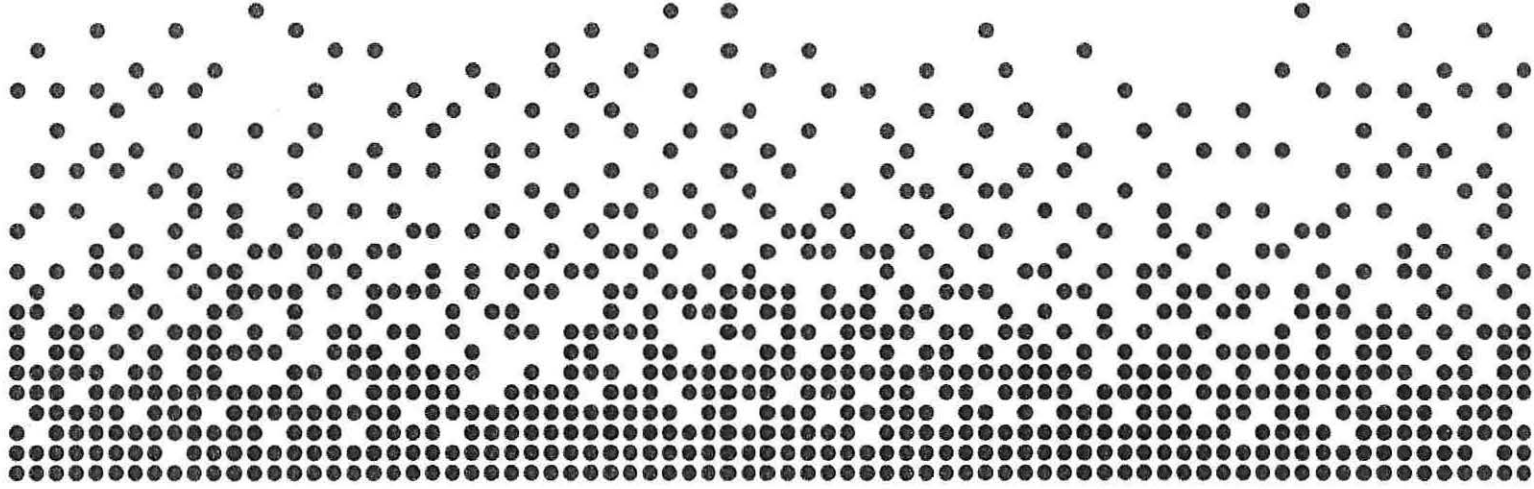
	Page
Appendix F Asset Management Plan.....	F-1
Appendix G Proposed D.C. By-law.....	G-1



## List of Acronyms and Abbreviations

<b>Acronym</b>	<b>Full Description of Acronym</b>
D.C.	Development charge
D.C.A.	Development Charges Act, 1997, as amended
F.I.R.	Financial Information Return
G.F.A.	Gross floor area
I.J.P.A.	Infrastructure for Jobs and Prosperity Act
L.P.A.T.	Local Planning Appeal Tribunal
N.F.P.O.W.	No Fixed Place of Work
O.M.B.	Ontario Municipal Board
O.P.A.	Official Plan Amendment
O.Reg.	Ontario Regulation
P.O.A.	Provincial Offences Act
P.P.U.	Persons per unit
S.D.E.	Single detached equivalent
S.D.U.	Single detached unit
s.s.	Subsection
S.W.M.	Stormwater management
sq.ft.	square foot
sq.m.	square metre

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# Executive Summary



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## Executive Summary

1. The report provided herein represents the Development Charges (D.C.) Background Study for the City of Port Colborne required by the Development Charges Act, 1997 (D.C.A.). This report has been prepared in accordance with the methodology required under the D.C.A. The contents include the following:
  - Chapter 1 – Overview of the legislative requirements of the Act;
  - Chapter 2 – Review of present D.C. policies of the City
  - Chapter 3 – Summary of the residential and non-residential growth forecasts for the City;
  - Chapter 4 – Approach to calculating the D.C.;
  - Chapter 5 – Review of historic service standards and identification of future capital requirements to service growth and related deductions and allocations;
  - Chapter 6 – Calculation of the D.C.s;
  - Chapter 7 – D.C. policy recommendations and rules; and
  - Chapter 8 – By-law implementation.
  
2. D.C.s provide for the recovery of growth-related capital expenditures from new development. The D.C.A. is the statutory basis to recover these charges. The methodology is detailed in Chapter 4; a simplified summary is provided below:
  - 1) Identify amount, type and location of growth;
  - 2) Identify servicing needs to accommodate growth;
  - 3) Identify capital costs to provide services to meet the needs;
  - 4) Deduct:
    - Grants, subsidies and other contributions;
    - Benefit to existing development;
    - Statutory 10% deduction (soft services);
    - Amounts in excess of 10-year historical service calculation;
    - D.C. reserve funds (where applicable);



- 5) Net costs are then allocated between residential and non-residential benefit; and
  - 6) Net costs divided by growth to provide the D.C. charge.
3. A number of changes to the D.C. process need to be addressed as a result of the *Smart Growth for our Communities Act, 2015* (Bill 73). These changes have been incorporated throughout the report and in the updated draft by-law, as necessary. These items include:
- a. Area-rating: Council must consider the use of area-specific charges.
  - b. Asset Management Plan for New Infrastructure: The D.C. background study must include an asset management plan that deals with all assets proposed to be funded, in whole or in part, by D.C.s. The asset management plan must show that the assets are financially sustainable over their full lifecycle.
  - c. 60-day Circulation Period: The D.C. background study must be released to the public at least 60-days prior to passage of the D.C. by-law.
  - d. Timing of Collection of Development Charges: The D.C.A. now requires D.C.s to be collected at the time of the first building permit.
4. The growth forecast (Chapter 3) on which the City-wide D.C. is based, projects the following population, housing and non-residential floor area for the 10-year (2019 to 2028), long-term (2019 to 2031), and urban long-term (2019 to urban 2031) periods.

Measure	10 Year	2031 Forecast	Urban 2031 Forecast
	2019-2028	2019-2031	2019-Urban 2031
(Net) Population Increase	842	1,032	874
Residential Unit Increase	446	540	423
Non-Residential Gross Floor Area Increase (ft <sup>2</sup> )	326,900	387,000	369,400

Source: Watson & Associates Economists Ltd. Forecast 2019



5. On September 8, 2014, the City of Port Colborne passed By-law 6131/97/14 under the D.C.A. The by-law imposes D.C.s on residential and non-residential uses and will expire on September 9, 2019. The by-law was later amended on January 26, 2015 to waive all D.C.s within the City. The City is undertaking a D.C. public process and anticipates passing a new by-law, with a mandatory public meeting has been set for August 26, 2019 with adoption of the by-law on September 23, 2019.
6. The City's D.C.s are currently waived, but would have still equaled to \$9,910 (indexed to 2019\$) for single detached dwelling units for full services and non-residential charges are \$3.65 (indexed to 2019\$) per sq.ft. This report has undertaken a recalculation of the charge based on future identified needs (presented in Schedule ES-1 for residential and non-residential). Charges have been provided on a City-wide basis for all services except water and wastewater services, which are provided for urban development. The corresponding single detached unit charge is \$11,419 for full services. The non-residential charge is \$4.10 per square foot of building area for full services. These rates are submitted to Council for its consideration.
7. The D.C.A. requires a summary be provided of the gross capital costs and the net costs to be recovered over the life of the by-law. This calculation is provided by service and is presented in Table 6-5. A summary of these costs is provided below:

Total gross expenditures planned over the next five years	\$ 6,764,006
Less:	
Benefit to existing development	\$ 5,376,929
Post planning period benefit	\$ 582,528
Ineligible re: Level of Service	\$ -
Mandatory 10% deduction for certain services	\$ 13,350
Grants, subsidies and other contributions	\$ -
<b>Net Costs to be recovered from development charges</b>	<b>\$ 791,199</b>

This suggest that for the non-D.C. cost (benefit to existing development, mandatory 10% deduction, and the grants, subsidies and other contributions), \$5.39 million (or an annual amount of \$1.08 million) will need to be contributed from taxes and rates, or other sources. With respect to the post period benefit amount of \$0.58 million, it will be included in subsequent D.C. study updates to reflect the portion of capital that benefits growth in the post period D.C. forecasts.



Based on the above table, the City plans to spend \$6.76 million over the next five years, of which \$0.79 million (12%) is recoverable from D.C.s. Of this net amount, \$0.57 million is recoverable from residential development and \$0.22 million from non-residential development. It is noted also that any exemptions or reductions in the charges would reduce this recovery further.

8. Considerations by Council – The background study represents the service needs arising from residential and non-residential growth over the forecast periods.

The following services are calculated based on an urban long-term (2019-2031) forecast:

- Wastewater Services; and
- Water Services.

The following City-wide services are calculated based on a long-term (2019-2031) forecast;

- Services Related to a Highway; and
- Fire Protection Services.

All other services are calculated based on a 10-year forecast. These include:

- Outdoor Recreation Services;
- Indoor Recreation Services;
- Library Services;
- Administration – Engineering Studies; and
- Administration – Community Based Studies.

Council will consider the findings and recommendations provided in the report and, in conjunction with public input, approve such policies and rates it deems appropriate. These directions will refine the draft D.C. by-law which is appended in Appendix G. These decisions may include:

- adopting the charges and policies recommended herein;
- considering additional exemptions to the by-law;

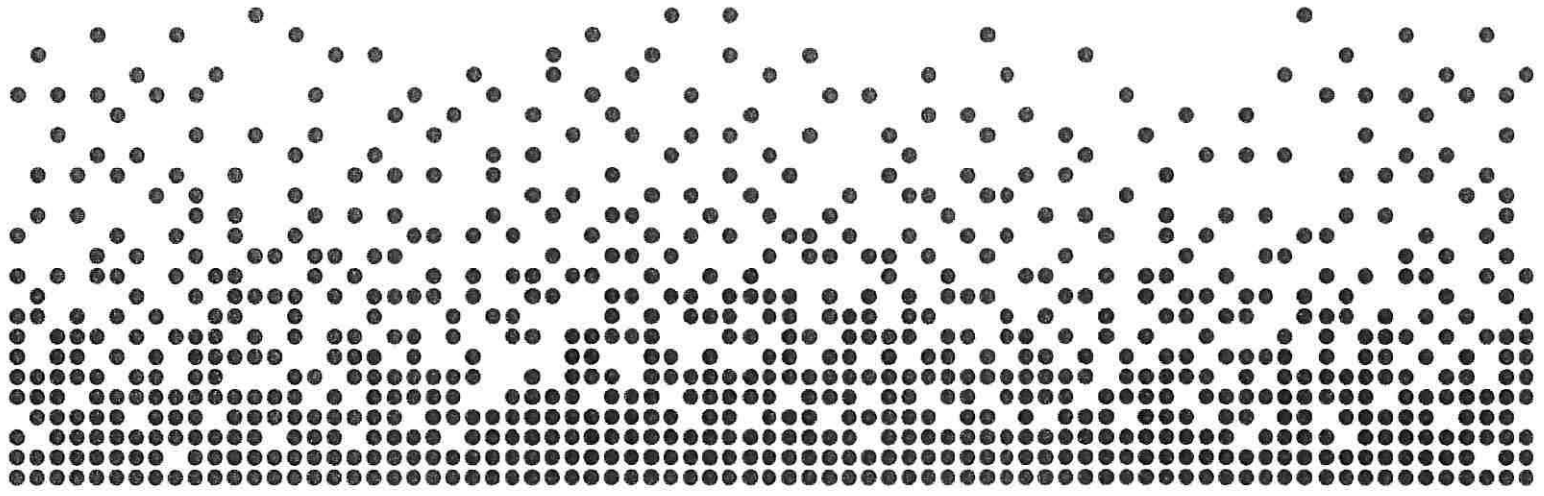


- considering reductions in the charge by class of development (obtained by removing certain services on which the charge is based and/or by a general reduction in the charge); and
- considering phasing in of the charges.



Table ES-1  
Schedule of Development Charges

Service	RESIDENTIAL					NON-RESIDENTIAL (per sq. ft. of Gross Floor Area)
	Single and Semi- Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	
<b>City-Wide Services:</b>						
Services Related to a Highway	2,160	1,595	1,557	952	862	1.10
Fire Protection Services	155	114	112	68	62	0.08
Outdoor Recreation Services	305	225	220	134	122	0.02
Indoor Recreation Services	2,999	2,214	2,162	1,322	1,197	0.21
Library Services	163	120	118	72	65	0.01
Engineering Related Studies	267	197	192	118	107	0.13
Community Based Studies	89	66	64	39	36	0.04
<b>Total City-Wide Services</b>	<b>6,138</b>	<b>4,531</b>	<b>4,425</b>	<b>2,705</b>	<b>2,451</b>	<b>1.59</b>
<b>Urban Services</b>						
Wastewater Services	1,593	1,176	1,149	702	636	0.76
Water Services	3,688	2,723	2,659	1,626	1,472	1.75
<b>Total Urban Services</b>	<b>5,281</b>	<b>3,899</b>	<b>3,808</b>	<b>2,328</b>	<b>2,108</b>	<b>2.51</b>
<b>GRAND TOTAL CITY-WIDE</b>	<b>6,138</b>	<b>4,531</b>	<b>4,425</b>	<b>2,705</b>	<b>2,451</b>	<b>1.59</b>
<b>GRAND TOTAL CITY-WIDE + URBAN SERVICES</b>	<b>11,419</b>	<b>8,430</b>	<b>8,233</b>	<b>5,033</b>	<b>4,559</b>	<b>4.10</b>



# Report



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# Chapter 1

## Introduction

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# 1. Introduction

## 1.1 Purpose of this Document

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This background study has been prepared pursuant to the requirements of the D.C.A. (s.10) and, accordingly, recommends new D.C.s and policies for the City of Port Colborne.

The City retained Watson & Associates Economists Ltd. (Watson), to undertake the D.C.s (D.C.) study process throughout mid 2018 to 2019. Watson worked with City staff in preparing the D.C. analysis and policy recommendations.

This D.C. background study, containing the proposed D.C. by-law, will be distributed to members of the public in order to provide interested parties with sufficient background information on the legislation, the study's recommendations and an outline of the basis for these recommendations.

This report has been prepared, in the first instance, to meet the statutory requirements applicable to the City's D.C. background study, as summarized in Chapter 4. It also addresses the requirement for "rules" (contained in Chapter 7) and the proposed by-law to be made available as part of the approval process (included as Appendix G).

In addition, the report is designed to set out sufficient background on the legislation (Chapter 4), Port Colborne's current D.C. policies (Chapter 2) and the policies underlying the proposed by-law, to make the exercise understandable to those who are involved.

Finally, it addresses post-adoption implementation requirements (Chapter 8) which are critical to the successful application of the new policy.

The Chapters in the report are supported by Appendices containing the data required to explain and substantiate the calculation of the charge. A full discussion of the statutory requirements for the preparation of a background study and calculation of a D.C. is provided herein.



## 1.2 Summary of the Process

The public meeting required under Section 12 of the D.C.A., has been scheduled for August 26, 2019. Its purpose is to present the study to the public and to solicit public input. The meeting is also being held to answer any questions regarding the study's purpose, methodology and the proposed modifications to the City's D.C.s.

In accordance with the legislation, the background study and proposed D.C. by-law will be available for public review on July 24, 2019.

The process to be followed in finalizing the report and recommendations includes:

- consideration of responses received prior to, at, or immediately following the Public Meeting; and
- finalization of the report and Council consideration of the by-law subsequent to the public meeting.

Figure 1-1 outlines the proposed schedule to be followed with respect to the D.C. by-law adoption process.

Figure 1-1  
Schedule of Key D.C. Process Dates for the City of Port Colborne

1. Data collection, staff review, engineering work, D.C. calculations and policy work	July 2018 to May 2019
2. Background study and proposed by-law available to public	July 24, 2019
3. Public meeting advertisement placed in newspaper(s)	No later than August 5, 2019
4. Public meeting of Council	August 26, 2019
5. Council considers adoption of background study and passage of by-law	September 23, 2019
6. Newspaper notice given of by-law passage	By 20 days after passage
7. Last day for by-law appeal	40 days after passage
8. City makes pamphlet available (where by-law not appealed)	By 60 days after in force date



### **1.3 Changes to the D.C.A.: *Smart Growth for our Communities Act, 2015 (Bill 73)***

---

With the amendment of the D.C.A. (as a result of Bill 73 and O.Reg. 428/15), there are a number of areas that must be addressed to ensure that the City is in compliance with the D.C.A., as amended. The following provides an explanation of the changes to the Act that affect the City's Background Study and how they have been dealt with to ensure compliance with the amended legislation.

#### **1.3.1 Area Rating**

Bill 73 has introduced two new sections where Council must consider the use of area-specific charges:

- 1) Section 2(9) of the Act now requires a municipality to implement area-specific D.C.s for either specific services which are prescribed and/or for specific municipalities which are to be regulated. (Note that at this time, no municipalities or services are prescribed by the Regulations.)
- 2) Section 10(2)c.1 of the D.C.A. requires that, "the development charges background study shall include consideration of the use of more than one development charge by-law to reflect different needs for services in different areas."

In regard to the first item, there are no services or specific municipalities identified in the regulations which must be area-rated. The second item requires Council to consider the use of area rating.

#### **1.3.2 Asset Management Plan for New Infrastructure**

The new legislation now requires that a D.C. background study must include an Asset Management Plan (s.10 (2) c.2). The asset management plan must deal with all assets that are proposed to be funded, in whole or in part, by D.C.s. The current regulations provide very extensive and specific requirements for the asset management plan related to transit services; however, they are silent with respect to how the asset management plan is to be provided for all other services. As part of any asset management plan, the examination should be consistent with the municipality's existing assumptions, approaches and policies on asset management planning. This



examination may include both qualitative and quantitative measures such as examining the annual future lifecycle contributions needs (discussed further in Appendix F of this report).

### ***1.3.3 60-Day Circulation of D.C. Background Study***

Previously the legislation required that a D.C. background study be made available to the public at least two weeks prior to the public meeting. The amended legislation now provides that the D.C. background study must be made available to the public (including posting on the municipal website) at least 60 days prior to passage of the D.C. by-law. No other changes were made to timing requirements for such things as notice of the public meeting and notice of by-law passage.

This D.C. study is being provided to the public on July 24, 2019 to ensure the new requirements for release of the study is met.

### ***1.3.4 Timing of Collection of D.C.s***

The D.C.A. has been refined by Bill 73 to require that D.C.s are collected at the time of the first building permit. For the majority of development, this will not impact the City's present process. There may be instances, however, where several building permits are to be issued and either the size of the development or the uses will not be definable at the time of the first building permit. In these instances, the City may enter into a delayed payment agreement in order to capture the full development.

### ***1.3.5 Other Changes***

It is also noted that a number of other changes were made through Bill 73 and O.Reg. 428/15 including changes to the way in which Transit D.C. service standards are calculated, the inclusion of Waste Diversion and the inability for collection of additional levies.



## 1.4 Proposed Changes to the D.C.A.: Bill 108 – An Act to Amend Various Statutes with Respect to Housing, Other Development and Various Other Matters

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On May 2, 2019, the Province introduced Bill 108 which proposes changes to the Development Charges Act. The Bill has been introduced as part of the Province's "More Homes, More Choice: Ontario's Housing Supply Action Plan". The Bill was given first reading and is expected to be debated over the coming months.

The Act proposes that any Development Charge (D.C.) by-laws passed after May 2, 2019 will be affected by these proposed changes. Any by-laws which were passed prior to this date will remain in effect until it is either repealed or expires. A summary of the proposed changes to the Development Charges Act (D.C.A.) is provided below:

**Changes to Eligible Services** – the Bill will remove "Soft Services" from the D.C.A. These services will be considered as part of a new Community Benefit Charge (discussed below) imposed under the Planning Act. Eligible services which will remain under the D.C.A. are as follows:

- Water supply services, including distribution and treatment services;
- Wastewater services, including sewers and treatment services;
- Storm water drainage and control services;
- Services related to a highway as defined in subsection 1 (1) of the Municipal Act, 2001 or subsection 3 (1) of the City of Toronto Act, 2006, as the case may be;
- Electrical power services;
- Policing services;
- Fire protection services;
- Toronto-York subway extension, as defined in subsection 5.1 (1);
- Transit services other than the Toronto-York subway extension;
- Waste diversion services; and
- Other services as prescribed.

**Waste Diversion** – the Bill will remove the mandatory 10% deduction for this service.

**Payment in Installments over Six Years** – the Bill proposes that Rental Housing, Non-Profit Housing and Commercial/Industrial/Institutional developments pay their





development charges in six equal annual payments commencing the earlier of the date of issuance of a building permit or occupancy. If payments are not made, interest may be charged (at a prescribed rate) and may be added to the property and collected as taxes.

**When D.C. Amount is Determined** – the Bill proposes that the D.C. amount for all developments proceeding by Site Plan or requiring a zoning amendment, shall be determined based on the D.C. charge in effect on the day of the application for Site Plan or zoning amendment. If the development is not proceeding via these planning approvals then the amount is determined the earlier of the date of issuance of a building permit or occupancy.

**Soft Services to be Included in a new Community Benefit Charge under the Planning Act** – it is proposed that a municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. These services may not include services authorized by the D.C.A. Various provisions are provided as follows:

- Before passing a community benefits charge by-law, the municipality shall prepare a community benefits charge strategy that, (a) identifies the facilities, services and matters that will be funded with community benefits charges and (b) complies with any prescribed requirements;
- The amount of a community benefits charge payable shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date;
- The valuation date is the day before building permit issuance;
- Valuations will be based on appraised value of land. Various requirements are set out in this regard;
- All money received by the municipality under a community benefits charge by-law shall be paid into a special account;
- In each calendar year, a municipality shall spend or allocate at least 60 percent of the monies that are in the special account at the beginning of the year;
- Requirements for annual reporting shall be prescribed; and

Transitional provisions are set out regarding the D.C. reserve funds and D.C. credits.



# Chapter 2

## Current City of Port Colborne Policy

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## 2. Current City of Port Colborne Policy

### 2.1 Schedule of Charges

On September 8, 2014, the City of Port Colborne passed By-law 6131/97/14. This by-law was amended on January 26, 2015 via By-law 5182/08/15 under the D.C.A. to waive D.C. collection.

Assuming the D.C. rates were indexed to 2019\$, the table below provides the rates that would have been in effect.

Table 2-1  
City of Port Colborne  
D.C. Rates (Indexed to 2019\$)

Service	Residential				Non-Residential (per sq.ft.)
	Single & Semi Detached	Multiples	Apartments with >= 2 Bedrooms	Apartments with < 2 Bedrooms	
<b>City-Wide Services</b>					
Services Related to a Highway	1,973	1,305	1,254	846	1.13
Fire Protection Services	308	204	196	133	0.17
Outdoor Recreation Services	1,766	1,168	1,122	757	0.10
Indoor Recreation Services	1,731	1,145	1,100	743	0.10
Library Services	617	409	392	265	0.03
Administration	317	210	202	136	0.21
<b>Subtotal City-Wide</b>	<b>6,713</b>	<b>4,441</b>	<b>4,267</b>	<b>2,881</b>	<b>1.75</b>
<b>Urban Services</b>					
Wastewater Services	642	425	407	276	0.38
Water Services	2,555	1,690	1,624	1,096	1.51
<b>Subtotal Urban Services</b>	<b>3,197</b>	<b>2,114</b>	<b>2,031</b>	<b>1,372</b>	<b>1.89</b>
<b>Total</b>	<b>9,910</b>	<b>6,555</b>	<b>6,298</b>	<b>4,253</b>	<b>3.65</b>

### 2.2 Services Covered

The following services are covered under By-law 6131/97/14:

- City-wide services:
  - Roads Services and Public Works (now referred to as Services Related to a Highway);
  - Fire Protection Services;
  - Outdoor Recreation Services;
  - Indoor Recreation Services;
  - Library Services; and



- Administration
- Urban Area services:
  - Wastewater Services; and
  - Water Services.

## 2.3 Timing of D.C. Calculation and Payment

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D.C.s are calculated, payable, and collected upon issuance of a building permit with respect to each dwelling unit, building or structure.

Council from time to time, and at any time, may enter into agreements providing for all or any part of a D.C. to be paid before or after it would otherwise be payable, in accordance with Section 27 of the Act.

## 2.4 Indexing

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Rates shall be indexed on the anniversary date of the by-law of each year by the percentage change recorded in the average annual Non-Residential Building Construction Price Index produced by Statistics Canada.

## 2.5 Redevelopment Allowance

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As a result of the redevelopment of land, a building or structure existing on the same land within 12 months prior to the date of payment of D.C.s 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 D.C.s 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 D.C. under subsections 3.11 of the by-law 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 D.C.s under subsection 3.12 of the by-law 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 D.C.s otherwise payable with respect to the redevelopment.

## 2.6 Exemptions

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The following non-statutory exemptions are provided under By-law 6131/97/14:

- Non-residential farm buildings;
- Downtown core areas;
- Industrial development shall be exempt from payment of D.C.s on any square footage of gross floor area constructed over 5,000 sq.ft.;
- Partial exemption requiring the payment of only the roads and fire protection components of the charge for all residential unit types constructed within the Sherkston Secondary Plan Area;
- Partial exemption of up to 70% of the payable D.C.s for development of Brownfield properties under the City of Port Colborne Brownfield Community Improvement Plan, which have an approved application and agreement under the Brownfield Rehabilitation Grant Program; and
- Partial exemption for certain Community Improvement Plan areas based upon specific policies approved by Council.

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# Chapter 3

## Anticipated Development in the City of Port Colborne



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## 3. Anticipated Development in the City of Port Colborne

### 3.1 Requirement of the Act

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The growth forecast contained in this chapter (with supplemental tables in Appendix A) provides for the anticipated development for which the City of Port Colborne will be required to provide services, over a 10-year (mid-2019 to mid-2029) and a long term (mid-2019 to mid-2031) time horizon.

Chapter 4 provides the methodology for calculating a D.C. as per the D.C.A. Figure 4-1 presents this methodology graphically. It is noted in the first box of the schematic that in order to determine the D.C. that may be imposed, it is a requirement of Section 5 (1) of the D.C.A. that “the anticipated amount, type and location of development, for which development charges can be imposed, must be estimated.”

### 3.2 Basis of Population, Household and Non-Residential Gross Floor Area Forecast

---

The D.C. growth forecast has been derived from the Niagara Region Municipal Comprehensive Review – Phase 4 Draft Updated Forecasts and Local Growth Allocations, July 2018, Hemson Consulting Ltd. In preparing the growth forecast, the following information sources were consulted to assess the residential and non-residential development potential for the City of Port Colborne over the forecast period, including:

- City of Port Colborne Development Charges Background Study, Watson & Associates Economists Ltd., July 14, 2014;
- City of Port Colborne Official Plan, as approved by the Ontario Municipal Board on November 25, 2013, and updated September 5, 2017;
- 2006, 2011 and 2016 population, household and employment Census data;
- Historical residential and non-residential building permit data over the 2008 to 2018 period, received from the City of Port Colborne;



- Residential supply opportunities (in the development process and other designated residential lands) as provided by the City of Port Colborne;
- Non-residential land supply opportunities as provided by the City of Port Colborne; and
- Discussions with planning staff regarding potential residential and non-residential development opportunities for the City of Port Colborne.

### 3.3 Summary of Growth Forecast

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A detailed analysis of the residential and non-residential growth forecasts is provided in Appendix A and the methodology employed is illustrated in Figure 3-1. The discussion provided herein summarizes the anticipated growth for the City and describes the basis for the forecast. The results of the residential growth forecast analysis are summarized in Table 3-1 below, and *Schedule 1* in Appendix A.

As identified in Table 3-1 and Appendix A, *Schedule 1*, the City's population is anticipated to reach approximately 19,360 by mid-2029 and 19,550 by mid-2031, resulting in an increase of approximately 840 and 1,030 persons, respectively, over the 10-year and long term forecast periods.<sup>1</sup>

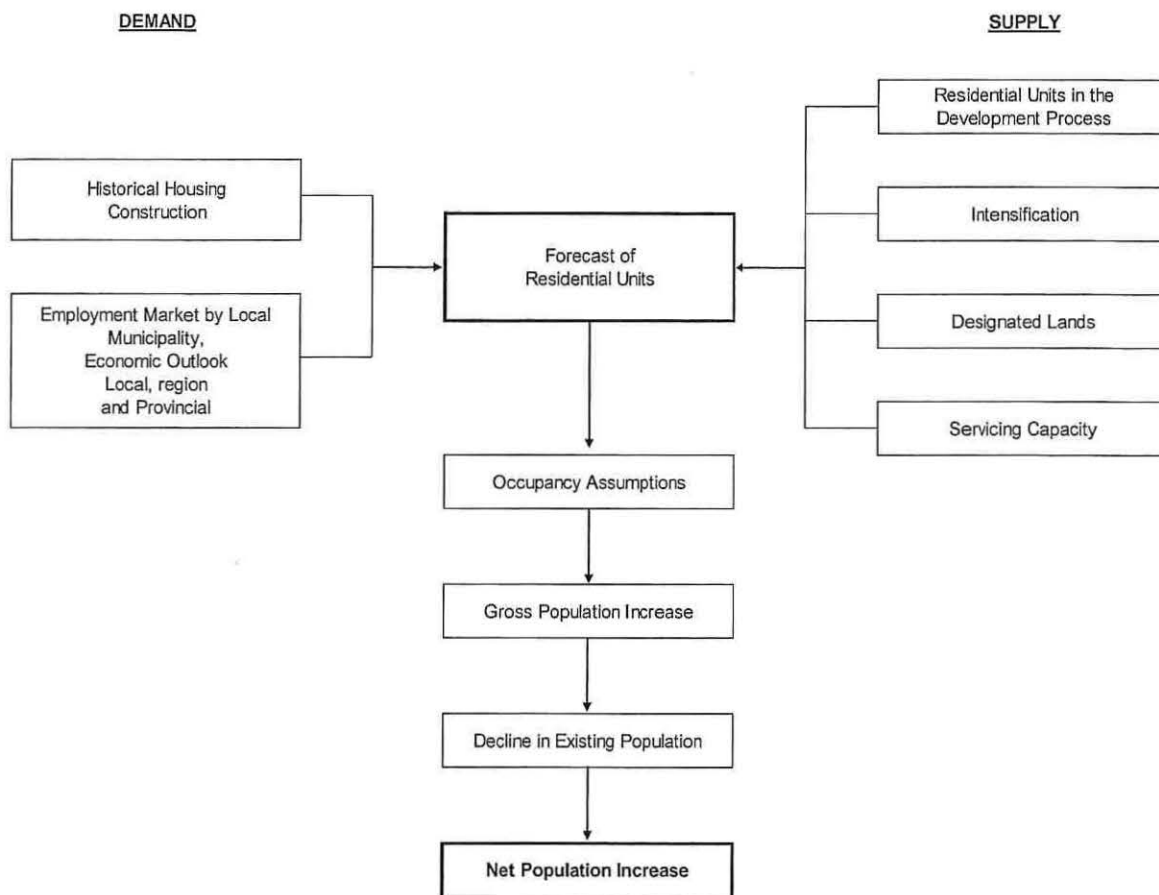
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<sup>1</sup> The population figures used in the calculation of the 2019 D.C. exclude the net Census undercount, which is estimated at approximately 2.7%.

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Figure 3-1  
Population and Household Forecast Model





**Table 3-1  
City of Port Colborne  
Residential Growth Forecast Summary**

	Year	Population (Including Census Undercount) <sup>1</sup>	Excluding Census Undercount				Housing Units					Person Per Unit (P.P.U.): Total Population/ Total Households
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi- Detached	Multiple Dwellings <sup>2</sup>	Apartments <sup>3</sup>	Other	Total Households	Equivalent Institutional Households	
Historical	Mid 2006	19,100	18,599	479	18,120	5,900	610	1,230	55	7,795	435	2.386
	Mid 2011	18,920	18,424	449	17,975	6,050	600	1,161	95	7,906	408	2.330
	Mid 2016	18,800	18,306	441	17,865	6,005	670	1,210	135	8,020	401	2.283
Forecast	Mid 2019	19,020	18,517	447	18,070	6,105	670	1,242	135	8,152	406	2.271
	Mid 2029	19,880	19,360	467	18,893	6,455	704	1,304	135	8,598	425	2.252
	Mid 2031	20,080	19,549	471	19,078	6,525	713	1,319	135	8,692	428	2.249
Incremental	Mid 2006 - Mid 2011	-180	-175	-30	-145	150	-10	-69	40	111	-27	
	Mid 2011 - Mid 2016	-120	-118	-8	-110	-45	70	49	40	114	-7	
	Mid 2016 - Mid 2019	220	211	6	205	100	0	32	0	132	5	
	Mid 2019 - Mid 2029	860	843	20	823	350	34	62	0	446	19	
	Mid 2019 - Mid 2031	1,060	1,032	24	1,008	420	43	77	0	540	22	

Source: Derived from the Draft Niagara Region Municipal Comprehensive Review Phase 4 Forecast Update, July 2018, for the City of Port Colborne by Watson & Associates Economists Ltd., 2019.

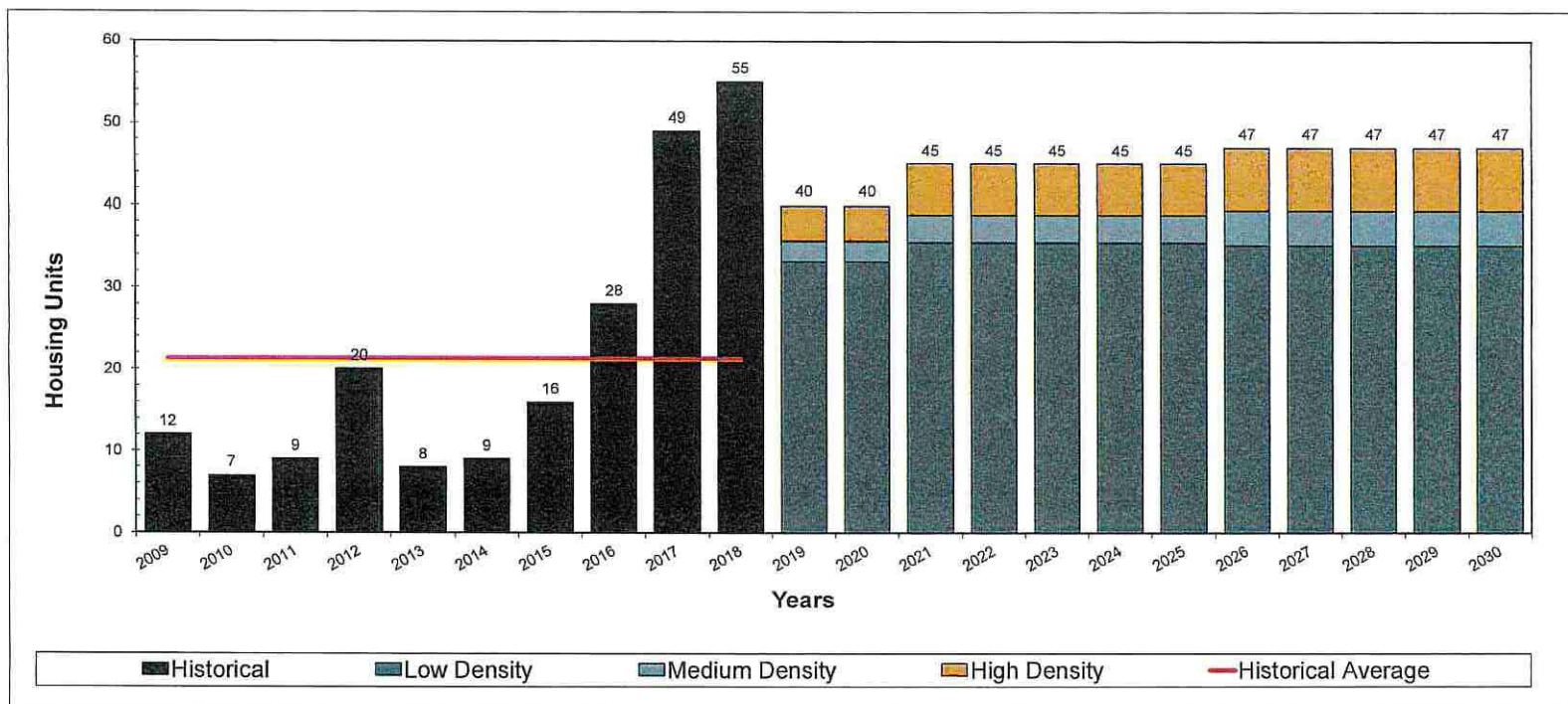
<sup>1</sup> Census undercount estimated at approximately 2.7%. Note: Population including the undercount has been rounded.

<sup>2</sup> Includes townhouses and apartments in duplexes.

<sup>3</sup> Includes bachelor, 1-bedroom and 2-bedroom+ apartments.



Figure 3-2  
City of Port Colborne  
Annual Housing Forecast



Source: Historical housing activity derived from City of Port Colborne Planning and Development Department, 2009 to 2018.  
1. Growth forecast represents calendar year.



Provided below is a summary of the key assumptions and findings regarding the City of Port Colborne D.C. growth forecast.

1. Housing Unit Mix (Appendix A – Schedules 1, 6 and 7)

- The housing unit mix for the City was derived from a detailed review of historical development activity (as per Schedule 7), as well as active residential development applications (as per Schedule 6), and discussions with City staff regarding anticipated development trends for Port Colborne.
- Based on the above indicators, the 2019 to 2031 household growth forecast is comprised of a unit mix of 78% low density (single detached and semi-detached), 8% medium density (multiples except apartments) and 14% high density (bachelor, 1-bedroom and 2-bedroom apartments).

2. Geographic Location of Residential Development (Appendix A – Schedule 2)

- Schedule 2 summarizes the anticipated amount, type and location of development for the City of Port Colborne by urban area and the rural area.
- In accordance with forecast demand and available land supply, the percentage of forecast housing growth between 2019 and 2031 by development location is summarized below.

<b>Development Location</b>	<b>Percentage of Housing Growth, 2019 to 2031</b>
Urban	78%
Rural	22%
<b><i>City-Wide Total</i></b>	<b><i>100%</i></b>

3. Planning Period

- Short and long-term time horizons are required for the D.C. process. The D.C.A. limits the planning horizon for certain services, such as parks, recreation and libraries, to a 10-year planning horizon. Services related to



a highway, public works, fire, police, stormwater, water and wastewater services can utilize a longer planning period.

#### 4. Population in New Housing Units (Appendix A - Schedules 3, 4 and 5)

- The number of housing units to be constructed in the City of Port Colborne during the short- and long-term periods is presented on Figure 3-2. Over the 2019 to 2031 forecast period, the City is anticipated to average approximately 45 new housing units per year.
- Institutional population<sup>1</sup> is anticipated to grow modestly by approximately 25 persons between 2019 to 2031.
- Population in new units is derived from Schedules 3, 4 and 5, which incorporate historical development activity, anticipated units (see unit mix discussion) and average persons per unit (P.P.U.) by dwelling type for new units.
- Schedules 8a summarizes the average P.P.U. assumed for the new housing units by age and type of dwelling based on a 2016 custom Census data. Due to data limitations, medium and high density PPU's were derived from Niagara Region as outlined in Schedule 8b. The total calculated P.P.U. for all density types has been adjusted downward to account for the P.P.U. trends which has been recently experienced in both new and older units. Forecasted 15-year average P.P.U.s by dwelling type are as follows:
  - Low density: 2.756
  - Medium density: 2.035
  - High density<sup>2</sup>: 1.702

#### 5. Existing Units and Population Change (Appendix A - Schedules 3, 4 and 5)

- Existing households for mid-2019 are based on the 2016 Census households, plus estimated residential units constructed between 2016

---

<sup>1</sup> Institutional includes special care facilities such as nursing home or residences for senior citizens. A P.P.U. of 1.100 depicts 1-bedroom and 2 or more bedroom units in these special care facilities.

<sup>2</sup> Includes bachelor, 1-bedroom and 2 or more bedroom apartments





and 2018 assuming a 6-month lag between construction and occupancy (see Schedule 3).

- The decline in average occupancy levels for existing housing units is calculated in Schedules 3 through 5, by aging the existing population over the forecast period. The forecast population decline in existing households over the 2019 to 2031 forecast period is approximately 370.

#### 6. Employment (Appendix A, Schedules 10a, 10b, 10c, 11 and 12)

- Employment projections are largely based on the activity rate method, which is defined as the number of jobs in a municipality divided by the number of residents. Key employment sectors include primary, industrial, commercial/ population-related, institutional, and work at home, which are considered individually below.
- 2016 employment data<sup>1</sup> (place of work) for the City of Port Colborne is outlined in Schedule 10a. The 2016 employment base is comprised of the following sectors:
  - 125 primary (2%);
  - 535 work at home employment (10%);
  - 1,518 industrial (28%);
  - 2,053 commercial/population related (38%); and
  - 1,175 institutional (22%).
- The 2016 employment by usual place of work, including work at home, is approximately 5,410. An additional 790 employees have been identified for the City in 2016 that have no fixed place of work (N.F.P.O.W.).<sup>2</sup> The 2016 employment base, including N.F.P.O.W., totals approximately 6,200.
- Total employment, including work at home and N.F.P.O.W. for the City of Port Colborne is anticipated to reach approximately 6,690 by mid-2029

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<sup>1</sup> 2016 employment is based on Statistics Canada 2016 Place of Work Employment dataset by Watson & Associates Economists Ltd.

<sup>2</sup> Statistics Canada defines "No Fixed Place of Work" (N.F.P.O.W.) employees as, "persons who do not go from home to the same work place location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."



and 6,780 by 2031. This represents an employment increase of 420 for the 10-year forecast period and 510 for the 12-year forecast.

- Schedule 10b, Appendix A, summarizes the employment forecast, excluding work at home employment and N.F.P.O.W. employment, which is the basis for the D.C. employment forecast. The impact on municipal services from work at home employees has already been included in the population forecast. The need for municipal services related to N.F.P.O.W. employees has largely been included in the employment forecast by usual place of work (i.e. employment and gross floor area generated from N.F.P.O.W. construction employment). Furthermore, since these employees have no fixed work address, they cannot be captured in the non-residential gross floor area (G.F.A.) calculation.
- Total employment for the City of Port Colborne (excluding work at home and N.F.P.O.W. employment) is anticipated to reach approximately 5,270 by mid-2029 and 5,350 by mid-2031. This represents an employment increase of 350 and 420 over the 10-year and 12-year forecast periods, respectively.<sup>1</sup>

#### 7. Non-Residential Sq.ft. Estimates (Gross Floor Area (G.F.A.), Appendix A, Schedule 10b)

- Square footage estimates were calculated in Schedule 10b based on the following employee density assumptions:
  - 1,400 sq.ft. per employee for industrial;
  - 550 sq.ft. per employee for commercial/population-related; and
  - 658 sq.ft. per employee for institutional employment.
- The City-wide incremental Gross Floor Area (G.F.A.) is anticipated to increase by approximately 327,000 sq.ft. over the 10-year forecast period and 387,000 sq.ft. over the 12-year forecast period.<sup>2</sup>

---

<sup>1</sup> Total employment growth in Schedule 10b (excluding work at home and N.F.P.O.W. employment) has been downwardly adjusted to account for institutional employment associated with special care facilities. Total employment in Schedule 10b is anticipated to reach approximately 5,260 by mid-2029 and 5,340 by mid-2031.

<sup>2</sup> Forecast growth in institutional G.F.A. has been downwardly adjusted to account for institutional development associated with special care facilities



- In terms of percentage growth, the 2019 to 2031 incremental G.F.A. forecast by sector is broken down as follows:
  1. industrial – 68%;
  2. commercial/population-related – 26%; and
  3. institutional – 6%.

8. Geographic Location of Non-Residential Development (Appendix A, Schedule 10c)

- Schedule 10c summarizes the anticipated amount, type and location of non-residential development for the City of Port Colborne by area.
- In accordance with forecast demand and available land supply, the percentage of forecast total non-residential growth between 2019 and 2031 by development location is summarized below.

<b>Development Location</b>	<b>Percentage of Non-Residential G.F.A., 2019 to 2031</b>
Urban	95%
Rural	5%
<b><i>City-Wide Total</i></b>	<b><i>100%</i></b>



# Chapter 4

## The Approach to the Calculation of the Charge

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## 4. The Approach to the Calculation of the Charge

### 4.1 Introduction

---

This chapter addresses the requirements of s.s.5(1) of the D.C.A. with respect to the establishment of the need for service which underpins the D.C. calculation. These requirements are illustrated schematically in Figure 4-1.

### 4.2 Services Potentially Involved

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Table 4-1 lists the full range of municipal service categories which are provided within the City.

A number of these services are defined in s.s.2(4) of the D.C.A. as being ineligible for inclusion in D.C.s. These are shown as “ineligible” on Table 4-1. Two ineligible costs defined in s.s.5(3) of the D.C.A. are “computer equipment” and “rolling stock with an estimated useful life of (less than) seven years...” In addition, local roads are covered separately under subdivision agreements and related means (as are other local services). Services which are potentially eligible for inclusion in the City’s D.C. are indicated with a “Yes.”

### 4.3 Increase in the Need for Service

---

The D.C. calculation commences with an estimate of “the increase in the need for service attributable to the anticipated development,” for each service to be covered by the by-law. There must be some form of link or attribution between the anticipated development and the estimated increase in the need for service. While the need could conceivably be expressed generally in terms of units of capacity, s.s.5(1)3, which requires that City Council indicate that it intends to ensure that such an increase in need will be met, suggests that a project-specific expression of need would be most appropriate.



Figure 4-1  
The Process of Calculating a Development Charge under the Act  
that must be followed

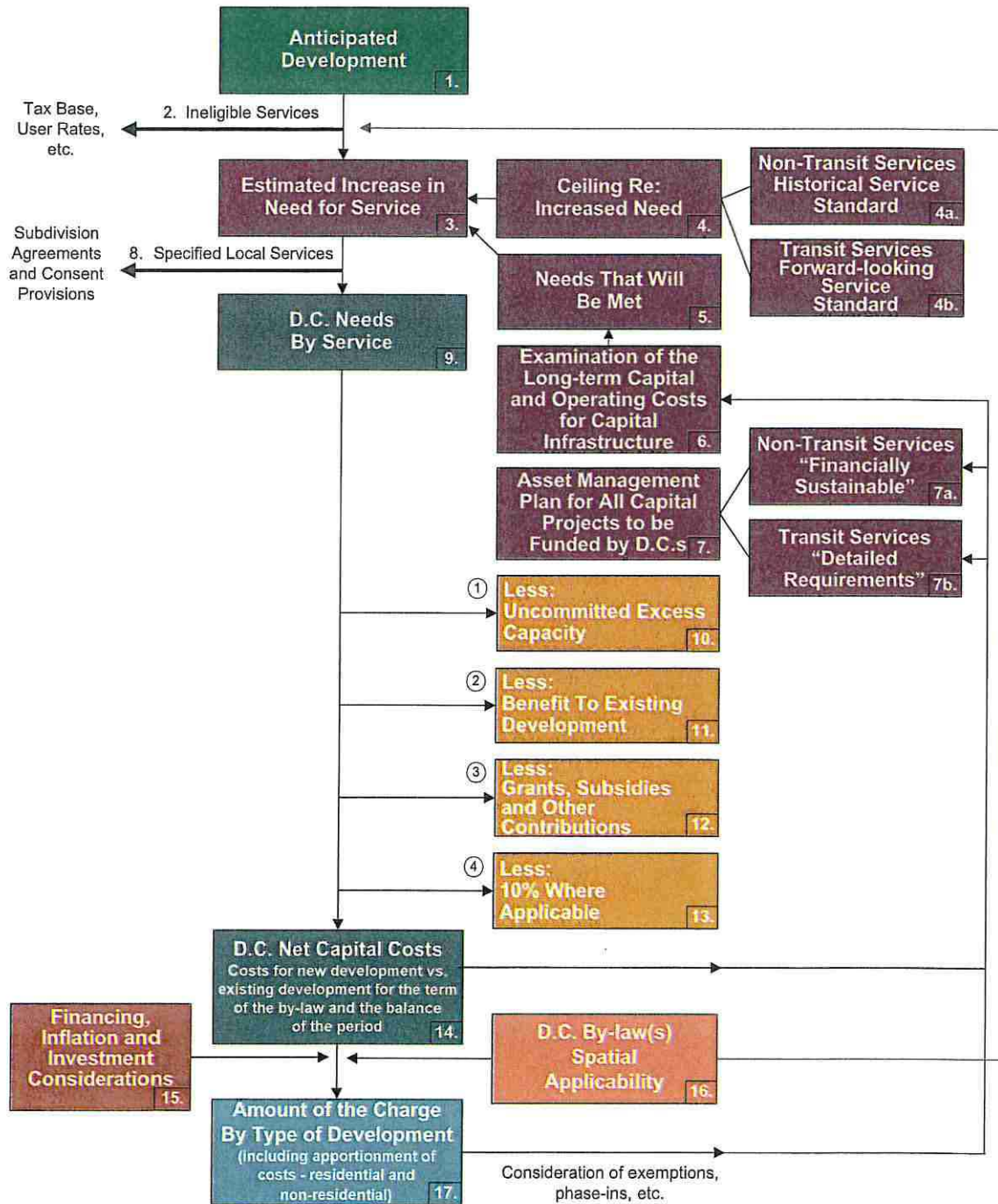




Table 4-1  
Categories of Municipal Services to be Addressed as Part of the Calculation

Eligibility for Inclusion in the D.C. Calculation	Description
Yes	Municipality provides the service – service has been included in the D.C. calculation.
No	Municipality provides the service – service has not been included in the D.C. calculation.
n/a	Municipality does not provide the service.
Ineligible	Service is ineligible for inclusion in the D.C. calculation.

Categories of Municipal Services	Eligibility for Inclusion in the D.C. Calculation	Service Components	Maximum Potential D.C. Recovery %
1. Services Related to a Highway	Yes	1.1 Arterial roads	100
	Yes	1.2 Collector roads	100
	Yes	1.3 Bridges, Culverts and Roundabouts	100
	No	1.4 Local municipal roads	0
	No	1.5 Traffic signals	100
	Yes	1.6 Sidewalks and streetlights	100
	Yes	1.7 Active Transportation	100
2. Other Transportation Services	n/a	2.1 Transit vehicles <sup>1</sup> & facilities	100
	n/a	2.2 Other transit infrastructure	100
	n/a	2.3 Municipal parking spaces - indoor	90
	No	2.4 Municipal parking spaces - outdoor	90
	Yes	2.5 Works Yards	100
	Yes	2.6 Rolling stock <sup>1</sup>	100
	n/a	2.7 Ferries	90
	n/a	2.8 Airport	90

<sup>1</sup>with 7+ year life time

\*same percentage as service component to which it pertains  
computer equipment excluded throughout





Categories of Municipal Services	Eligibility for Inclusion in the D.C. Calculation	Service Components	Maximum Potential D.C. Recovery %
3. Stormwater Drainage and Control Services	No	3.1 Main channels and drainage trunks	100
	No	3.2 Channel connections	100
	No	3.3 Retention/detention ponds	100
4. Fire Protection Services	Yes	4.1 Fire stations	100
	Yes	4.2 Fire pumpers, aerials and rescue vehicles <sup>1</sup>	100
	Yes	4.3 Small equipment and gear	100
5. Outdoor Recreation Services (i.e. Parks and Open Space)	Ineligible	5.1 Acquisition of land for parks, woodlots and E.S.A.s	0
	Yes	5.2 Development of area municipal parks	90
	Yes	5.3 Development of district parks	90
	Yes	5.4 Development of municipal-wide parks	90
	Yes	5.5 Development of special purpose parks	90
	Yes	5.6 Parks rolling stock <sup>1</sup> and yards	90
6. Indoor Recreation Services	Yes	6.1 Arenas, indoor pools, fitness facilities, community centres, etc. (including land)	90
	Yes	6.2 Recreation vehicles and equipment <sup>1</sup>	90
7. Library Services	Yes	7.1 Public library space (incl. furniture and equipment)	90
	n/a	7.2 Library vehicles <sup>1</sup>	90
	Yes	7.3 Library materials	90
8. Electrical Power Services	Ineligible	8.1 Electrical substations	0
	Ineligible	8.2 Electrical distribution system	0
	Ineligible	8.3 Electrical system rolling stock	0

---

<sup>1</sup>with 7+ year life time



Categories of Municipal Services	Eligibility for Inclusion in the D.C. Calculation	Service Components	Maximum Potential D.C. Recovery %
9. Provision of Cultural, Entertainment and Tourism Facilities and Convention Centres	Ineligible	9.1 Cultural space (e.g. art galleries, museums and theatres)	0
	Ineligible	9.2 Tourism facilities and convention centres	0
10. Wastewater Services	n/a	10.1 Treatment plants	100
	Yes	10.2 Sewage trunks	100
	No	10.3 Local systems	0
	Yes	10.4 Vehicles and equipment <sup>1</sup>	100
11. Water Supply Services	n/a	11.1 Treatment plants	100
	Yes	11.2 Distribution systems	100
	No	11.3 Local systems	0
	Yes	11.4 Vehicles and equipment <sup>1</sup>	100
12. Waste Management Services	Ineligible	12.1 Landfill collection, transfer vehicles and equipment	0
	Ineligible	12.2 Landfills and other disposal facilities	0
	n/a	12.3 Waste diversion facilities	90
	n/a	12.4 Waste diversion vehicles and equipment <sup>1</sup>	90
13. Police Services	n/a	13.1 Police detachments	100
	n/a	13.2 Police rolling stock <sup>1</sup>	100
	n/a	13.3 Small equipment and gear	100
14. Homes for the Aged	n/a	14.1 Homes for the aged space	90
	n/a	14.2 Vehicles <sup>1</sup>	90
15. Child Care	n/a	15.1 Child care space	90
	n/a	15.2 Vehicles <sup>1</sup>	90
16. Health	n/a	16.1 Health department space	90
	n/a	16.2 Health department vehicles <sup>1</sup>	90
17. Social Housing	n/a	17.1 Social Housing space	90
18. Provincial Offences Act (P.O.A.)	n/a	18.1 P.O.A. space	90
19. Social Services	n/a	19.1 Social service space	90

<sup>1</sup>with 7+ year life time



Categories of Municipal Services	Eligibility for Inclusion in the D.C. Calculation	Service Components	Maximum Potential D.C. Recovery %
20. Ambulance	n/a n/a	20.1 Ambulance station space 20.2 Vehicles <sup>1</sup>	90 90
21. Hospital Provision	Ineligible	21.1 Hospital capital contributions	0
22. Provision of Headquarters for the General Administration of Municipalities and Area Municipal Boards	Ineligible Ineligible Ineligible	22.1 Office space 22.2 Office furniture 22.3 Computer equipment	0 0 0
23. Other Services	Yes  Yes	23.1 Studies in connection with acquiring buildings, rolling stock, materials and equipment, and improving land <sup>2</sup> and facilities, including the D.C. background study cost 23.2 Interest on money borrowed to pay for growth-related capital	  0-100 0-100

<sup>1</sup>with a 7+ year life time

<sup>2</sup>same percentage as service component to which it pertains

#### 4.4 Local Service Policy

Some of the need for services generated by additional development consists of local services related to a plan of subdivision. As such, they will be required as a condition of subdivision agreements or consent conditions.



## 4.5 Capital Forecast

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Paragraph 7 of s.s.5(1) of the D.C.A. requires that “the capital costs necessary to provide the increased services must be estimated.” The Act goes on to require two potential cost reductions and the Regulation sets out the way in which such costs are to be presented. These requirements are outlined below.

These estimates involve capital costing of the increased services discussed above. This entails costing actual projects or the provision of service units, depending on how each service has been addressed.

The capital costs include:

- a) costs to acquire land or an interest therein (including a leasehold interest);
- b) costs to improve land;
- c) costs to acquire, lease, construct or improve buildings and structures;
- d) costs to acquire, lease or improve facilities, including rolling stock (with a useful life of 7 or more years), furniture and equipment (other than computer equipment), materials acquired for library circulation, reference or information purposes;
- e) interest on money borrowed to pay for the above-referenced costs;
- f) costs to undertake studies in connection with the above-referenced matters; and
- g) costs of the D.C. background study.

In order for an increase in need for service to be included in the D.C. calculation, City Council must indicate “...that it intends to ensure that such an increase in need will be met” (s.s.5 (1)3). This can be done if the increase in service forms part of a Council-approved Official Plan, capital forecast or similar expression of the intention of Council (O.Reg. 82/98 s.3). The capital program contained herein reflects the City’s approved and proposed capital budgets and master servicing/needs studies.

## 4.6 Treatment of Credits

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Section 8, paragraph 5, of O.Reg. 82/98 indicates that a D.C. background study must set out “the estimated value of credits that are being carried forward relating to the service.” Subsection 17, paragraph 4, of the same Regulation indicates that “...the



value of the credit cannot be recovered from future D.C.s,” if the credit pertains to an ineligible service. This implies that a credit for eligible services can be recovered from future D.C.s. As a result, this provision should be made in the calculation, in order to avoid a funding shortfall with respect to future service needs.

## 4.7 Existing Reserve Funds

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Section 35 of the D.C.A. states that:

“The money in a reserve fund established for a service may be spent only for capital costs determined under paragraphs 2 to 8 of subsection 5(1).”

There is no explicit requirement under the D.C.A. calculation method set out in s.s.5(1) to net the outstanding reserve fund balance as part of making the D.C. calculation; however, s.35 does restrict the way in which the funds are used in future.

For services which are subject to a per capita based, service level “cap,” the reserve fund balance should be applied against the development-related costs for which the charge was imposed once the project is constructed (i.e. the needs of recent growth). This cost component is distinct from the development-related costs for the next 10-year period, which underlie the D.C. calculation herein.

The alternative would involve the City spending all reserve fund monies prior to renewing each by-law, which would not be a sound basis for capital budgeting. Thus, the City will use these reserve funds for the City’s cost share of applicable development-related projects, which are required but have not yet been undertaken, as a way of directing the funds to the benefit of the development which contributed them (rather than to future development, which will generate the need for additional facilities directly proportionate to future growth).

The City’s D.C. reserve fund balance by service at December 31, 2018 is shown below:



Service	Totals
Services Related to a Highway	\$76,695
Fire Protection Services	\$36,932
Outdoor Recreation Services	\$159,078
Indoor Recreation Services	\$31,552
Library Services	\$968
Adminstration	\$0
Wastewater Services	\$6,638
Water Services	\$62,177
<b>Total</b>	<b>\$374,040</b>

## 4.8 Deductions

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The D.C.A. potentially requires that five deductions be made to the increase in the need for service. These relate to:

- the level of service ceiling;
- uncommitted excess capacity;
- benefit to existing development;
- anticipated grants, subsidies and other contributions; and
- 10% reduction for certain services.

The requirements behind each of these reductions are addressed as follows:

### ***4.8.1 Reduction Required by Level of Service Ceiling***

This is designed to ensure that the increase in need included in 4.3 does "...not include an increase that would result in the level of service (for the additional development increment) exceeding the average level of the service provided in the Municipality over the 10-year period immediately preceding the preparation of the background study..." O.Reg. 82.98 (s.4) goes further to indicate that "...both the quantity and quality of a service shall be taken into account in determining the level of service and the average level of service."

In many cases, this can be done by establishing a quantity measure in terms of units as floor area, land area or road length per capita and a quality measure, in terms of the average cost of providing such units based on replacement costs, engineering standards or recognized performance measurement systems, depending on circumstances. When the quantity and quality factor are multiplied together, they



produce a measure of the level of service, which meets the requirements of the Act, i.e. cost per unit.

With respect to transit services, the changes to the Act as a result of Bill 73 have provided for an alternative method for calculating the services standard ceiling. Transit services must now utilize a forward-looking service standard analysis, described later in this section.

The average service level calculation sheets for each service component in the D.C. calculation are set out in Appendix B.

#### ***4.8.2 Reduction for Uncommitted Excess Capacity***

Paragraph 5 of s.s.5(1) requires a deduction from the increase in the need for service attributable to the anticipated development that can be met using the City's "excess capacity," other than excess capacity which is "committed."

"Excess capacity" is undefined, but in this case must be able to meet some or all of the increase in need for service, in order to potentially represent a deduction. The deduction of uncommitted excess capacity from the future increase in the need for service would normally occur as part of the conceptual planning and feasibility work associated with justifying and sizing new facilities, e.g. if a road widening to accommodate increased traffic is not required because sufficient excess capacity is already available, then widening would not be included as an increase in need, in the first instance.

#### ***4.8.3 Reduction for Benefit to Existing Development***

Section 5(1)6 of the D.C.A. provides that, "The increase in the need for service must be reduced by the extent to which an increase in service to meet the increased need would benefit existing development." The general guidelines used to consider benefit to existing development included the following:

- the repair or unexpanded replacement of existing assets that are in need of repair;
- an increase in average service level of quantity or quality (compare water as an example);
- the elimination of a chronic servicing problem not created by growth; and



- providing services where none previously existed (generally considered for water or wastewater services).

This step involves a further reduction in the need, by the extent to which such an increase in service would benefit existing development. The level of services cap in 4.4 is related but is not the identical requirement. Sanitary, storm and water trunks are highly localized to growth areas and can be more readily allocated in this regard than other services such as services related to a highway, which do not have a fixed service area.

Where existing development has an adequate service level which will not be tangibly increased by an increase in service, no benefit would appear to be involved. For example, where expanding existing library facilities simply replicates what existing residents are receiving, they receive very limited (or no) benefit as a result. On the other hand, where a clear existing service problem is to be remedied, a deduction should be made accordingly.

In the case of services such as recreation facilities, community parks, libraries, etc., the service is typically provided on a City-wide system basis. For example, facilities of the same type may provide different services (i.e. leisure pool vs. competitive pool), different programs (i.e. hockey vs. figure skating) and different time availability for the same service (i.e. leisure skating available on Wednesday in one arena and Thursday in another). As a result, residents will travel to different facilities to access the services they want at the times they wish to use them, and facility location generally does not correlate directly with residence location. Even where it does, displacing users from an existing facility to a new facility frees up capacity for use by others and generally results in only a very limited benefit to existing development. Further, where an increase in demand is not met for a number of years, a negative service impact to existing development is involved for a portion of the planning period.

#### ***4.8.4 Reduction for Anticipated Grants, Subsidies and Other Contributions***

This step involves reducing the capital costs necessary to provide the increased services by capital grants, subsidies and other contributions (including direct developer contributions required due to the local service policy) made or anticipated by Council and in accordance with various rules such as the attribution between the share related





to new vs. existing development. That is, some grants and contributions may not specifically be applicable to growth or where Council targets fundraising as a measure to offset impacts on taxes (O.Reg. 82.98 s.6).

#### **4.8.5 The 10% Reduction**

Paragraph 8 of s.s. (1) of the D.C.A. requires that, “the capital costs must be reduced by 10 percent.” This paragraph does not apply to water supply services, wastewater services, storm water drainage and control services, services related to a highway, police and fire protection services. The primary services to which the 10% reduction does apply include services such as parks, recreation, libraries, childcare/social services, the Provincial Offences Act, ambulance, homes for the aged, and health.

The 10% is to be netted from the capital costs necessary to provide the increased services, once the other deductions have been made, as per the infrastructure costs sheets in Chapter 5.

### **4.9 Municipal-wide vs. Area Rating**

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This step involves determining whether all of the subject costs are to be recovered on a uniform municipal-wide basis or whether some or all are to be recovered on an area-specific basis. Under the amended D.C.A., it is now mandatory to “consider” area-rating of services (providing charges for specific areas and services), however, it is not mandatory to implement area-rating. Further discussion is provided in section 7.4.4.

### **4.10 Allocation of Development**

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This step involves relating the costs involved to anticipated development for each period under consideration and using allocations between residential and non-residential development and between one type of development and another, to arrive at a schedule of charges.

### **4.11 Asset Management**

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The new legislation now requires that a D.C. Background Study must include an Asset Management Plan (s. 10 (2)c.2). The asset management plan must deal with all assets



that are proposed to be funded, in whole or in part, by D.C.s. The current regulations provide very extensive and specific requirements for the asset management plan related to transit services (as noted in the subsequent subsection); however, they are silent with respect to how the asset management plan is to be provided for all other services. As part of any asset management plan, the examination should be consistent with the municipality's existing assumptions, approaches and policies on the asset management planning. This examination has been included in Appendix F.

## 4.12 Transit

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The most significant changes to the Act relate to the transit service. These changes relate to four areas of the calculations, as follows:

- A. Transit no longer requires the statutory 10% mandatory deduction from the net capital cost (section 5.2(i) of the D.C.A.).
- B. The Background Study requires the following in regard to transit costs (as per section 8(2) of the Regulations):
  1. The calculations that were used to prepare the estimate for the planned level of service for the transit services, as mentioned in subsection 5.2(3) of the Act.
  2. An identification of the portion of the total estimated capital cost relating to the transit services that would benefit,
    - i. the anticipated development over the 10-year period immediately following the preparation of the background study, or
    - ii. the anticipated development after the 10-year period immediately following the preparation of the background study.
  3. An identification of the anticipated excess capacity that would exist at the end of the 10-year period immediately following the preparation of the background study.
  4. An assessment of ridership forecasts for all modes of transit services proposed to be funded by the development charge over the 10-year period immediately following the preparation of the background study, categorized



by development types, and whether the forecasted ridership will be from existing or planned development.

5. An assessment of the ridership capacity for all modes of transit services proposed to be funded by the development charge over the 10-year period immediately following the preparation of the background study.

C. A new forward-looking service standard (as per 6.1(2) of the Regulations):

1. The service is a discrete service.
2. No portion of the service that is intended to benefit anticipated development after the 10-year period immediately following the preparation of the background study may be included in the estimate.
3. No portion of the service that is anticipated to exist as excess capacity at the end of the 10-year period immediately following the preparation of the background study may be included in the estimate.

D. A very detailed asset management strategy and reporting requirements (section 6.1(3) of the Regulation) that includes lifecycle costs, action plans that will enable the assets to be sustainable, summary of how to achieve the proposed level of service, discussion on procurement measures and risk.

The City does not currently have any expansionary needs for transit services. Therefore, the above calculations and reporting requirements are not required.



# Chapter 5

## D.C.-Eligible Cost Analysis by Service

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## 5. D.C.-Eligible Cost Analysis by Service

### 5.1 Introduction

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This chapter outlines the basis for calculating eligible costs for the D.C.s to be applied on a uniform basis. In each case, the required calculation process set out in s.5(1) paragraphs 2 to 8 in the D.C.A. and described in Chapter 4, was followed in determining D.C. eligible costs.

The nature of the capital projects and timing identified in the Chapter reflects Council's current intention. However, over time, City projects and Council priorities change and accordingly, Council's intentions may alter and different capital projects (and timing) may be required to meet the need for services required by new growth.

### 5.2 Service Levels and 10-Year Capital Costs for D.C. Calculation

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This section evaluates the development-related capital requirements for all of the "softer" services over a 10-year planning period. Each service component is evaluated on two format sheets: the average historical 10-year level of service calculation (see Appendix B), which "caps" the D.C. amounts; and, the infrastructure cost calculation, which determines the potential D.C. recoverable cost.

#### 5.2.1 *Outdoor Recreation Services*

The City currently has 247.4 acres of parkland within its jurisdiction. These parks consist of various sized active and passive parks. The City has sustained the current level of service over the historical 10-year period (2009-2018), with an average of 13.5 acres of parkland per 1,000 population. The City also provides 2.6 amenity items, 1,114.1 metres of park trails, and 1.3 park vehicles per 1,000 population. Including parkland, parkland amenities (e.g. tennis courts, playground equipment, soccer fields, etc.) trails, and vehicles, the level of service provided is approximately \$1,957 per capita. When applied over the forecast period, this average level of service translates into a D.C.-eligible amount of \$1,647,701.



Based on the projected growth over the 10-year forecast period, the City has identified a provision of \$150,000 in future growth capital costs to service the forecasted population. The net growth capital cost, after the mandatory 10% deduction, is \$135,000 and has been included in the D.C.

As the predominant users of outdoor recreation tend to be residents of the City, the forecast growth-related costs have been allocated 95% to residential and 5% to non-residential.



**Infrastructure Costs Included in the Development Charges Calculation**

City of Port Colborne  
Service: Outdoor Recreation

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2019\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Subtotal	Less:		Potential D.C. Recoverable Cost	
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development		Other (e.g. 10% Statutory Deduction)	Total	Residential Share	Non-Residential Share
	2019-2028											95%	5%
1	Provision for Additional Parkland Development	2019-2028	100,000	-		100,000	-		100,000	10,000	90,000	85,500	4,500
2	Provision for Additional Vehicles and Equipment	2019-2028	50,000	-		50,000	-		50,000	5,000	45,000	42,750	2,250
	<b>Total</b>		<b>150,000</b>	<b>-</b>	<b>-</b>	<b>150,000</b>	<b>-</b>	<b>-</b>	<b>150,000</b>	<b>15,000</b>	<b>135,000</b>	<b>128,250</b>	<b>6,750</b>





### **5.2.2 Indoor Recreation Services**

The City currently provides a total of 159,897 sq.ft. of recreation related space. The average historical level of service for the previous ten years has been approximately 6.8 sq.ft. of space per capita or an investment of \$1,900 per capita. Based on this service standard, the City would be eligible to collect \$1,599,952 from D.C.s for recreation facility space.

The City has identified the recovery of the growth-portion of the debenture related to Vale Health & Wellness Centre, totalling \$1,359,685 (principal and discounted interest). A deduction of \$31,552 has been made to recognize the existing reserve fund balance surplus. Therefore, the net growth capital cost of \$1,328,134 has been included in the D.C. calculations.

As the predominant users of indoor recreation tend to be residents of the City, the forecast growth-related costs have been allocated 95% to residential and 5% to non-residential.





### **5.2.3 Administration Studies**

The D.C.A. permits the inclusion of studies undertaken to facilitate the completion of the City's capital works program. The City has made provision for the inclusion of new studies undertaken to facilitate this D.C. process, as well as other studies which benefit growth (in whole or in part). As discussed in section 1.4 of this D.C. study, Bill 108 proposes to remove the "soft" services from the D.C.A. and move it as part of a new Community Benefit Charge. In anticipation of this change, administration studies have been separated in two categories, Engineering Studies and Community Based Studies.

#### **5.2.3.1 Engineering Studies**

The list of engineering studies includes such studies as the following:

- D.C. Studies;
- Water Master Plan; and
- Fire Master Plan.

The cost of these studies is \$251,000. A deduction in the amount of \$87,500 has been made to recognize existing benefit. Therefore, the net growth-related capital cost, after the mandatory 10% deduction, is \$155,900, and has been included in the D.C.

These costs have been allocated 72% residential and 28% non-residential based on the incremental growth in population to employment for the 10-year forecast period.





### 5.2.3.2 *Community Based Studies*

The list of community based studies includes such studies as the following:

- Parks and Recreation Master Plan; and
- Library Master Plan.

The cost of these studies is \$85,000. A deduction in the amount of \$27,500 has been made to recognize existing benefit. Therefore, the net growth-related capital cost, after the mandatory 10% deduction, is \$51,750, and has been included in the D.C

These costs have been allocated 72% residential and 28% non-residential based on the incremental growth in population to employment for the 10-year forecast period.





#### **5.2.4 Library Services**

The City currently provides its library services out of 23,116 sq.ft. of facility space. The average historical level of service for the previous ten years has been approximately 1.3 sq.ft. of space per capita or an investment of \$339 per capita. Based on this service standard, the City would be eligible to collect \$285,598 from D.C.s for library facility space.

The City has an inventory of 47,823 library collection materials. These collection materials include various materials including books, audio visual materials, electronic resources, eBooks, as well as subscriptions, etc., all of which have a total value of approximately \$1.38 million. Over the past ten years, the average level of service was 3.49 collection items per capita or an investment of \$96 per capita. Based on this service standard, the City would be eligible to collect approximately \$80,874 from D.C.s for library collection materials (over the 10-year period).

Therefore, the total D.C. eligible amount is \$366,472.

To support the forecast population, a provision for expansion to the City's library collection materials has been identified for future capital totalling \$80,000. After the mandatory 10% deduction, the net growth-related capital cost to be included in the D.C. is \$72,000.

While library usage is predominately residential based, there is some use of the facilities by non-residential users, for the purpose of research. To acknowledge this use, the growth-related capital costs have been allocated 95% residential and 5% non-residential.



**Infrastructure Costs Included in the Development Charges Calculation**

City of Port Colborne  
 Service: Library Collection Materials

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2019\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Subtotal	Less:		Potential D.C. Recoverable Cost	
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development		Other (e.g. 10% Statutory Deduction)	Total	Residential Share  95%	Non- Residential Share  5%
1	2019-2028 Provision for Future Library Collections	2019-2028	80,000	-		80,000	-		80,000	8,000	72,000	68,400	3,600
	<b>Total</b>		80,000	-	-	80,000	-	-	80,000	8,000	72,000	68,400	3,600





## 5.3 Service Levels and Long-Term (2019-2031) Capital Costs for Port Colborne's D.C. Calculation

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This section evaluates the development-related capital requirements for those services with long-term (2019-2031) capital costs.

### 5.3.1 Services Related to a Highway

#### 5.3.1.1 Roads

Port Colborne owns and maintains 163 km of urban, semi-urban, and rural roads. This provides an average level of investment of \$9,378 per capita, resulting in a D.C.-eligible recovery amount of \$9,677,993 million over the 2031 forecast period.

With respect to future needs, the identified services related to highway – roads program are updated carryovers from the 2014 D.C. study and totals \$14,556,400. The capital projects include various road works and other road related projects. Deductions for existing benefit and post period benefit have been made totalling \$11,055,700 and \$2,501,100, respectively. An additional deduction in the amount of \$76,695 has been made to recognize the reserve fund surplus. Therefore, the net D.C. eligible amount of \$922,905 is to be recovered over the long-term forecast period (2019-2031).

#### 5.3.1.2 Public Works – Facilities

The City's public works staff operate out of 47,603 sq.ft. of facility space. Based on the historical 10-year average level of service of \$273 per capita, the total D.C.-eligible amount for public works facilities is \$281,695.

The City has identified the recovery of the growth-portion of the debenture related to Operations Centre, totalling \$8,668,897 (principal and discounted interest). Of this amount, \$8,330,800 has been allocated to the post period. Therefore, the net growth recovery of \$338,097 has been included in the D.C. calculations (note: \$60,756 of the \$338,097 is related to the discounted interest portion of the debenture, which is not subject to the service standard ceiling).



### 5.3.1.3 *Public Works – Vehicles and Equipment*

The City's public works staff maintains and operates an inventory of 36 vehicles and equipment. Based on the historical 10-year average level of service of \$257 per capita, the total D.C.-eligible amount for public works vehicles and equipment is \$265,214.

To support the projected growth within the City, an additional snow plow has been identified, with a capital cost of \$375,000. Of this amount, \$112,500 has been allocated to the post period. Therefore, the net capital cost of \$262,500 has been included in the D.C.

The residential/non-residential allocation for all services related to a highway is 72% residential and 28% non-residential based on the incremental growth in population to employment, for the long-term (2031) forecast period.







**Infrastructure Costs Included in the Development Charges Calculation**

City of Port Colborne  
 Service: Public Works - Vehicles and Equipment

Prj .No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2019\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Benefit to Existing Development	Less:	Potential D.C. Recoverable Cost		
								Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
	2019-2031									72%	28%
1	Snow Plow	2021-2024	375,000	112,500		262,500	-		262,500	189,000	73,500
	<b>Total</b>		375,000	112,500	-	262,500	-	-	262,500	189,000	73,500



### **5.3.2 Fire Protection Services**

The City of Port Colborne's Fire Department currently operates out of 17,600 sq.ft. of facility space, providing for a per capita average level of service of 0.96 sq.ft. per capita or \$340 per capita. This level of service provides the City with a maximum D.C.-eligible amount for recovery over the forecast period of \$350,416 for fire facilities.

The fire department has a current inventory of 9 vehicles equaling a historical 10-year average level of service of \$197 per capita. The total D.C.-eligible amount calculated for fire vehicles over the forecast period is \$203,717.

The fire department also maintains small equipment and gear totalling 209 items for its fire fighters. This results in a calculated average level of service for the historical 10-year period of \$48 per capita, providing for a D.C.-eligible amount over the forecast period of \$49,433 for small equipment and gear.

Therefore, the total D.C.-eligible amount is \$603,566.

Based on the growth forecast to 2031, the City has identified \$2,047,900 in growth-related capital for the fire protection services. These capital projects include a new training centre, provision for new vehicles, and a provision for new equipment to service growth over the forecast period to 2031. Deductions in the amounts of \$1,844,360 to recognize benefit existing development and \$57,120 to allocate a portion to post period growth. A further deduction in the amount of \$36,932 has been made to account for the reserve fund balance. Therefore, the net amount to be included in the D.C. is \$109,488.

These costs are shared between residential and non-residential based on the population to employment ratio over the long-term forecast period to 2031, resulting in 72% being allocated to residential development and 28% being allocated to non-residential development.



### Infrastructure Costs Included in the D.C. Calculation

City of Port Colborne  
Service: Fire Services

Prj .No	Increased Service Needs Attributable to Anticipated Development	Timing (year)	Gross Capital Cost Estimate (2019\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Benefit to Existing Development	Less:	Potential D.C. Recoverable Cost		
								Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share  72%	Non- Residential Share  28%
1	Training Centre (3 Killaly St. W.)	2024	2,000,000	57,120		1,942,880	1,844,360		98,520	70,934	27,586
2	Provision for New Vehicles	2024	40,000	-		40,000	-		40,000	28,800	11,200
3	Provision for Additional Equipment	2019-2031	7,900	-		7,900	-		7,900	5,688	2,212
4	Reserve Fund Adjustment	Reserve	-	-		-	36,932		(36,932)	(26,591)	(10,341)
<b>Total</b>			<b>2,047,900</b>	<b>57,120</b>	<b>-</b>	<b>1,990,780</b>	<b>1,881,292</b>	<b>-</b>	<b>109,488</b>	<b>78,831</b>	<b>30,657</b>



## 5.4 Service Levels and Urban Long-Term (2019-2031) Capital Costs for Port Colborne's D.C. Calculation

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This section evaluates the development-related capital requirements for those services with urban long-term (2019-2031) capital costs.

### 5.4.1 *Water Services*

For water services, the capital program identified by the City includes updated carryover projects from the 2014 D.C. study and one additional project (Main Street East to Urban Service Area) identified by staff. The gross cost of these capital works is \$8,305,200. Deductions resulting from the benefit to existing development totalling \$484,473 have been made, along with \$5,672,000 to recognize the benefit to post period growth. A further deduction of \$62,177 has been made to account for the reserve fund balance. Therefore, the net growth-related cost of \$2,086,550 has been included in the D.C. calculations.

The growth-related costs have been allocated between residential and non-residential development based on incremental growth in population to employment over the urban long-term (2019-2031 forecast period. This split results in an 69% allocation to residential and a 31% allocation to non-residential.







### **5.4.2 Wastewater Services**

Similar to water services, the wastewater services capital program identified by the City includes updated carryover projects from the 2014 D.C. study and an additional project (Main Street East to Urban Service Area) identified by staff. The gross cost of these capital works is \$90,007,971. The gross cost of these capital works is \$5,787,200. Deductions resulting from the benefit to existing development totalling \$1,725,000 have been made, along with \$3,154,000 to recognize the benefit to post period growth. A further deduction of \$6,638 has been made to account for the reserve fund balance. Therefore, the net growth-related cost of \$901,562 has been included in the D.C. calculations.

The growth-related costs have been allocated between residential and non-residential development based on incremental growth in population to employment over the urban long-term (2019-2031) forecast period. This split results in an 69% allocation to residential and a 31% allocation to non-residential.





# Chapter 6

## D.C. Calculation

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## 6. D.C. Calculation

Table 6-1 calculates the proposed uniform D.C. to be imposed for wastewater and water services on anticipated development in the City based upon an urban long-term (2031) horizon. Table 6-2 calculates the proposed uniform D.C. to be imposed on anticipated development in the City for City-wide services over a long-term (2031) planning horizon. Table 6-3 calculates the proposed uniform D.C. to be imposed on anticipated development in the City for City-wide services over a 10-year planning horizon.

The calculation for residential development is generated on a per capita basis and is based upon five forms of housing types (single and semi-detached, multiples, apartments 2+ bedrooms, apartment's bachelor and 1 bedroom, and special care/special dwellings). The non-residential D.C. has been calculated on a per sq.ft. of gross floor area basis for all types of non-residential development (industrial, commercial and institutional).

The D.C.-eligible costs for each service component were developed in Chapter 5 for all City services, based on their proposed capital programs.

For the residential calculations, the total cost is divided by the "gross" (new resident) population to determine the per capita amount. The eligible D.C. cost calculations set out in Chapter 5 are based on the net anticipated population increase (the forecast new unit population less the anticipated decline in existing units). The cost per capita is then multiplied by the average occupancy of the new units (Appendix A, Schedule 5) to calculate the charge in Tables 6-1, through 6-3.

With respect to non-residential development, the total costs in the uniform charge allocated to non-residential development (based on need for service) have been divided by the anticipated development over the planning period to calculate a cost per sq.ft. of gross floor area.

Table 6-4 summarizes the total D.C. that is applicable for City-wide services and Table 6-5 summarizes the gross capital expenditures and sources of revenue for works to be undertaken during the 5-year life of the by-law.



Table 6-1  
City of Port Colborne  
Development Charge Calculation  
City Wide Urban Services  
Urban Long-Term (2031)

SERVICE	2019\$ D.C.-Eligible Cost		2019\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	per sq.ft.
	\$	\$	\$	\$
1. <u>Wastewater Services</u>				
1.1 Sewers	622,078	279,484	1,593	0.76
	622,078	279,484	1,593	0.76
2. <u>Water Services</u>				
2.1 Distribution systems	1,439,719	646,830	3,688	1.75
	1,439,719	646,830	3,688	1.75
<b>TOTAL</b>	<b>\$2,061,797</b>	<b>\$926,315</b>	<b>\$5,281</b>	<b>2.51</b>
D.C.-Eligible Capital Cost	\$2,061,797	\$926,315		
Urban 2031 Gross Population/GFA Growth (sq.ft.)	1,076	369,400		
<b>Cost Per Capita/Non-Residential GFA (sq.ft.)</b>	<b>\$1,916.17</b>	<b>\$2.51</b>		
<b>By Residential Unit Type</b>	<b>P.P.U.</b>			
Single and Semi-Detached Dwelling	2.756	\$5,281		
Apartments - 2 Bedrooms +	1.987	\$3,807		
Apartments - Bachelor and 1 Bedroom	1.215	\$2,328		
Other Multiples	2.035	\$3,899		
Special Care/Special Dwelling Units	1.100	\$2,108		



Table 6-2  
City of Port Colborne  
Development Charge Calculation  
City Wide  
2019-2031

SERVICE	2019\$ D.C.-Eligible Cost		2019\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	per sq.ft.
	\$	\$	\$	\$
<b>3. Services Related to a Highway</b>				
3.1 Roads	664,492	258,413	1,309	0.67
3.2 Depots and Domes	243,430	94,667	479	0.24
3.3 PW Rolling Stock	189,000	73,500	372	0.19
	1,096,922	426,581	2,160	1.10
<b>4. Fire Protection Services</b>				
4.1 Fire facilities, vehicles, small equipment and gear	78,831	30,657	155	0.08
	78,831	30,657	155	0.08
<b>TOTAL</b>	<b>\$1,175,753</b>	<b>\$457,237</b>	<b>\$2,315</b>	<b>\$1.18</b>
D.C.-Eligible Capital Cost	\$1,175,753	\$457,237		
2031-Year Gross Population/GFA Growth (sq.ft.)	1,400	387,000		
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$839.82	\$1.18		
<b>By Residential Unit Type</b>	<b>P.P.U.</b>			
Single and Semi-Detached Dwelling	2.756	\$2,315		
Apartments - 2 Bedrooms +	1.987	\$1,669		
Apartments - Bachelor and 1 Bedroom	1.215	\$1,020		
Other Multiples	2.035	\$1,709		
Special Care/Special Dwelling Units	1.100	\$924		





Table 6-3  
City of Port Colborne  
Development Charge Calculation  
City Wide Services  
2019-2028

SERVICE	2019\$ D.C.-Eligible Cost		2019\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	per sq.ft.
	\$	\$	\$	\$
5. <u>Outdoor Recreation Services</u>				
5.1 Parkland development, vehicles, amenities & trails	128,250	6,750	305	0.02
	128,250	6,750	305	0.02
6. <u>Indoor Recreation Services</u>				
6.1 Recreation facilities	1,261,727	66,407	2,999	0.21
	1,261,727	66,407	2,999	0.21
7. <u>Library Services</u>				
7.1 Library facilities	-	-	-	-
7.2 Library materials	68,400	3,600	163	0.01
	68,400	3,600	163	0.01
8. <u>Administration</u>				
8.1 Engineering Related Studies	112,248	43,652	267	0.13
8.2 Community Based Studies	37,260	14,490	89	0.04
	149,508	58,142	356	0.17
<b>TOTAL</b>	<b>\$1,607,885</b>	<b>\$134,899</b>	<b>\$3,823</b>	<b>\$0.41</b>
D.C.-Eligible Capital Cost	\$1,607,885	\$134,899		
10-Year Gross Population/GFA Growth (sq.ft.)	1,159	326,900		
Cost Per Capita/Non-Residential GFA (sq.ft.)	<b>\$1,387.30</b>	<b>\$0.41</b>		
<b>By Residential Unit Type</b>				
	<b>P.P.U.</b>			
Single and Semi-Detached Dwelling	2.756	\$3,823		
Apartments - 2 Bedrooms +	1.987	\$2,757		
Apartments - Bachelor and 1 Bedroom	1.215	\$1,686		
Other Multiples	2.035	\$2,823		
Special Care/Special Dwelling Units	1.100	\$1,526		



Table 6-4  
City of Port Colborne  
Development Charge Calculation  
Total All Services

	2019\$ D.C.-Eligible Cost		2019\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	per sq.ft.
	\$	\$	\$	\$
Urban-wide Services 2031	2,061,797	926,315	5,281	2.51
Municipal-wide Services 2031	1,175,753	457,237	2,315	1.18
Municipal-wide Services 10 Year	1,607,885	134,899	3,823	0.41
<b>TOTAL</b>	<b>4,845,435</b>	<b>1,518,451</b>	<b>11,419</b>	<b>4.10</b>



Table 6-5  
City of Port Colborne  
Gross Expenditure and Sources of Revenue Summary for Costs to be Incurred over the Life of the By-law

Service	Total Gross Cost	Sources of Financing						D.C. Reserve Fund	
		Other Deductions	Tax Base or Other Non-D.C. Source Benefit to Existing	Other Funding	Legislated Reduction	Post D.C. Period Benefit	Residential	Non-Residential	
1. Wastewater Services									
1.1 Sewers	1,423,333	0	1,195,593	0	0	67,667	110,458	49,626	
2. Water Services									
2.1 Distribution systems	280,000	0	0	0	0	236,640	29,918	13,442	
3. Services Related to a Highway									
3.1 Roads	4,615,385	0	4,153,846	0	0	193,846	192,738	74,954	
3.2 Depots and Domes	0	0	0	0	0	0	0	0	
3.3 PW Rolling Stock	281,250	0	0	0	0	84,375	141,750	55,125	
4. Fire Protection Services									
4.1 Fire facilities, vehicles, small equipment and gear	3,038	0	0	0	0	0	2,188	851	
5. Outdoor Recreation Services									
5.1 Parkland development, vehicles, amenities & trails	0	0	0	0	0	0	0	0	
6. Indoor Recreation Services									
6.1 Recreation facilities	0	0	0	0	0	0	0	0	
7. Library Services									
7.1 Library facilities	0	0	0	0	0	0	0	0	
7.2 Library materials	40,000	0	0	0	4,000	0	34,200	1,800	
8. Administration									
8.1 Engineering Related Studies	36,000	0	0	0	3,600	0	23,328	9,072	
8.2 Community Based Studies	85,000	0	27,500	0	5,750	0	37,260	14,490	
<b>Total Expenditures &amp; Revenues</b>	<b>\$6,764,006</b>	<b>\$0</b>	<b>\$5,376,929</b>	<b>\$0</b>	<b>\$13,350</b>	<b>\$582,528</b>	<b>\$571,840</b>	<b>\$219,359</b>	



# Chapter 7

## D.C. Policy Recommendations and D.C. By-law Rules

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## 7. D.C. Policy Recommendations and D.C. By-law Rules

### 7.1 Introduction

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s.s.5(1)9 states that rules must be developed:

“...to determine if a development charge is payable in any particular case and to determine the amount of the charge, subject to the limitations set out in subsection 6.”

Paragraph 10 of the section goes on to state that the rules may provide for exemptions, phasing in and/or indexing of D.C.s.

s.s.5(6) establishes the following restrictions on the rules:

- the total of all D.C.s that would be imposed on anticipated development must not exceed the capital costs determined under 5(1) 2-8 for all services involved;
- if the rules expressly identify a type of development, they must not provide for it to pay D.C.s that exceed the capital costs that arise from the increase in the need for service for that type of development; however, this requirement does not relate to any particular development; and
- if the rules provide for a type of development to have a lower D.C. than is allowed, the rules for determining D.C.s may not provide for any resulting shortfall to be made up via other development.

With respect to “the rules,” Section 6 states that a D.C. by-law must expressly address the matters referred to above re s.s.5(1) paragraphs 9 and 10, as well as how the rules apply to the redevelopment of land.

The rules provided are based on the City's existing policies; however, there are items under consideration at this time and these may be refined prior to adoption of the by-law.



## 7.2 D.C. By-law Structure

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It is recommended that:

- the City uses a uniform City-wide D.C. calculation for all non-urban services;
- urban services be imposed on the urban serviced areas of the City; and
- one Municipal D.C. by-law be used for all services.

## 7.3 D.C. By-law Rules

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The following subsections set out the recommended rules governing the calculation, payment and collection of D.C.s in accordance with Section 6 of the D.C.A.

It is recommended that the following sections provide the basis for the D.C.s:

### *7.3.1 Payment in any Particular Case*

In accordance with the D.C.A., s.2(2), a D.C. be calculated, payable and collected where the development requires one or more of the following:

- a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the Planning Act;
- b) the approval of a minor variance under section 45 of the Planning Act;
- c) a conveyance of land to which a by-law passed under section 50(7) of the Planning Act applies;
- d) the approval of a plan of subdivision under section 51 of the Planning Act;
- e) a consent under section 53 of the Planning Act;
- f) the approval of a description under section 50 of the Condominium Act; or
- g) the issuing of a building permit under the Building Code Act in relation to a building or structure.



### **7.3.2 Determination of the Amount of the Charge**

The following conventions be adopted:

- 1) Costs allocated to residential uses will be assigned to different types of residential units based on the average occupancy for each housing type constructed during the previous decade. Costs allocated to non-residential uses will be assigned based on the amount of square feet of gross floor area constructed for eligible uses (i.e. industrial, commercial and institutional).
- 2) Costs allocated to residential and non-residential uses are based upon a number of conventions, as may be suited to each municipal circumstance, e.g.
  - for Administration (both Engineering and Community Based Services), the costs have been based on a population vs. employment growth ratio (72%/28%) for residential and non-residential, respectively) over the 10-year forecast period;
  - for Indoor Recreation, Outdoor Recreation, and Library services, a 5% non-residential attribution has been made to recognize use by the non-residential sector;
  - for Fire Protection services and Services related to a highway, a 72% residential/28% non-residential attribution has been made based on a population vs. employment growth ratio over the long-term (2031) forecast period; and
  - for Wastewater services and Water services, a 69% residential/31% non-residential allocation has been made based on population vs. employment growth over the urban long-term (2019-2031) forecast period.

### **7.3.3 Application to Redevelopment of Land (Demolition and Conversion)**

As a result of the redevelopment of land, a building or structure existing on the same land within 12 months prior to the date of payment of D.C.s 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 D.C.s otherwise payable with respect to such redevelopment shall be reduced by the following amounts:





- 1) 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 D.C. under subsections 3.11 of the by-law by the number, according to type, of dwelling units that have been or will be demolished or converted to another principal use; and
- 2) 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 D.C.s under subsection 3.12 of the by-law 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 D.C.s otherwise payable with respect to the redevelopment.

#### **7.3.4 Exemptions (full or partial)**

##### a) Statutory exemptions

- industrial building additions of up to and including 50% of the existing gross floor area (defined in O.Reg. 82/98, s.1) of the building; for industrial building additions which exceed 50% of the existing gross floor area, only the portion of the addition in excess of 50% is subject to D.C.s (s.4(3)) of the D.C.A.;
- buildings or structures owned by and used for the purposes of any municipality, local board or Board of Education (s.3);
- residential development that results only in the enlargement of an existing dwelling unit, or that results only in the creation of up to two additional dwelling units (based on prescribed limits set out in s.2 of O.Reg. 82/98).

##### b) Non-statutory exemptions (Current)

- Non-residential farm buildings;
- Downtown core areas;
- Industrial development shall be exempt from payment of D.C.s on any square footage of gross floor area constructed over 5,000 sq.ft.;



- Partial exemption requiring the payment of only the roads and fire protection components of the charge for all residential unit types constructed within the Sherkston Secondary Plan Area;
- Partial exemption of up to 70% of the payable D.C.s for development of Brownfield properties under the City of Port Colborne Brownfield Community Improvement Plan, which have an approved application and agreement under the Brownfield Rehabilitation Grant Program; and
- Partial exemption for certain Community Improvement Plan areas based upon specific policies approved by Council.

These exemptions are proposed to be continued for Council's consideration.

### ***7.3.5 Phasing in***

No provisions for phasing in the D.C. are provided in the D.C. by-law.

### ***7.3.6 Timing of Collection***

A D.C. that is applicable under Section 5 of the D.C.A. shall be calculated and payable:

- where a permit is required under the Building Code Act in relation to a building or structure, the owner shall pay the D.C. prior to the issuance of a permit of prior to the commencement of development or redevelopment as the case may be; and
- despite the above, Council, from time to time and at any time, may enter into agreements providing for all or any part of a D.C. to be paid before or after it would otherwise be payable.

### ***7.3.7 Indexing***

Indexing of the D.C.s shall be implemented on a mandatory basis annually on the anniversary date of the D.C. by-law, in accordance with the Statistics Canada Quarterly, Non-Residential Building Construction Price Index (Table 18-10-0135-01)<sup>1</sup> for the most recent year-over-year period.

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<sup>1</sup> O.Reg. 82/98 referenced "The Statistics Canada Quarterly, Construction Price Statistics, catalogue number 62-007" as the index source. Since implementation, Statistics Canada has modified this index twice and the above-noted index is the most



### **7.3.8 The Applicable Areas**

The charges developed herein provide for varying charges within the City, as follows:

- All City-wide Services – the full residential and non-residential charge will be imposed on all lands within the City; and
- Urban Services – the full residential and non-residential charge will be imposed on the urban service areas of the City.

## **7.4 Other D.C. By-law Provisions**

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It is recommended that:

### **7.4.1 Categories of Services for Reserve Fund and Credit Purposes**

The City's D.C. collections are currently reserved in 8 separate reserve funds: Roads and Related (referred herein as Services Related to a Highway), Fire Protection Services, Outdoor Recreation, Indoor Recreation Services, Administration, Wastewater Services, and Water Services. It is recommended that the City separate the administration D.C. reserve fund into engineering studies and community based studies (in anticipation of the upcoming changes from Bill 108, as discussed in sections 1.4 and 5.2.3) under the new 2019 by-law. Appendix D outlines the reserve fund policies that the City is required to follow as per the D.C.A.

### **7.4.2 By-law In-force Date**

A by-law under the D.C.A. comes into force on the day after which the by-law is passed by Council.

### **7.4.3 Minimum Interest Rate Paid on Refunds and Charged for Inter-Reserve Fund Borrowing**

The minimum interest rate is the Bank of Canada rate on the day on which the by-law comes into force (as per s.11 of O.Reg. 82/98).

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current. The draft by-law provided herein refers to O.Reg. 82/98 to ensure traceability should this index continue to be modified over time.

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#### **7.4.4 Area Rating**

As noted earlier, Bill 73 has introduced two new sections where Council must consider the use of area specific charges:

1. Section 2(9) of the Act now requires a municipality to implement area-specific D.C.s for either specific services which are prescribed and/or for specific municipalities which are to be regulated (note that at this time, no municipalities or services are prescribed by the Regulations).
2. Section 10(2)c.1 of the D.C.A. requires that “the development charges background study shall include consideration of the use of more than one development charge by-law to reflect different needs for services in different areas.”

In regard to the first item, there are no services or specific municipalities identified in the regulations which must be area-rated. The second item requires Council to consider the use of area-rating.

At present, the City’s by-law does provide for area-rating with respect to water and wastewater. All other City services are recovered based on a uniform, City-wide basis. There have been several reasons why they have not been imposed including:

1. All City services, with the exception of water and wastewater, require that the average 10-year service standard be calculated. This average service standard multiplied by growth in the City, establishes an upper ceiling on the amount of funds which can be collected from all developing landowners. Section 4(4) of O. Reg. 82/98 provides that “...if a development charge by-law applies to a part of the municipality, the level of service and average level of service cannot exceed that which would be determined if the by-law applied to the whole municipality.” Put in layman terms, the average service standard multiplied by the growth within the specific area, would establish an area specific ceiling which would significantly reduce the total revenue recoverable for the City hence potentially resulting in D.C. revenue shortfalls and impacts on property taxes.
2. Extending on item 1, attempting to impose an area charge potentially causes equity issues in transitioning from a City-wide approach to an area specific approach. For example, if all services were now built (and funded) within area A



(which is 75% built out) and this was funded with some revenues from areas B and C, moving to an area rating approach would see Area A contribute no funds to the costs of services in Areas B & C. The development charges would be lower in Area A (as all services are now funded) and higher in B and C. As well, funding shortfalls may then potentially encourage the municipality to provide less services to B and C due to reduced revenue.

3. Many services which are provided (roads, parks, recreation facilities) are not restricted to one specific area and are often used by all residents. For example, arenas located in different parts of the City will be used by residents from all areas depending on the programming of the facility (i.e. a public skate is available each night, but at a different arena; hence usage of any one facility at any given time is based on programming availability).

For the reasons noted above, it is recommended that Council continue the D.C. approach to calculate the charges on an area specific basis for water and wastewater, while all other services be charged on a uniform City-wide basis.

## 7.5 Other Recommendations

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**It is recommended that Council:**

“Whenever appropriate, request that grants, subsidies and other contributions be clearly designated by the donor as being to the benefit of existing development or new development, as applicable;”

“Adopt the assumptions contained herein as an ‘anticipation’ with respect to capital grants, subsidies and other contributions;”

“Continue the D.C. approach to calculate the non-urban charges on a uniform City-wide basis for all services;”

“Continue the D.C. approach of an urban-area charge basis for urban services;”

“Approve the capital project listing set out in Chapter 5 of the D.C.s Background Study dated July 24, 2019, subject to further annual review during the capital budget process;”



“Approve the D.C.s Background Study dated July 24, 2019, as amended (if applicable);”

“Determine that no further public meeting is required;” and

“Approve the D.C. By-law as set out in Appendix G, subject to refinements recommended prior to By-law adoption.”

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# Chapter 8

## By-law Implementation



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## 8. By-law Implementation

### 8.1 Public Consultation Process

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#### ***8.1.1 Introduction***

This chapter addresses the mandatory, formal public consultation process (Section 8.1.2), as well as the optional, informal consultation process (Section 8.1.3). The latter is designed to seek the co-operation and participation of those involved, in order to produce the most suitable policy. Section 8.1.4 addresses the anticipated impact of the D.C. on development from a generic viewpoint.

#### ***8.1.2 Public Meeting of Council***

Section 12 of the D.C.A. indicates that before passing a D.C. by-law, Council must hold at least one public meeting, giving at least 20 clear days' notice thereof, in accordance with the Regulation. Council must also ensure that the proposed by-law and background report are made available to the public at least two weeks prior to the (first) meeting.

Any person who attends such a meeting may make representations related to the proposed by-law.

If a proposed by-law is changed following such a meeting, Council must determine whether a further meeting (under this section) is necessary (i.e. if the proposed by-law which is proposed for adoption has been changed in any respect, Council should formally consider whether an additional public meeting is required, incorporating this determination as part of the final by-law or associated resolution. It is noted that Council's decision, once made about not requiring a further public meeting, is final and not subject to review by a Court or the Local Planning Appeal Tribunal (L.P.A.T.) (formerly the Ontario Municipal Board (O.M.B.)).

#### ***8.1.3 Other Consultation Activity***

There are three broad groupings of the public who are generally the most concerned with City D.C. policy:



1. The first grouping is the residential development community, consisting of land developers and builders, who are typically responsible for generating the majority of the D.C. revenues. Others, such as realtors, are directly impacted by D.C. policy. They are, therefore, potentially interested in all aspects of the charge, particularly the quantum by unit type, projects to be funded by the D.C. and the timing thereof, and City policy with respect to development agreements, D.C. credits and front-ending requirements.
2. The second public grouping embraces the public at large and includes taxpayer coalition groups and others interested in public policy.
3. The third grouping is the industrial/commercial/institutional development sector, consisting of land developers and major owners or organizations with significant construction plans, such as hotels, entertainment complexes, shopping centres, offices, industrial buildings and institutions. Also involved are organizations such as Industry Associations, the Chamber of Commerce, the Board of Trade and the Economic Development Agencies, who are all potentially interested in City D.C. policy. Their primary concern is frequently with the quantum of the charge, gross floor area exclusions such as basements, mechanical or indoor parking areas, or exemptions and phase-in or capping provisions in order to moderate the impact.

## 8.2 Anticipated Impact of the Charge on Development

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The establishment of sound D.C. policy often requires the achievement of an acceptable balance between two competing realities. The first is that high non-residential D.C.s can, to some degree, represent a barrier to increased economic activity and sustained industrial/commercial growth, particularly for capital intensive uses. Also, in many cases, increased residential D.C.s can ultimately be expected to be recovered via higher housing prices and can impact project feasibility in some cases (e.g. rental apartments).

On the other hand, D.C.s or other City capital funding sources need to be obtained in order to help ensure that the necessary infrastructure and amenities are installed. The timely installation of such works is a key initiative in providing adequate service levels and in facilitating strong economic growth, investment and wealth generation.



## 8.3 Implementation Requirements

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### 8.3.1 Introduction

Once the City has calculated the charge, prepared the complete background study, carried out the public process and passed a new by-law, the emphasis shifts to implementation matters.

These include notices, potential appeals and complaints, credits, front-ending agreements, subdivision agreement conditions and finally the collection of revenues and funding of projects.

The sections which follow overview the requirements in each case.

### 8.3.2 Notice of Passage

In accordance with s.13 of the D.C.A., when a D.C. by-law is passed, the City Clerk shall give written notice of the passing and of the last day for appealing the by-law (the day that is 40 days after the day it was passed). Such notice must be given no later than 20 days after the day the by-law is passed (i.e. as of the day of newspaper publication or the mailing of the notice).

Section 10 of O.Reg. 82/98 further defines the notice requirements which are summarized as follows:

- notice may be given by publication in a newspaper which is (in the Clerk's opinion) of sufficient circulation to give the public reasonable notice, or by personal service, fax or mail to every owner of land in the area to which the by-law relates;
- s.s.10(4) lists the persons/organizations who must be given notice; and
- s.s.10(5) lists the eight items which the notice must cover.

### 8.3.3 By-law Pamphlet

In addition to the "notice" information, the City must prepare a "pamphlet" explaining each D.C. by-law in force, setting out:

- a description of the general purpose of the D.C.s;



- the “rules” for determining if a charge is payable in a particular case and for determining the amount of the charge;
- the services to which the D.C.s relate; and
- a general description of the general purpose of the Treasurer’s statement and where it may be received by the public.

Where a by-law is not appealed to the L.P.A.T., the pamphlet must be readied within 60 days after the by-law comes into force. Later dates apply to appealed by-laws.

The City must give one copy of the most recent pamphlet without charge, to any person who requests one.

### **8.3.4 Appeals**

Sections 13 to 19 of the D.C.A. set out the requirements relative to making and processing a D.C. by-law appeal and L.P.A.T. Hearing in response to an appeal. Any person or organization may appeal a D.C. by-law to the L.P.A.T. by filing a notice of appeal with the City Clerk, setting out the objection to the by-law and the reasons supporting the objection. This must be done by the last day for appealing the by-law, which is 40 days after the by-law is passed.

The City is carrying out a public consultation process, in order to address the issues that come forward as part of that process, thereby avoiding or reducing the need for an appeal to be made.

### **8.3.5 Complaints**

A person required to pay a D.C., or their agent, may complain to the City Council imposing the charge that:

- the amount of the charge was incorrectly determined;
- the reduction to be used against the D.C. was incorrectly determined; or
- there was an error in the application of the D.C.

Sections 20 to 25 of the D.C.A. set out the requirements that exist, including the fact that a complaint may not be made later than 90 days after a D.C. (or any part of it) is payable. A complainant may appeal the decision of City Council to the L.P.A.T.



### **8.3.6 Credits**

Sections 38 to 41 of the D.C.A. set out a number of credit requirements, which apply where a City agrees to allow a person to perform work in the future that relates to a service in the D.C. by-law.

These credits would be used to reduce the amount of D.C.s to be paid. The value of the credit is limited to the reasonable cost of the work which does not exceed the average level of service. The credit applies only to the service to which the work relates, unless the City agrees to expand the credit to other services for which a D.C. is payable.

### **8.3.7 Front-Ending Agreements**

The City and one or more landowners may enter into a front-ending agreement which provides for the costs of a project which will benefit an area in the City to which the D.C. by-law applies. Such an agreement can provide for the costs to be borne by one or more parties to the agreement who are, in turn, reimbursed in future by persons who develop land defined in the agreement.

Part III of the D.C.A. (Sections 44 to 58) addresses front-ending agreements and removes some of the obstacles to their use which were contained in the D.C.A., 1989. Accordingly, the City assesses whether this mechanism is appropriate for its use, as part of funding projects prior to City funds being available.

### **8.3.8 Severance and Subdivision Agreement Conditions**

Section 59 of the D.C.A. prevents a municipality from imposing directly or indirectly, a charge related to development or a requirement to construct a service related to development, by way of a condition or agreement under s.51 or s.53 of the Planning Act, except for:

- “local services, related to a plan of subdivision or within the area to which the plan relates, to be installed or paid for by the owner as a condition of approval under section 51 of the Planning Act;” and
- “local services to be installed or paid for by the owner as a condition of approval under section 53 of the Planning Act.”

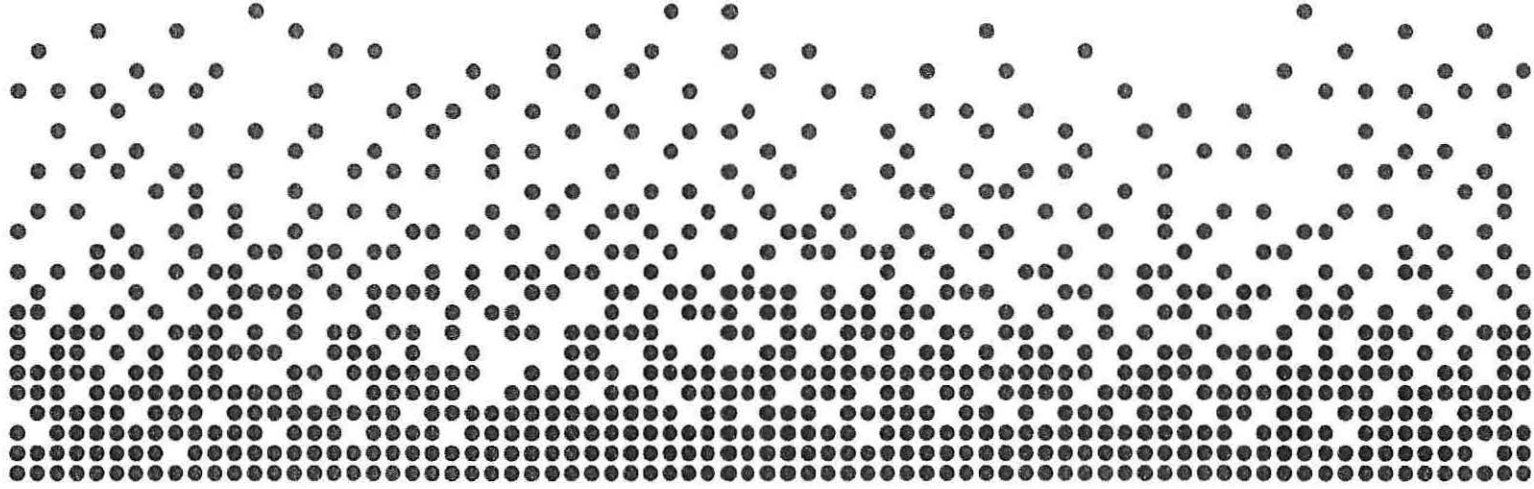


It is also noted that s.s.59(4) of the D.C.A. requires that the municipal approval authority for a draft plan of subdivision under s.s.51(31) of the Planning Act, use its power to impose conditions to ensure that the first purchaser of newly subdivided land is informed of all the D.C.s related to the development, at the time the land is transferred.

In this regard, if the Municipality in question is a commenting agency, in order to comply with subsection 59(4) of the D.C.A. it would need to provide to the approval authority, information regarding the applicable municipal D.C.s related to the site.

If the City is an approval authority for the purposes of section 51 of the Planning Act, it would be responsible to ensure that it collects information from all entities which can impose a D.C.

The most effective way to ensure that purchasers are aware of this condition would be to require it as a provision in a registered subdivision agreement, so that any purchaser of the property would be aware of the charges at the time the title was searched prior to closing a transaction conveying the lands.



# Appendices



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# Appendix A

## Background Information on Residential and Non- Residential Growth Forecast

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Schedule 1  
City of Port Colborne  
Residential Growth Forecast Summary

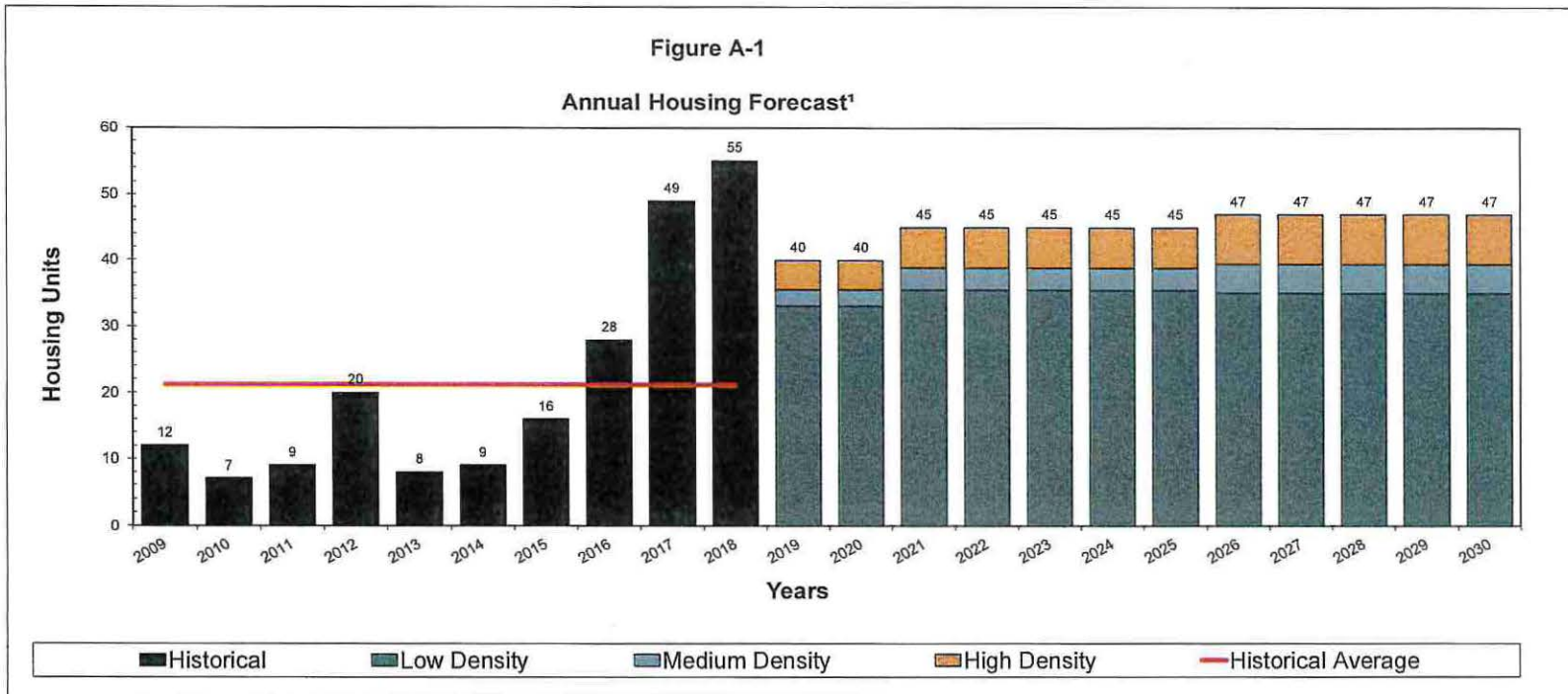
	Year	Population (Including Census Undercount) <sup>1</sup>	Excluding Census Undercount			Housing Units					Person Per Unit (P.P.U.): Total Population/ Total Households	
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi-Detached	Multiple Dwellings <sup>2</sup>	Apartments <sup>3</sup>	Other	Total Households		Equivalent Institutional Households
Historical	Mid 2006	19,100	18,599	479	18,120	5,900	610	1,230	55	7,795	435	2.386
	Mid 2011	18,920	18,424	449	17,975	6,050	600	1,161	95	7,906	408	2.330
	Mid 2016	18,800	18,306	441	17,865	6,005	670	1,210	135	8,020	401	2.283
Forecast	Mid 2019	19,020	18,517	447	18,070	6,105	670	1,242	135	8,152	406	2.271
	Mid 2029	19,880	19,360	467	18,893	6,455	704	1,304	135	8,598	425	2.252
	Mid 2031	20,080	19,549	471	19,078	6,525	713	1,319	135	8,692	428	2.249
Incremental	Mid 2006 - Mid 2011	-180	-175	-30	-145	150	-10	-69	40	111	-27	
	Mid 2011 - Mid 2016	-120	-118	-8	-110	-45	70	49	40	114	-7	
	Mid 2016 - Mid 2019	220	211	6	205	100	0	32	0	132	5	
	Mid 2019 - Mid 2029	860	843	20	823	350	34	62	0	446	19	
	Mid 2019 - Mid 2031	1,060	1,032	24	1,008	420	43	77	0	540	22	

Source: Derived from the Draft Niagara Region Municipal Comprehensive Review Phase 4 Forecast Update, July 2018, for the City of Port Colborne by Watson & Associates Economists Ltd., 2019.

<sup>1</sup> Census undercount estimated at approximately 2.7%. Note: Population including the undercount has been rounded.

<sup>2</sup> Includes townhouses and apartments in duplexes.

<sup>3</sup> Includes bachelor, 1-bedroom and 2-bedroom+ apartments.



Source: Historical housing activity derived from City of Port Colborne Planning and Development Department, 2009 to 2018.  
1. Growth forecast represents calendar year.



**Schedule 2**  
**City of Port Colborne**  
**Estimate of the Anticipated Amount, Type and Location of**  
**Residential Development for Which Development Charges can be Imposed**

Development Location	Timing	Single & Semi-Detached	Multiples <sup>1</sup>	Apartments <sup>2</sup>	Total Residential Units	Gross Population In New Units	Existing Unit Population Change	Net Population Increase, Excluding Institutional	Institutional Population	Net Population Including Institutional
Urban	2019 - 2029	252	34	62	348	869	(174)	695	20	715
	2019 - 2031	303	43	77	422	1,052	(202)	850	24	874
Rural	2019 - 2029	98	0	0	98	270	(143)	127	0	127
	2019 - 2031	118	0	0	118	324	(166)	159	0	159
City of Port Colborne	2019 - 2029	350	34	62	446	1,139	(317)	822	20	842
	2019 - 2031	420	43	77	540	1,376	(368)	1,008	24	1,032

Source: Watson & Associates Economists Ltd., 2019.

<sup>1</sup> Includes townhouses and apartments in duplexes.

<sup>2</sup> Includes accessory apartments, bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



**Schedule 3  
City of Port Colborne  
Current Year Growth Forecast  
Mid 2016 to Mid 2019**

		Population
<b>Mid 2016 Population</b>		<b>18,306</b>
Occupants of New Housing Units, Mid 2016 to Mid 2019	<i>Units (2)</i>	132
	<i>multiplied by P.P.U. (3)</i>	2,688
	<i>gross population increase</i>	355
Occupants of New Equivalent Institutional Units, Mid 2016 to Mid 2019	<i>Units</i>	5
	<i>multiplied by P.P.U. (3)</i>	1,100
	<i>gross population increase</i>	5
Decline in Housing Unit Occupancy, Mid 2016 to Mid 2019	<i>Units (4)</i>	8,020
	<i>multiplied by P.P.U. decline rate (5)</i>	-0.019
	<i>total decline in population</i>	-149
<b>Population Estimate to Mid 2019</b>		<b>18,517</b>
<i>Net Population Increase, Mid 2016 to Mid 2019</i>		<b>211</b>

- (1) 2016 population based on Statistics Canada Census unadjusted for Census undercount.  
 (2) Estimated residential units constructed, Mid-2016 to the beginning of the growth period assuming a six-month lag between construction and occupancy.  
 (3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit <sup>1</sup> (P.P.U.)	% Distribution of Estimated Units <sup>2</sup>	Weighted Persons Per Unit Average
<i>Singles &amp; Semi Detached</i>	2.917	78%	2.288
<i>Multiples (6)</i>	2.189	8%	0.169
<i>Apartments (7)</i>	1.669	14%	0.231
<b>Total</b>		<b>100%</b>	<b>2.688</b>

<sup>1</sup> Based on 2016 Census custom database

<sup>2</sup> Based on Building permit/completion activity

- (4) 2016 households taken from Statistics Canada Census.  
 (5) Decline occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.  
 (6) Includes townhouses and apartments in duplexes.  
 (7) Includes bachelor, 1 bedroom and 2 bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



**Schedule 4  
City of Port Colborne  
Ten Year Growth Forecast  
Mid 2019 to Mid 2029**

			Population
<b>Mid 2019 Population</b>			<b>18,517</b>
Occupants of New Housing Units, Mid 2019 to Mid 2029	<i>Units (2)</i>	446	
	<i>multiplied by P.P.U. (3)</i>	2,554	
	<i>gross population increase</i>	1,139	1,139
Occupants of New Equivalent Institutional Units, Mid 2019 to Mid 2029	<i>Units</i>	19	
	<i>multiplied by P.P.U. (3)</i>	1,100	
	<i>gross population increase</i>	21	21
Decline in Housing Unit Occupancy, Mid 2019 to Mid 2029	<i>Units (4)</i>	8,152	
	<i>multiplied by P.P.U. decline rate (5)</i>	-0.039	
	<i>total decline in population</i>	-317	-317
<b>Population Estimate to Mid 2029</b>			<b>19,360</b>
<b>Net Population Increase, Mid 2019 to Mid 2029</b>			<b>843</b>

(1) Mid 2019 Population based on:

$$2016 \text{ Population } (18,306) + \text{Mid 2016 to Mid 2019 estimated housing units to beginning of forecast period } (132 \times 2.736 = 360) + (5 \times 1.100 = 5) + (8,020 \times -0.019 = -154) = 18,517$$

(2) Based upon forecast building permits/completions assuming a lag between construction and occupancy.

(3) Average number of persons per unit (p.p.u.) is assumed to be:

Structural Type	Persons Per Unit <sup>1</sup> (P.P.U.)	% Distribution of Estimated Units <sup>2</sup>	Weighted Persons Per Unit Average
<i>Singles &amp; Semi Detached</i>	2.756	78%	2.162
<i>Multiples (6)</i>	2.035	8%	0.157
<i>Apartments (7)</i>	1.702	14%	0.236
<i>one bedroom or less</i>	1.215		
<i>two bedrooms or more</i>	1.987		
<b>Total</b>		100%	2.554

<sup>1</sup> Persons per unit based on adjusted Statistics Canada Custom 2016 Census database.

<sup>2</sup> Forecast unit mix based upon historical trends and housing units in the development process.

(4) Mid 2019 households based upon 8,020 (2016 Census) + 132 (Mid 2016 to Mid 2019 unit estimate) = 8,152

(5) Decline occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1 bedroom and 2 bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.





**Schedule 5  
City of Port Colborne  
2031 Growth Forecast  
Mid 2019 to Mid 2031**

		Population
<b>Mid 2019 Population</b>		<b>18,517</b>
Occupants of New Housing Units, 2019 to Mid 2031	<i>Units (2)</i>	540
	<i>multiplied by P.P.U. (3)</i>	2,549
	<i>gross population increase</i>	1,376
Occupants of New Equivalent Institutional Units, 2019 to Mid 2031	<i>Units</i>	22
	<i>multiplied by P.P.U. (3)</i>	1,100
	<i>gross population increase</i>	24
Decline in Housing Unit Occupancy, 2019 to Mid 2031	<i>Units (4)</i>	8,152
	<i>multiplied by P.P.U. decline rate (5)</i>	-0.045
	<i>total decline in population</i>	-368
<b>Population Estimate to Mid 2031</b>		<b>19,549</b>
<b>Net Population Increase, 2019 to Mid 2031</b>		<b>1,032</b>

(1) Mid 2019 Population based on:

$$2016 \text{ Population } (18,306) + \text{Mid 2016 to Mid 2019 estimated housing units to beginning of forecast period } (132 \times 2.736 = 360) + (5 \times 1.100 = 5) + (8,020 \times -0.019 = -154) = 18,517$$

(2) Based upon forecast building permits/completions assuming a lag between construction and occupancy.

(3) Average number of persons per unit (p.p.u.) is assumed to be:

Structural Type	Persons Per Unit* (P.P.U.)	% Distribution of Estimated Units <sup>2</sup>	Weighted Persons Per Unit Average
<i>Singles &amp; Semi Detached</i>	2.756	78%	2.145
<i>Multiples (6)</i>	2.035	8%	0.161
<i>Apartments (7)</i>	1.702	14%	0.242
<i>one bedroom or less</i>	1.215		
<i>two bedrooms or more</i>	1.987		
<b>Total</b>		<b>100%</b>	<b>2.549</b>

\* Persons per unit based on adjusted Statistics Canada Custom 2016 Census database.

<sup>2</sup> Forecast unit mix based upon historical trends and housing units in the development process.

(4) Mid 2019 households based upon 8,020 (2016 Census) + 132 (Mid 2016 to Mid 2019 unit estimate) = 8,152

(5) Decline occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1 bedroom and 2 bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.



**Schedule 6**  
**City of Port Colborne**  
**Summary of Housing Units in Active Development Applications as of 2019**  
**City of Port Colborne**

Stage of Development	Density Type			
	Singles & Semi-Detached	Multiples <sup>1</sup>	Apartments <sup>2</sup>	Total
Registered Not Built	73	0	0	73
<i>% Breakdown</i>	<i>100%</i>	<i>0%</i>	<i>0%</i>	<i>100%</i>
Draft Plans Approved	138	0	57	195
<i>% Breakdown</i>	<i>71%</i>	<i>0%</i>	<i>29%</i>	<i>100%</i>
Application Under Review	0	0	0	0
<i>% Breakdown</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<b>Total</b>	<b>211</b>	<b>0</b>	<b>57</b>	<b>268</b>
<i>% Breakdown</i>	<i>79%</i>	<i>0%</i>	<i>21%</i>	<i>100%</i>

Source: City of Port Colborne Planning and Development Department, 2019.

<sup>1</sup> Includes townhomes and apartments in duplexes.

<sup>2</sup> Includes bachelor, 1 bedroom and 2 bedroom+ apartments.



Schedule 7  
City of Port Colborne  
Historical Residential Building Permits  
Years 2009 to 2018

Year	Residential Building Permits			
	Singles & Semi Detached	Multiples <sup>1</sup>	Apartments <sup>2</sup>	Total
2009	12	0	0	12
2010	7	0	0	7
2011	9	0	0	9
2012	20	0	0	20
2013	8	0	0	8
Sub-total	56	0	0	56
<b>Average (2009 - 2013)</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>11</b>
% Breakdown	100.0%	0.0%	0.0%	100.0%
2014	9	0	0	9
2015	8	8	0	16
2016	28	0	0	28
2017	41	0	8	49
2018	31	0	24	55
Sub-total	117	8	32	157
<b>Average (2014 - 2018)</b>	<b>23</b>	<b>2</b>	<b>6</b>	<b>31</b>
% Breakdown	74.5%	5.1%	20.4%	100.0%
2009 - 2018				
Total	173	8	32	213
<b>Average</b>	<b>17</b>	<b>1</b>	<b>3</b>	<b>21</b>
% Breakdown	81.2%	3.8%	15.0%	100.0%

Source: Historical housing activity derived from City of Port Colborne Planning and Development Department, 2009 to 2018.

<sup>1</sup> Includes townhouses and apartments in duplexes.

<sup>2</sup> Includes bachelor, 1 bedroom and 2 bedroom+ apartments.



**Schedule 8a**  
**City of Port Colborne**  
**Persons Per Unit By Age and Type of Dwelling**  
**(2016 Census)**

Age of Dwelling	Singles and Semi-Detached						15 Year Historic Average	15 Year Forecast <sup>1</sup>
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	-	-	-	-	2.917		
6-10	-	-	-	3.000	-	2.970		
11-15	-	-	-	2.632	-	2.545	2.811	2.756
16-20	-	-	-	3.000	-	3.037		
20-25	-	-	-	3.000	-	3.030		
25-35	-	-	-	2.871	-	2.654		
35+	-	1.474	1.814	2.403	3.231	2.288		
<b>Total</b>	-	1.304	1.823	2.496	3.150	2.379		

Age of Dwelling	All Density Types					
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total
1-5	-	-	-	-	-	2.563
6-10	-	-	1.857	2.667	-	2.521
11-15	-	-	1.917	2.565	-	2.389
16-20	-	-	1.727	3.000	-	2.628
20-25	-	-	1.643	3.179	-	2.673
25-35	-	1.048	1.750	2.849	-	2.278
35+	-	1.200	1.778	2.440	3.082	2.173
<b>Total</b>	-	1.196	1.784	2.533	3.086	2.228

<sup>1</sup> PPU has been forecasted based on 2001 to 2016 historical trends.

Note: Does not include Statistics Canada data classified as 'Other'

P.P.U. Not calculated for samples less than or equal to 50 dwelling units, and does not include institutional population.



**Schedule 8b  
Niagara Region  
Persons Per Unit By Age and Type of Dwelling  
(2016 Census)**

Age of Dwelling	Multiples <sup>1</sup>						15 Year Historic Average	15 Year Forecast <sup>3</sup>
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	1.647	1.726	2.424	-	2.189		
6-10	-	1.231	1.807	2.275	-	1.997		
11-15	-	1.529	1.675	2.432	-	2.111	2.099	2.035
16-20	-	1.500	1.914	2.494	-	2.208		
20-25	-	1.360	1.748	2.726	3.143	2.296		
25-35	-	1.292	2.000	2.640	2.750	2.404		
35+	-	1.216	1.823	2.630	3.407	2.176		
<b>Total</b>	-	<b>1.275</b>	<b>1.814</b>	<b>2.562</b>	<b>3.243</b>	<b>2.197</b>		

Age of Dwelling	Apartments <sup>2</sup>						15 Year Historic Average	15 Year Forecast <sup>3</sup>
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total		
1-5	-	1.317	1.652	2.783	-	1.669		
6-10	-	1.178	1.721	3.067	-	1.685		
11-15	-	1.381	1.865	2.632	-	1.817	1.724	1.702
16-20	-	1.241	1.847	2.652	-	1.686		
20-25	-	1.224	1.780	2.974	-	1.668		
25-35	0.800	1.199	1.729	3.082	-	1.589		
35+	1.085	1.167	1.740	2.616	2.550	1.562		
<b>Total</b>	<b>0.892</b>	<b>1.185</b>	<b>1.746</b>	<b>2.716</b>	<b>2.875</b>	<b>1.589</b>		

Age of Dwelling	All Density Types					
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total
1-5	-	1.411	1.792	2.879	4.380	2.604
6-10	-	1.337	1.821	2.966	4.291	2.688
11-15	-	1.447	1.836	2.931	4.284	2.745
16-20	-	1.430	1.868	2.895	3.934	2.656
20-25	-	1.253	1.799	2.895	3.934	2.515
25-35	-	1.231	1.818	2.787	3.648	2.497
35+	1.250	1.219	1.790	2.539	3.725	2.272
<b>Total</b>	<b>1.250</b>	<b>1.242</b>	<b>1.800</b>	<b>2.658</b>	<b>3.841</b>	<b>2.383</b>

<sup>1</sup> Includes townhouses and apartments in duplexes.

<sup>2</sup> Includes bachelor, 1 bedroom and 2 bedroom+ apartments.

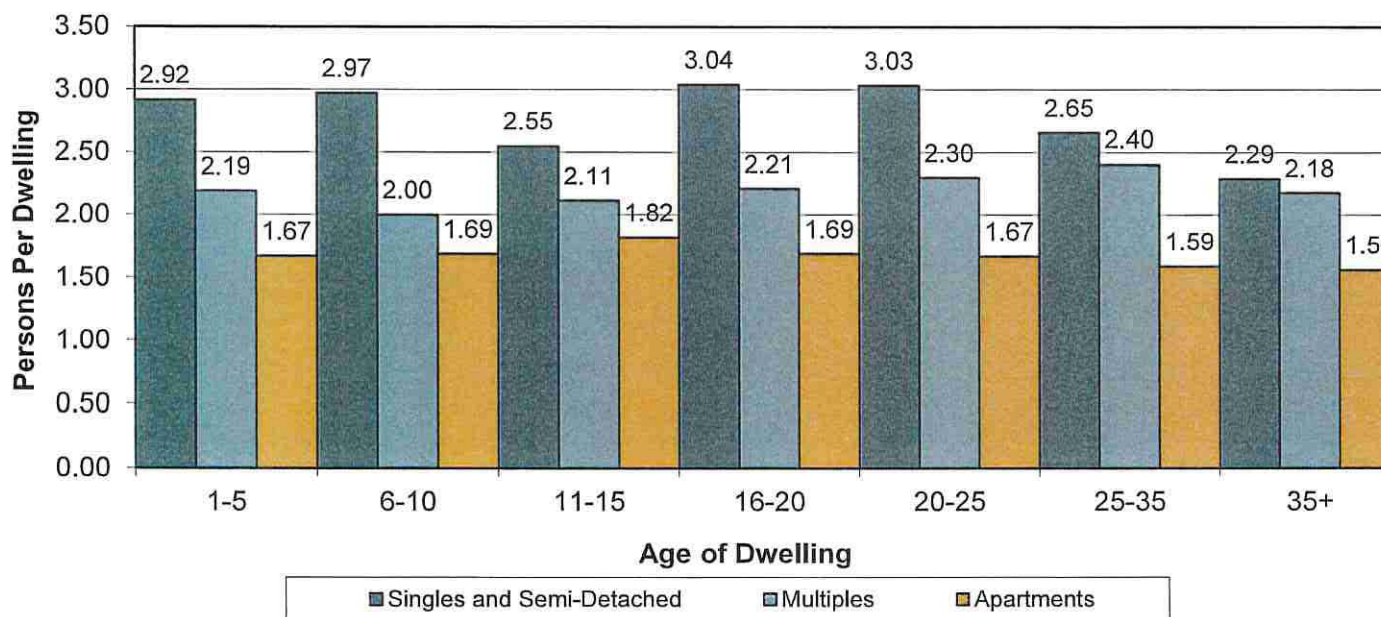
<sup>3</sup> PPU has been forecasted based on 2001 to 2016 historical trends.

Note: Does not include Statistics Canada data classified as 'Other'

P.P.U. Not calculated for samples less than or equal to 50 dwelling units, and does not include institutional population.



**Schedule 9  
City of Port Colborne  
Persons Per Unit By Structural Type and Age of Dwelling  
(2016 Census)**



Multiple and Apartment P.P.U.s are based on Niagara Region.



Schedule 10a  
City of Port Colborne  
Employment Forecast, 2019 to 2031

Period	Population	Activity Rate							Employment							Employment Total (Excluding Work at Home)		
		Primary	Work at Home	Industrial	Commercial/ Population Related	Institutional	Total	N.F.P.O.W. <sup>1</sup>	Total Including NFPOW	Primary	Work at Home	Industrial	Commercial/ Population Related	Institutional	Total		N.F.P.O.W. <sup>1</sup>	Total Employment (Including N.F.P.O.W.)
Mid 2006	18,599	0.007	0.028	0.101	0.119	0.075	0.330	0.033	0.364	135	515	1,883	2,213	1,400	6,145	620	6,765	5,630
Mid 2011	18,424	0.008	0.015	0.083	0.118	0.065	0.288	0.034	0.322	140	270	1,530	2,165	1,200	5,305	630	5,935	5,035
Mid 2016	18,306	0.007	0.029	0.083	0.112	0.064	0.295	0.043	0.339	125	535	1,518	2,053	1,175	5,405	793	6,198	4,870
Mid 2019	18,517	0.007	0.029	0.085	0.112	0.064	0.289	0.043	0.335	126	541	1,535	2,076	1,189	5,467	802	6,269	4,926
Mid 2029	19,360	0.007	0.030	0.088	0.115	0.063	0.302	0.044	0.345	132	571	1,702	2,217	1,223	5,845	842	6,687	5,274
Mid 2031	19,549	0.007	0.030	0.088	0.116	0.063	0.303	0.044	0.347	133	577	1,724	2,259	1,233	5,926	851	6,777	5,349
<b>Incremental Change</b>																		
Mid 2006 - Mid 2011	-175	0.0003	-0.0130	-0.0182	-0.0014	-0.0101	-0.0425	0.0009	-0.0416	5	-245	-353	-48	-200	-840	10	-830	-595
Mid 2011 - Mid 2016	-118	-0.0008	0.0146	-0.0001	-0.0054	-0.0009	0.0073	0.0091	0.0164	-15	265	-13	-113	-25	100	163	263	-165
Mid 2016 - Mid 2019	211	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	1	6	18	24	14	62	9	71	56
Mid 2019 - Mid 2029	843	0.0000	0.0003	0.0050	0.0024	-0.0010	0.0067	0.0002	0.0069	6	30	167	141	34	378	40	418	348
Mid 2019 - Mid 2031	1,032	0.0000	0.0003	0.0053	0.0034	-0.0011	0.0079	0.0002	0.0081	7	36	189	183	44	459	49	508	423
<b>Annual Average</b>																		
Mid 2006 - Mid 2011	-35	0.0001	-0.0026	-0.0036	-0.0003	-0.0020	-0.0085	0.0002	-0.0083	1	-49	-71	-10	-40	-188	2	-166	-119
Mid 2011 - Mid 2016	-24	-0.0002	0.0029	0.0000	-0.0011	-0.0002	0.0015	0.0018	0.0033	-3	53	-3	-23	-5	20	33	53	-33
Mid 2016 - Mid 2019	70	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0	2	6	8	5	21	3	24	19
Mid 2019 - Mid 2029	84	0.0000	0.0000	0.0005	0.0002	-0.0001	0.0007	0.0000	0.0007	1	3	17	14	3	38	4	42	35
Mid 2019 - Mid 2031	85	0.0000	0.0000	0.0004	0.0003	-0.0001	0.0007	0.0000	0.0007	1	3	16	15	4	38	4	42	35

Source: Watson & Associates Economists Ltd., 2019.

<sup>1</sup> Statistics Canada defines no fixed place of work (N.F.P.O.W.) employees as "persons who do not go from home to the same work place location at the beginning of each shift". Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc.



Schedule 10b  
City of Port Colborne  
Employment & Gross Floor Area (G.F.A) Forecast, 2019 to 2031

Period	Population	Employment					Gross Floor Area In Square Feet (Estimated) <sup>1</sup>			
		Primary	Industrial	Commercial/ Population Related	Institutional <sup>2</sup>	Total	Industrial	Commercial/ Population Related	Institutional	Total
Mid 2006	18,599	135	1,883	2,213	1,400	5,630				
Mid 2011	18,424	140	1,530	2,165	1,200	5,035				
Mid 2016	18,306	125	1,518	2,053	1,175	4,870				
Mid 2019	18,517	126	1,535	2,076	1,186	4,923				
Mid 2029	19,360	132	1,702	2,217	1,210	5,261				
Mid 2031	19,549	133	1,724	2,259	1,219	5,335				
<b>Incremental Change</b>										
Mid 2006 - Mid 2011	-175	5	-353	-48	-200	-595				
Mid 2011 - Mid 2016	-118	-15	-13	-113	-25	-165				
Mid 2016 - Mid 2019	211	1	18	24	11	53	24,500	12,900	8,100	45,500
Mid 2019 - Mid 2029	843	6	167	141	24	338	233,800	77,600	15,500	326,900
Mid 2019 - Mid 2031	1,032	7	189	183	33	412	264,600	100,700	21,700	387,000
<b>Annual Average</b>										
Mid 2006 - Mid 2011	-35	1	-71	-10	-40	-119				
Mid 2011 - Mid 2016	-24	-3	-3	-23	-5	-33				
Mid 2016 - Mid 2019	70	0	6	8	4	18	8,167	4,300	2,700	15,167
Mid 2019 - Mid 2029	84	1	17	14	2	34	23,380	7,760	1,550	32,690
Mid 2019 - Mid 2031	86	1	16	15	3	34	22,050	8,392	1,808	32,250

Source: Watson & Associates Economists Ltd., 2019.

<sup>1</sup> Square Foot Per Employee Assumptions

Industrial	1,400
Commercial/ Population Related	550
Institutional	658

<sup>2</sup> Forecast institutional employment and gross floor area has been adjusted downward to account for employment associated with special care units.

\* Reflects Mid 2019 to Mid 2031 forecast period

Note: Numbers may not add to totals due to rounding.





**Schedule 10c**  
**Estimate of the Anticipated Amount, Type and Location of**  
**Non-Residential Development for Which Development Charges can be Imposed**

Development Location	Timing	Industrial G.F.A. S.F. <sup>1</sup>	Commercial G.F.A. S.F. <sup>1</sup>	Institutional G.F.A. S.F. <sup>1</sup>	Total Non-Residential G.F.A. S.F.	Employment Increase <sup>2</sup>
Urban	Mid 2019 - Mid 2029	222,600	73,700	15,500	311,800	317
	Mid 2019 - Mid 2031	252,000	95,700	21,700	369,400	387
Rural	Mid 2019 - Mid 2029	11,200	3,900	-	15,100	15
	Mid 2019 - Mid 2031	12,600	5,000	-	17,600	18
City of Port Colborne	Mid 2019 - Mid 2029	233,800	77,600	15,500	326,900	332
	Mid 2019 - Mid 2031	264,600	100,700	21,700	387,000	405

Source: Watson & Associates Economists Ltd., 2019.

<sup>1</sup> Square feet per employee assumptions:

Industrial	1,400
Commercial	550
Institutional	658

<sup>2</sup> Employment Increase does not include No Fixed Place of Work.

\*Reflects Mid 2019 to Mid 2031 forecast period

Note: Numbers may not add to totals due to rounding.



Schedule 11  
City of Port Colborne  
Non-Residential Construction Value  
Years 2007 to 2016  
(000's 2018 \$)

YEAR	Industrial				Commercial				Institutional				Total			
	New	Improve	Additions	Total	New	Improve	Additions	Total	New	Improve	Additions	Total	New	Improve	Additions	Total
2007	279	52	582	914	6	3,258	5,471	8,735	23	1,024	0	1,048	308	4,335	6,053	10,696
2008	1,737	365	570	2,672	173	689	0	862	0	188	570	758	1,911	1,241	1,140	4,292
2009	18,001	356	1,356	19,713	0	149	622	771	0	33	0	33	18,001	538	1,978	20,516
2010	710	297	970	1,977	335	4,866	1,455	6,655	112	1,083	0	1,194	1,156	6,245	2,425	9,826
2012	3,765	801	10,173	14,739	0	533	1,260	1,792	107	91	0	198	3,872	1,425	11,433	16,730
2013	4,941	363	947	6,251	507	562	0	1,069	0	300	421	721	5,448	1,225	1,368	8,040
2014	72	338	0	411	1,425	608	0	2,033	0	2,865	4,644	7,509	1,497	3,811	4,644	9,953
2015	743	2,341	0	3,083	1,769	2,440	0	4,209	144	175	0	319	2,655	4,956	0	7,611
2016	4,134	271	0	4,405	4,098	573	0	4,671	0	7	0	7	8,232	851	0	9,082
<b>Subtotal</b>	<b>37,230</b>	<b>7,178</b>	<b>24,717</b>	<b>69,123</b>	<b>40,984</b>	<b>16,018</b>	<b>9,133</b>	<b>66,116</b>	<b>418</b>	<b>6,331</b>	<b>5,635</b>	<b>12,384</b>	<b>78,612</b>	<b>29,526</b>	<b>39,485</b>	<b>147,622</b>
Percent of Total	54%	10%	36%	100%	62%	24%	14%	100%	3%	51%	48%	100%	53%	20%	27%	100%
<b>Average</b>	<b>3,723</b>	<b>718</b>	<b>3,531</b>	<b>6,912</b>	<b>5,120</b>	<b>1,602</b>	<b>1,927</b>	<b>6,612</b>	<b>84</b>	<b>633</b>	<b>1,678</b>	<b>1,238</b>	<b>7,661</b>	<b>2,953</b>	<b>4,936</b>	<b>14,762</b>
2007 - 2011 Period Total				40,233				52,341				3,631				96,206
<b>2007 - 2011 Average</b>				<b>8,047</b>				<b>10,468</b>				<b>726</b>				<b>19,241</b>
% Breakdown				41.8%				54.4%				3.8%				100.0%
2012 - 2016 Period Total				28,889				13,774				8,753				51,416
<b>2012 - 2016 Average</b>				<b>5,778</b>				<b>2,755</b>				<b>1,751</b>				<b>10,283</b>
% Breakdown				56.2%				26.8%				17.0%				100.0%
2007 - 2016 Period Total				69,123				66,116				12,384				147,622
<b>2007 - 2016 Average</b>				<b>6,912</b>				<b>6,612</b>				<b>1,238</b>				<b>14,762</b>
% Breakdown				46.8%				44.8%				8.4%				100.0%

Source: Statistics Canada Publication, 64-001-XIB

Note: Inflated to year-end 2017 (January, 2018) dollars using Reed Construction Cost Index



Schedule 12  
City of Port Colborne  
Employment to Population Ratio by Major Employment Sector, 2006 to 2016

NAICS		Year			Change			Comments
		2006	2011	2016	96-01	06-11	11-16	
<b>Employment by Industry</b>								
<u>Primary Industry Employment</u>								
11	<i>Agriculture, forestry, fishing and hunting</i>	110	45	120		-65	75	Categories which relate to local land-based resources
21	<i>Mining and oil and gas extraction</i>	70	95	75		25	-20	
<b>Sub-total</b>		<b>180</b>	<b>140</b>	<b>195</b>	<b>0</b>	<b>-40</b>	<b>55</b>	
<u>Industrial and Other Employment</u>								
22	<i>Utilities</i>	45	0	15		-45	15	Categories which relate primarily to industrial land supply and demand
23	<i>Construction</i>	240	130	225		-110	95	
31-33	<i>Manufacturing</i>	1,205	1,020	915		-185	-105	
41	<i>Wholesale trade</i>	225	210	140		-15	-70	
48-49	<i>Transportation and warehousing</i>	205	180	245		-25	65	
56	<i>Administrative and support</i>	103	70	95		-33	25	
<b>Sub-total</b>		<b>2,023</b>	<b>1,610</b>	<b>1,635</b>	<b>-103</b>	<b>-413</b>	<b>25</b>	
<u>Population Related Employment</u>								
44-45	<i>Retail trade</i>	800	895	790		95	-105	Categories which relate primarily to population growth within the municipality
51	<i>Information and cultural industries</i>	60	35	65		-25	30	
52	<i>Finance and insurance</i>	110	200	90		90	-110	
53	<i>Real estate and rental and leasing</i>	40	165	70		125	-95	
54	<i>Professional, scientific and technical services</i>	190	225	205		35	-20	
55	<i>Management of companies and enterprises</i>	0	0	10		0	10	
56	<i>Administrative and support</i>	103	70	95		-33	25	
71	<i>Arts, entertainment and recreation</i>	130	90	65		-40	-25	
72	<i>Accommodation and food services</i>	550	445	590		-105	145	
81	<i>Other services (except public administration)</i>	490	210	335		-280	125	
<b>Sub-total</b>		<b>2,473</b>	<b>2,335</b>	<b>2,315</b>	<b>-103</b>	<b>-138</b>	<b>-20</b>	
<u>Institutional</u>								
61	<i>Educational services</i>	365	355	425		-10	70	
62	<i>Health care and social assistance</i>	950	670	605		-280	-65	
91	<i>Public administration</i>	155	195	230		40	35	
<b>Sub-total</b>		<b>1,470</b>	<b>1,220</b>	<b>1,260</b>	<b>0</b>	<b>-250</b>	<b>40</b>	
<b>Total Employment</b>		<b>6,145</b>	<b>5,305</b>	<b>5,405</b>	<b>-205</b>	<b>-840</b>	<b>100</b>	
<b>Population</b>		<b>18,599</b>	<b>18,424</b>	<b>18,306</b>	<b>149</b>	<b>-175</b>	<b>-118</b>	
<u>Employment to Population Ratio</u>								
<b>Industrial and Other Employment</b>		<b>0.11</b>	<b>0.09</b>	<b>0.09</b>	<b>-0.01</b>	<b>-0.02</b>	<b>0.00</b>	
<b>Population Related Employment</b>		<b>0.13</b>	<b>0.13</b>	<b>0.13</b>	<b>-0.01</b>	<b>-0.01</b>	<b>0.00</b>	
<b>Institutional Employment</b>		<b>0.08</b>	<b>0.07</b>	<b>0.07</b>	<b>0.00</b>	<b>-0.01</b>	<b>0.00</b>	
<b>Primary Industry Employment</b>		<b>0.01</b>	<b>0.01</b>	<b>0.01</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>Total</b>		<b>0.33</b>	<b>0.29</b>	<b>0.30</b>	<b>-0.01</b>	<b>-0.04</b>	<b>0.01</b>	

Source: Statistics Canada Employment by Place of Work

Note: 2006-2016 employment figures are classified by North American Industry Classification System (NAICS) Code



# Appendix B

## Level of Service





**APPENDIX B - LEVEL OF SERVICE CEILING  
CITY OF PORT COLBORNE**

SUMMARY OF SERVICE STANDARDS AS PER DEVELOPMENT CHARGES ACT, 1997, AS AMENDED							
Service Category	Sub-Component	10 Year Average Service Standard					Maximum Ceiling LOS
		Cost (per capita)		Quantity (per capita)	Quality (per capita)		
Services related to a Highway	Roads	\$9,377.90	0.0089	km of roadways	1,053,697	per lane km	9,677,993
	Public Works - Facilities	\$272.96	1.2509	ft <sup>2</sup> of building area	218	per sq.ft.	281,695
	Public Works - Vehicles and Equipment	\$256.99	0.0019	No. of vehicles and equipment	135,258	per vehicle	265,214
Fire Protection Services	Fire Facilities	\$339.55	0.9565	ft <sup>2</sup> of building area	355	per sq.ft.	350,416
	Fire Vehicles	\$197.40	0.0005	No. of vehicles	394,800	per vehicle	203,717
	Fire Small Equipment and Gear	\$47.90	0.0114	No. of equipment and gear	4,202	per Firefighter	49,433
Outdoor Recreation	Parkland Development	\$1,342.08	0.0135	Acres of Parkland	99,413	per acre	1,130,031
	Parkland Amenities	\$302.56	0.0026	No. of parkland amenities	116,369	per amenity	254,756
	Parkland Trails	\$256.24	1.1141	Linear Metres of Paths and Trails	230	per lin m.	215,754
	Parks Vehicles and Equipment	\$56.01	0.0013	No. of vehicles and equipment	43,085	per vehicle	47,160
Indoor Recreation	Indoor Recreation Facilities	\$1,900.18	6.7689	ft <sup>2</sup> of building area	281	per sq.ft.	1,599,952
Library Services	Library Facilities	\$339.19	1.2563	ft <sup>2</sup> of building area	270	per sq.ft.	285,598
	Library Collection Materials	\$96.05	3.4918	No. of library collection items	28	per collection item	80,874



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Roads  
Unit Measure: km of roadways

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/km)
<b>Rural Sections</b>											
100	42	42	42	42	42	42	42	42	42	42	\$991,500
200	41	41	41	41	41	41	41	41	41	41	\$991,500
300	22	22	22	22	22	22	22	22	22	22	\$991,500
400	40	40	40	40	40	40	40	40	40	40	\$991,500
500	4	4	4	4	4	4	4	4	4	4	\$991,500
<b>Semi-Urban Sections</b>											
Arterial	2	2	2	2	2	2	2	2	2	2	\$1,613,500
Collector Residential	5	5	5	5	5	5	5	5	5	5	\$1,613,500
Collector Commerical/Residential	1	1	1	1	1	1	1	1	1	1	\$1,613,500
<b>Urban Sections</b>											
Arterial	3	3	3	3	3	3	3	3	3	3	\$1,986,600
Collector Residential	3	3	3	3	3	3	3	3	3	3	\$1,986,600
<b>Total</b>	<b>163</b>	<b>163</b>	<b>163</b>	<b>163</b>	<b>163</b>	<b>163</b>	<b>163</b>	<b>163</b>	<b>163</b>	<b>163</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009	0.009

10 Year Average	2009-2018
Quantity Standard	0.0089
Quality Standard	\$1,053,697
Service Standard	\$9,378

D.C. Amount (before deductions)	2031
Forecast Population	1,032
\$ per Capita	\$9,378
Eligible Amount	\$9,677,993



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Public Works - Facilities  
Unit Measure: ft<sup>2</sup> of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
Offices/Garages/Storage	6,304	6,304	6,304	6,304	6,304	6,304	6,304	6,304	-	-	\$159	\$183
Flammable Storage Building	120	120	120	120	120	120	120	120	-	-	\$157	\$180
Sand/Salt Dome	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	-	-	\$50	\$62
Storage Warehouse	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	-	-	\$101	\$119
Trailer 12x32	-	-	-	384	384	384	384	384	-	-	\$115	\$134
Operations Centre	-	-	-	-	-	-	-	-	47,603	47,603	\$278	\$344
<b>Total</b>	<b>16,624</b>	<b>16,624</b>	<b>16,624</b>	<b>17,008</b>	<b>17,008</b>	<b>17,008</b>	<b>17,008</b>	<b>17,008</b>	<b>47,603</b>	<b>47,603</b>		

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.8964	0.8989	0.9023	0.9247	0.9247	0.9265	0.9281	0.9291	2.5952	2.5828

10 Year Average	2009-2018
Quantity Standard	1,2509
Quality Standard	\$218
Service Standard	\$273

D.C. Amount (before deductions)	2031
Forecast Population	1,032
\$ per Capita	\$273
Eligible Amount	\$281,695





**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Public Works - Vehicles and Equipment  
Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/Vehicle)
Utility Service Truck	1	1	1	1	2	2	2	2	2	2	\$173,100
Dump	6	6	6	6	6	6	6	6	6	6	\$253,900
Pickup	10	10	10	10	10	10	10	10	10	10	\$44,400
Van	2	2	2	2	2	2	2	2	2	2	\$51,200
One Ton Diesel Dump	2	2	2	2	2	2	2	2	2	2	\$95,700
Diesel Sweeper	1	2	2	2	2	2	2	2	2	2	\$316,000
Window Van	1	1	1	1	1	1	1	1	1	1	\$43,200
Champion Grader	1	1	1	1	1	1	1	1	1	1	\$307,400
John Deere Loader	1	1	1	1	1	1	1	1	1	1	\$290,400
John Deere Tractor	2	2	2	2	2	2	2	2	2	2	\$71,800
Sicard Blower	2	2	2	2	2	2	2	2	2	2	\$162,400
JCB Backhoe	2	2	2	2	2	2	2	2	2	2	\$161,700
Mini-Van	2	2	2	2	2	2	2	2	2	2	\$37,300
Utility Valve/Flusher Truck					1	1	1	1	1	1	\$136,900
<b>Total</b>	<b>33</b>	<b>34</b>	<b>34</b>	<b>34</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>36</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.0018	0.0018	0.0018	0.0018	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020

10 Year Average	2009-2018
Quantity Standard	0.0019
Quality Standard	\$135,258
Service Standard	\$257

D.C. Amount (before deductions)	2031
Forecast Population	1,032
\$ per Capita	\$257
Eligible Amount	\$265,214





**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Fire Vehicles  
Unit Measure: No. of vehicles

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/Vehicle)
Engine No. 1	1	1	1	1	1	1	1	1	1	1	\$660,000
Engine No. 2	1	1	1	1	1	1	1	1	1	1	\$660,000
Engine No. 3	1	1	1	1	-	-	-	-	-	-	\$660,000
Ladder No. 1	1	1	1	1	1	1	1	1	1	1	\$1,300,000
Tanker No. 1	1	1	1	1	1	1	1	1	1	1	\$346,200
Command No. 1	1	1	1	1	1	1	1	1	1	1	\$40,000
Command No. 2	1	1	1	1	1	1	1	1	1	1	\$40,000
Squad No. 1	1	1	1	1	1	1	1	1	1	1	\$40,000
Fire Prevention Officer Vehicle (Car 3)	1	1	1	1	1	1	1	1	1	1	\$40,000
Rescue Vehicle					1	1	1	1	1	1	\$403,900
<b>Total</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.0005	0.0005	0.0005	0.0005	0.0005	0.0005	0.0005	0.0005	0.0005	0.0005

10 Year Average	2009-2018
Quantity Standard	0.0005
Quality Standard	\$394,800
Service Standard	\$197

D.C. Amount (before deductions)	2031
Forecast Population	1,032
\$ per Capita	\$197
Eligible Amount	\$203,717



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Fire Small Equipment and Gear  
Unit Measure: No. of equipment and gear

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/item)
# of Equipped Firefighters	50	50	50	50	50	50	50	50	50	50	\$6,000
Rescue Equipment - Auto Extrication	1	1	1	1	1	1	1	1	1	1	\$75,000
Rescue Equipment - Water/Ice	1	1	1	1	1	1	1	1	1	1	\$62,200
Self-contained Breathing Apparatus	27	27	27	27	27	27	27	27	27	27	\$8,500
Portable Radios	24	26	26	26	26	26	26	26	26	26	\$1,300
Pagers and chargers	60	40	40	40	40	40	40	40	40	40	\$600
Base Station - Communication Equipment	3	3	3	3	3	3	3	4	4	4	\$20,000
Spare Bottles	60	60	60	60	60	60	60	60	60	60	\$1,500
<b>Total</b>	<b>226</b>	<b>208</b>	<b>208</b>	<b>208</b>	<b>208</b>	<b>208</b>	<b>208</b>	<b>209</b>	<b>209</b>	<b>209</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.0122	0.0112	0.0113	0.0113	0.0113	0.0113	0.0114	0.0114	0.0114	0.0113

10 Year Average	2009-2018
Quantity Standard	0.0114
Quality Standard	\$4,202
Service Standard	\$48

D.C. Amount (before deductions)	2031
Forecast Population	1,032
\$ per Capita	\$48
Eligible Amount	\$49,433



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Parkland Development  
Unit Measure: Acres of Parkland

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/Acre)
<b>City Parks</b>											
Centennial Park/Beach	48.8	48.8	48.8	48.8	48.8	48.8	48.8	48.8	48.8	48.8	\$103,300
T. A. Lannan Sports Complex	72.4	72.4	72.4	72.4	72.4	72.4	72.4	72.4	72.4	72.4	\$113,800
Nickel Beach/Playground	38.4	38.4	38.4	38.4	38.4	38.4	38.4	38.4	38.4	38.4	\$103,300
H.H. Knoll Lakeview	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	14.3	\$103,300
Lock 8 Gateway Park	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	\$103,300
<b>Community Parks</b>											
Julia Yager Recreation Centre	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	\$68,200
Lockview	10.1	10.1	10.1	10.1	10.1	10.1	10.1	10.1	10.1	10.1	\$103,300
Sherkston Community Centre	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1	\$68,200
West Side Rotary Complex	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	\$68,200
Vimy Park/Mellissa's & John Daly Playground	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	3.7	\$68,200
Lion's Field	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	\$103,300
<b>Neighbourhood Parks</b>											
Chestnut Park	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	\$68,200
Hawthorne Heights Park	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	1.9	\$68,200
Humberstone Shoe	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	\$68,200
Oxford Park	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	1.3	\$68,200
Reservoir	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	5.7	\$68,200
Sunset	4.7	4.7	4.7	4.7	4.7	4.7	4.7	4.7	4.7	4.7	\$68,200
Maple	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	\$68,200



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Parkland Development  
Unit Measure: Acres of Parkland

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/Acre)
<b>Parkettes</b>											
Seaway	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	\$68,200
Humberstone Cenotaph	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	\$68,200
King George Memorial Park	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	\$68,200
Helen Kinnear Memorial Park	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	\$103,300
Library	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	\$68,200
Harry Dayboll/Oakwood Park	2.4	2.4	2.4	2.4	2.4	2.4	2.4	2.4	2.4	2.4	\$68,200
<b>Tot Lots</b>											
Dewitt Carter	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	\$68,200
Johnston Street	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	\$68,200
Westdale	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	\$68,200
<b>Other Parks</b>											
Jacob E. Barrick Park	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	3.2	\$103,300
Rose Shymansky Memoria Park	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	3.6	\$103,300
East Village Community Park	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	0.9	\$103,300
Derek Point Memorial Garden	9.8	9.8	9.8	9.8	9.8	9.8	9.8	9.8	9.8	9.8	\$68,200
Chippawa Park	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	\$68,200
<b>Total</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	<b>247.4</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.0133	0.0134	0.0134	0.0135	0.0135	0.0135	0.0135	0.0135	0.0135	0.0134

10 Year Average	2009-2018
Quantity Standard	0.0135
Quality Standard	\$99,413
Service Standard	\$1,342

D.C. Amount (before deductions)	10 Year
Forecast Population	842
\$ per Capita	\$1,342
Eligible Amount	\$1,130,031



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Parkland Amenities  
Unit Measure: No. of parkland amenities

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/item)
Lions Field Washrooms/Canteen	1	1	1	1	1	1	1	1	1	1	\$300,300
Nickel Beach Washrooms	1	1	1	1	1	1	1	1	1	1	\$93,800
Nickel Beach Storage	1	1	1	1	1	1	1	1	1	1	\$18,800
Centennial Washrooms	1	1	1	1	1	1	1	1	1	1	\$93,800
Centennial Picnic Pavilion	1	1	1	2	2	2	2	2	2	2	\$44,200
H. H. Knoll Lakeview Park Washrooms	1	1	1	1	1	1	1	1	1	1	\$129,500
Lakeview Bandstand	1	1	1	1	1	1	1	1	1	1	\$97,500
Lakeview Pavilion	1	1	1	1	1	1	1	1	1	1	\$33,100
Lakeview Gazebos	4	4	4	4	4	4	4	4	4	4	\$3,200
Lock 8 Washrooms	1	1	1	1	1	1	1	1	1	1	\$99,000
Lock 8 Picnic Shelter	1	1	1	1	1	1	1	1	1	1	\$65,200
H. H. Knoll Lakeview Park Spray Pac	1	1	1	1	1	1	1	1	1	1	\$334,600
Ball Diamonds - Lit	4	4	4	4	4	4	4	4	4	4	\$202,000
Ball Diamonds - Unlit	9	9	9	9	9	9	9	9	9	9	\$80,900
Basketball Courts	6	6	6	6	6	6	6	6	6	6	\$31,000
Tennis Courts	7	6	6	6	6	6	6	6	6	6	\$56,000
Park Shelter - Kinnear	-	-	1	1	1	1	1	1	1	1	\$18,700
Soccer Pitch - Lit	2	2	2	2	2	2	2	2	2	2	\$258,900
Soccer Pitch - Unlit	3	3	3	3	3	3	3	3	3	3	\$155,800
Skate Park at Lock 8	-	-	-	-	1	1	1	1	1	1	\$980,900
Office/Shop/Equipment Storage	1	1	1	1	1	1	1	1	1	1	\$560,000
<b>Total</b>	<b>47</b>	<b>46</b>	<b>47</b>	<b>48</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>	<b>49</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.00	0.0025	0.0026	0.0026	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027

10 Year Average	2009-2018
Quantity Standard	0.0026
Quality Standard	\$116,369
Service Standard	\$303

D.C. Amount (before deductions)	10 Year
Forecast Population	842
\$ per Capita	\$303
Eligible Amount	\$254,756



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Parkland Trails  
Unit Measure: Linear Metres of Paths and Trails

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/ Linear Metre)
Multi Use Trail (to Welland)	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	10,500	\$230
Multi Use Trail (to Fort Erie)	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	\$230
<b>Total</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	<b>20,500</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	1.105	1.109	1.113	1.115	1.115	1.117	1.119	1.120	1.118	1.112

10 Year Average	2009-2018
Quantity Standard	1.1141
Quality Standard	\$230
Service Standard	\$256

D.C. Amount (before deductions)	10 Year
Forecast Population	842
\$ per Capita	\$256
Eligible Amount	\$215,754





**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Parks Vehicles and Equipment  
Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/Vehicle)
Zamboni	2	2	2	2	2	2	2	2	2	2	\$109,600
Turf Spreader	1	1	1	1	1	1	1	1	1	1	\$26,900
Water Reel/Cannon	1	1	1	1	1	1	1	1	1	1	\$28,500
Rec. Trail Vehicles	2	2	2	3	4	4	4	4	4	4	\$17,400
Tractor	1	1	1	1	1	1	1	1	1	1	\$40,300
Commercial Lawn Mower	2	2	2	2	2	2	2	2	2	2	\$19,800
1998 GMC Safari cargo van	1	1	1	1	1	1	-	-	-	-	\$54,300
1999 Ford F150 pick up	1	1	1	1	-	-	-	-	-	-	\$49,100
2003 Ford F150 pick up	1	1	1	1	1	1	-	-	-	-	\$48,100
2005 Ford F-series pick up	1	1	1	1	1	1	1	1	1	1	\$62,900
2006 Ford F-series pick up	1	1	1	1	1	1	1	1	1	1	\$40,800
2006 Ford F-series pick up	1	1	1	1	1	1	1	1	1	1	\$39,700
2006 Ford F550 dump truck	1	1	1	1	1	1	1	1	1	1	\$69,700
2008 Ford F-series pick up	1	1	1	1	1	1	1	1	1	1	\$31,700
2009 Chev light duty 1/2 ton pick up	1	1	1	1	1	1	1	1	1	1	\$33,200
2010 Chev Express Cargo	-	1	1	1	1	1	1	1	1	1	\$33,900
2010 Chev Express Cargo	-	1	1	1	1	1	1	1	1	1	\$35,500
Dodge Ram 2500 Dump	-	-	-	-	1	1	1	1	1	1	\$36,000
2004 GMC Sierra pick up	1	1	1	1	1	1	1	1	1	1	\$55,200
2003 Ford F150 pick up	1	1	1	1	1	1	1	1	1	1	\$52,900
2009 Chev light duty 1/2 ton pick up	1	1	1	1	1	1	1	1	1	1	\$33,200
2015 GMC Sierra 2500	-	-	-	-	-	-	1	1	1	1	\$52,800



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Parks Vehicles and Equipment  
Unit Measure: No. of vehicles and equipment

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/Vehicle)
2018 Ford F250 4x4 REG - White	-	-	-	-	-	-	-	-	-	1	\$42,000
2018 Ford F250 4x4 REG - White	-	-	-	-	-	-	-	-	-	1	\$46,900
2018 Ford F250 4x4 REG - White	-	-	-	-	-	-	-	-	-	1	\$42,800
<b>Total</b>	<b>21</b>	<b>23</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>25</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>27</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	0.0011	0.0012	0.0012	0.0013	0.0014	0.0014	0.0013	0.0013	0.0013	0.0015

10 Year Average	2009-2018
Quantity Standard	0.0013
Quality Standard	\$43,085
Service Standard	\$56

D.C. Amount (before deductions)	10 Year
Forecast Population	842
\$ per Capita	\$56
Eligible Amount	\$47,160



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Indoor Recreation Facilities  
Unit Measure: ft<sup>2</sup> of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Bld'g Value (\$/sq.ft.)	Value/sq.ft. with land, site works, etc.
Westside Arena and Complex	28,200	28,200	28,200	28,200	-	-	-	-	-	-	\$260	\$294
Teeder Kennedy Youth Arena	26,500	26,500	-	-	-	-	-	-	-	-	\$178	\$203
Centennial Pool	9,925	9,925	9,925	9,925	-	-	-	-	-	-	\$260	\$294
Humberstone Community Hall	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650	1,650	\$260	\$294
Sherkston Community Centre	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800	2,800	\$260	\$294
Julia Yager Educational and Recreation Centre	5,100	5,100	5,100	5,100	5,100	5,100	5,100	5,100	5,100	5,100	\$251	\$284
P.C. Tennis Club	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	\$260	\$294
Sugarloaf Marina	8,847	8,847	8,847	8,847	8,847	8,847	8,847	8,847	8,847	8,847	\$125	\$145
Harbourmaster Building	500	500	500	500	500	500	500	500	500	500	\$155	\$178
Vale Health & Wellness Centre	-	-	-	-	140,000	140,000	140,000	140,000	140,000	140,000	\$263	\$297
<b>Total</b>	<b>84,522</b>	<b>84,522</b>	<b>58,022</b>	<b>58,022</b>	<b>159,897</b>	<b>159,897</b>	<b>159,897</b>	<b>159,897</b>	<b>159,897</b>	<b>159,897</b>		

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	4.5577	4.5705	3.1493	3.1547	8.6938	8.7104	8.7256	8.7347	8.7171	8.6754

10 Year Average	2009-2018
Quantity Standard	6.7689
Quality Standard	\$281
Service Standard	\$1,900

D.C. Amount (before deductions)	10 Year
Forecast Population	842
\$ per Capita	\$1,900
Eligible Amount	\$1,599,952



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Library Facilities  
Unit Measure: ft<sup>2</sup> of building area

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Bld'g Value (\$/sq.ft.)	Value/sq.ft with land, site works, etc.
Library (310 King Street)	23,116	23,116	23,116	23,116	23,116	23,116	23,116	23,116	23,116	23,116	\$219	\$270
<b>Total</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>	<b>23,116</b>		

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	1.2465	1.2500	1.2547	1.2569	1.2569	1.2592	1.2614	1.2628	1.2602	1.2542

10 Year Average	2009-2018
Quantity Standard	1.2563
Quality Standard	\$270
Service Standard	\$339

D.C. Amount (before deductions)	10 Year
Forecast Population	842
\$ per Capita	\$339
Eligible Amount	\$285,598



**City of Port Colborne  
Service Standard Calculation Sheet**

Service: Library Collection Materials  
Unit Measure: No. of library collection items

Description	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019 Value (\$/item)
Books	57,589	57,037	56,484	55,932	55,379	64,309	65,903	59,230	52,931	39,915	\$25
Print Serials (Newspapers/Periodicals)	59	59	59	59	59	50	50	48	50	50	\$100
Compact Discs	1,598	1,599	1,601	1,602	1,603	1,595	1,666	1,572	1,703	920	\$20
Talking Books	317	467	616	766	915	951	1,088	972	1,067	1,045	\$50
Video Tapes	834	641	449	256	63	42	33	-	-	-	\$40
Computer Readable Material	8	8	8	8	8	8	8	8	8	8	\$2,490
Microfilm	764	784	804	823	843	847	863	883	895	907	\$150
DVDs	1,818	2,549	3,280	4,010	4,741	5,130	5,470	5,268	5,342	4,965	\$27
E-books - Platform	-	-	-	1	1	1	1	1	1	1	\$4,300
Freegal	-	-	-	-	1	1	-	-	-	-	\$4,040
E-Readers	-	-	-	-	7	7	7	7	7	-	\$230
Chromebook	-	-	-	-	5	5	5	5	5	5	\$420
Flipster Digital Magazine - Platform	-	-	-	-	-	-	1	1	1	1	\$3,400
Music MakerSpace Instruments	-	-	-	-	-	-	-	-	-	6	\$400
<b>Total</b>	<b>62,987</b>	<b>63,143</b>	<b>63,299</b>	<b>63,456</b>	<b>63,625</b>	<b>72,946</b>	<b>75,095</b>	<b>67,995</b>	<b>62,010</b>	<b>47,823</b>	

Population	18,545	18,493	18,424	18,392	18,392	18,357	18,325	18,306	18,343	18,431
Per Capita Standard	3.40	3.41	3.44	3.45	3.46	3.97	4.10	3.71	3.38	2.59

10 Year Average	2009-2018
Quantity Standard	3.4918
Quality Standard	\$28
Service Standard	\$96

D.C. Amount (before deductions)	10 Year
Forecast Population	842
\$ per Capita	\$96
Eligible Amount	\$80,874



# Appendix C

## Long-Term Capital and Operating Cost Examination

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# Appendix C: Long-Term Capital and Operating Cost Examination

## City of Port Colborne Annual Capital and Operating Cost Impact

As a requirement of the D.C.A. under subsection 10(2)(c), an analysis must be undertaken to assess the long-term capital and operating cost impacts for the capital infrastructure projects identified within the D.C. As part of this analysis, it was deemed necessary to isolate the incremental operating expenditures directly associated with these capital projects, factor in cost saving attributable to economies of scale or cost sharing where applicable and prorate the cost on a per unit basis (i.e. sq.ft. of building space, per vehicle, etc.). This was undertaken through a review of the City's approved 2017 Financial Information Return (F.I.R.).

In addition to the operational impacts, over time the initial capital projects will require replacement. This replacement of capital is often referred to as life cycle cost. By definition, life cycle costs are all the costs which are incurred during the life of a physical asset, from the time its acquisition is first considered, to the time it is taken out of service for disposal or redeployment. The method selected for life cycle costing is the sinking fund method which provides that money will be contributed annually and invested, so that those funds will grow over time to equal the amount required for future replacement. The following factors were utilized to calculate the annual replacement cost of the capital projects (annual contribution = factor X capital asset cost) and are based on an annual growth rate of 2% (net of inflation) over the average useful life of the asset:

Asset	Lifecycle Cost Factors	
	Average Useful Life	Factor
Watermains	75	0.00586
Sewer mains	75	0.00586
Roads	50	0.01182
Bridges	50	0.01182
Facilities	40	0.01656
Vehicles	10	0.09133
Equipment	15	0.05783
Parkland	40	0.01656





Table C-1 depicts the annual operating impact resulting from the proposed gross capital projects at the time they are all in place. It is important to note that, while City program expenditures will increase with growth in population, the costs associated with the new infrastructure (i.e. facilities) would be delayed until the time these works are in place.

Table C-1  
City of Port Colborne  
Operating and Capital Expenditure Impacts for Future Capital Expenditures

SERVICE	GROSS COST LESS BENEFIT TO EXISTING	ANNUAL LIFECYCLE EXPENDITURES	ANNUAL OPERATING EXPENDITURES	TOTAL ANNUAL EXPENDITURES
<b>1. Wastewater Services</b>				
1.1 Sewers	4,055,562	199,574	220,528	420,102
<b>2. Water Services</b>				
2.1 Distribution systems	6,346,650	412,344	195,049	607,393
<b>3. Services Related to a Highway</b>				
3.1 Roads	3,424,005	169,529	204,283	373,812
3.2 Depots and Domes	8,668,897	-	61,253	61,253
3.3 PW Rolling Stock	375,000	33,784	2,650	36,434
<b>4. Fire Protection Services</b>				
4.1 Fire facilities, vehicles, small equipment and gear	166,608	12,724	165,618	178,342
<b>5. Outdoor Recreation Services</b>				
5.1 Parkland development, vehicles, amenities & trails	150,000	9,900	79,735	89,635
<b>6. Indoor Recreation Services</b>				
6.1 Recreation facilities	1,328,134	-	159,313	159,313
<b>7. Library Services</b>				
7.1 Library facilities	-	-	-	-
7.2 Library materials	80,000	7,210	35,754	42,964
<b>8. Administration</b>				
8.1 Engineering Related Studies	163,500	-	-	-
8.2 Community Based Studies	57,500	-	-	-
<b>Total</b>	<b>24,815,855</b>	<b>845,065</b>	<b>1,124,184</b>	<b>1,969,249</b>



# Appendix D

## D.C. Reserve Fund Policy

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## Appendix D: D.C. Reserve Fund Policy

### D.1 Legislative Requirements

The Development Charges Act, 1997 (D.C.A.) requires development charge collections (and associated interest) to be placed in separate reserve funds. Sections 33 through 36 of the Act provide the following regarding reserve fund establishment and use:

- a municipality shall establish a reserve fund for each service to which the D.C. by-law relates; s.7(1), however, allows services to be grouped into categories of services for reserve fund (and credit) purposes, although only 100% eligible and 90% eligible services may be combined (minimum of two reserve funds);
- the municipality shall pay each development charge it collects into a reserve fund or funds to which the charge relates;
- the money in a reserve fund shall be spent only for the “capital costs” determined through the legislated calculation process (as per s.5(1) 2-8);
- money may be borrowed from the fund but must be paid back with interest (O.Reg. 82/98, s.11(1) defines this as Bank of Canada rate either on the day the by-law comes into force or, if specified in the by-law, the first business day of each quarter); and
- D.C. reserve funds may not be consolidated with other municipal reserve funds for investment purposes and may only be as an interim financing source for capital undertakings for which development charges may be spent (s.37).

Annually, the Treasurer of the municipality is required to provide Council with a financial statement related to the D.C. by-law(s) and reserve funds. This statement must be made available to the public and may be requested to be forwarded to the Minister of Municipal Affairs and Housing. The D.C.A. does not prescribe how the statement is to be made available to the public. We would recommend that a resolution of Council make the statement available on the municipality’s website or upon request.

Subsection 43(2) and O.Reg. 82/98 prescribes the information that must be included in the Treasurer’s statement, as follows:

- opening balance;
- closing balance;



- description of each service and/or service category for which the reserve fund was established (including a list of services within a service category);
- transactions for the year (e.g. collections, draws) including each assets capital costs to be funded from the D.C. reserve fund and the manner for funding the capital costs not funded under the D.C. by-law (i.e. non-D.C. recoverable cost share and post-period D.C. recoverable cost share);
- for projects financed by development charges, the amount spent on the project from the D.C. reserve fund and the amount and source of any other monies spent on the project.
- amounts borrowed, purpose of the borrowing and interest accrued during previous year;
- amount and source of money used by the municipality to repay municipal obligations to the D.C. reserve fund;
- list of credits by service or service category (outstanding at beginning of the year, given in the year and outstanding at the end of the year by holder);
- for credits granted under s.14 of the old D.C.A., a schedule identifying the value of credits recognized by the municipality, the service to which it applies and the source of funding used to finance the credit; and
- a statement as to compliance with s.s. 59(1) of the D.C.A., whereby the municipality shall not impose, directly or indirectly, a charge related to a development or a requirement to construct a service related to development, except as permitted by the D.C.A. or another Act.

Based upon the above, Figure 1, and Attachments 1 and 2, set out the format for which annual reporting to Council should be provided.

## **D.2 D.C. Reserve Fund Application**

Section 35 of the D.C.A. states that:

“The money in a reserve fund established for a service may be spent only for capital costs determined under paragraphs 2 to 8 of subsection 5(1).”

This provision clearly establishes that reserve funds collected for a specific service are only to be used for that service, or to be used as a source of interim financing of capital undertakings for which a development charge may be spent.



**Figure 1**  
**City of Port Colborne**  
**Annual Treasurer's Statement of Development Charge Reserve Funds**

Description	Services to which the Development Charge Relates								Total
	Non-Discounted Services				Discounted Services				
	Services Related to a Highway	Engineering Related Studies	Water Services	Wastewater Services	Outdoor Recreation Services	Indoor Recreation Services	Library Services	Community Based Studies	
Opening Balance, January 1, _____									0
<u>Plus:</u>									
Development Charge Collections									0
Accrued Interest									0
Repayment of Monies Borrowed from Fund and Associated Interest <sup>1</sup>									0
<b>Sub-Total</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<u>Less:</u>									
Amount Transferred to Capital (or Other) Funds <sup>2</sup>									0
Amounts Refunded									0
Amounts Loaned to Other D.C. Service Category for Interim Financing									0
Credits <sup>3</sup>									0
<b>Sub-Total</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Closing Balance, December 31, _____</b>	<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<sup>1</sup> Source of funds used to repay the D.C. reserve fund

<sup>2</sup> See Attachment 1 for details

<sup>3</sup> See Attachment 2 for details

The Municipality is compliant with s.s. 59.1 (1) of the *Development Charges Act*, whereby charges are not directly or indirectly imposed on development nor has a requirement to construct a service related to development been imposed, except as permitted by the *Development Charges Act* or another Act.



Attachment 1  
 City of Port Colborne  
 Amount Transferred to Capital (or Other) Funds - Capital Fund Transactions

Capital Fund Transactions	Gross Capital Cost	D.C. Recoverable Cost Share					Non-D.C. Recoverable Cost Share					
		D.C. Forecast Period			Post D.C. Forecast Period		Other Reserve/Reserve Fund Draws	Tax Supported Operating Fund Contributions	Rate Supported Operating Fund Contributions	Debt Financing	Grants, Subsidies Other	
		D.C. Reserve Fund Draw	D.C. Debt Financing	Grants, Subsidies Other Contributions	Post-Period Benefit/Capacity Interim Financing	Grants, Subsidies Other Contributions						
<b>Services Related to a Highway</b>												
Capital Cost A												
Capital Cost B												
Capital Cost C												
<b>Sub-Total - Services Related to Highways</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
<b>Water Services</b>												
Capital Cost D												
Capital Cost E												
Capital Cost F												
<b>Sub-Total - Water</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
<b>Wastewater Services</b>												
Capital Cost G												
Capital Cost H												
Capital Cost I												
<b>Sub-Total - Wastewater</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	



**Attachment 2**  
**City of Port Colborne**  
**Statement of Credit Holder Transactions**

<b>Credit Holder</b>	<b>Applicable D.C. Reserve Fund</b>	<b>Credit Balance Outstanding Beginning of Year _____</b>	<b>Additional Credits Granted During Year</b>	<b>Credits Used by Holder During Year</b>	<b>Credit Balance Outstanding End of Year _____</b>
Credit Holder A					
Credit Holder B					
Credit Holder C					
Credit Holder D					
Credit Holder E					
Credit Holder F					



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# Appendix E

## Local Service Policy

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# Appendix E: Local Service Policy

## City of Port Colborne General Policy Guidelines on Development Charge and Local Service Funding

This Appendix sets out the municipality's General Policy Guidelines on Development Charges (D.C.) and local service funding for Services Related to a Highway, Stormwater Management, Parkland Development, and Underground Linear Services. The guidelines outline, in general terms, the size and nature of engineered infrastructure that is included in the study as a development charge project, versus infrastructure that is considered as a local service, to be emplaced separately by landowners, pursuant to a development agreement.

The following policy guidelines are general principles by which staff will be guided in considering development applications. However, each application will be considered, in the context of these policy guidelines as subsection 59 (2) of the Development Charges Act, 1997 (D.C.A.) on its own merits having regard to, among other factors, the nature, type and location of the development and any existing and proposed development in the surrounding area, as well as the location and type of services required and their relationship to the proposed development and to existing and proposed development in the area.

### Services Related to a Highway

A highway and services related to a highway are intended for the transportation of people and goods via many different modes including, but not limited to passenger automobiles, commercial vehicles, transit vehicles, bicycles and pedestrians. The highway shall consist of all land and associated infrastructure built to support (or service) this movement of people and goods regardless of the mode of transportation employed.

The associated infrastructure to achieve this concept shall include, but is not limited to: road pavement structure and curbs; grade separation/bridge structures (for any vehicles, railways and/or pedestrians); grading, drainage and retaining wall features; culvert structures; stormwater drainage systems; utilities; traffic control systems;



signage; gateway features; street furniture; active transportation facilities (e.g. sidewalks, bike lanes, multi-use trails which interconnect the transportation network, etc.); transit lanes & lay-bys; roadway illumination systems; boulevard and median surfaces (e.g. sod & topsoil, paving, etc.); street trees and landscaping; parking lanes & lay-bys; (excluding on-street parking in the downtown) and driveway entrances; noise attenuation systems; railings and safety barriers.

### **1. Arterial and Collector Roads (including Structures)**

- New Collector Roads internal to a development are direct developer responsibility.
- New, widened, extended or upgraded, Arterial and Collector Roads external to a development are considered to be development charge projects.
- New Collector Roads external to a development, but primarily acting as a connection serving a development, are a direct developer responsibility.
- All other roads are considered to be the developer's responsibility.

### **2. Traffic Control Systems, Signals and Intersection Improvements**

- On new arterial roads and arterial road improvements unrelated to a specific development: included as part of road costing funded through D.C.'s.
- On non-arterial roads, or for any private site entrances or entrances to specific development: direct developer responsibility under s.59 of D.C.A. (as a local service).
- On arterial or collector road intersections with Regional roads: Region's responsibility or in certain circumstances, may be a direct developer responsibility
- Intersection improvements, new or modified signalization, signal timing & optimization plans, area traffic studies for highways attributed to growth and unrelated to a specific development: included in D.C. calculation as permitted under s.5(1) of the D.C.A.

### **3. Streetlights**

- Streetlights on new arterial roads an arterial road improvements: considered part of the complete street and included as part of the road costing funded through



D.C.'s or in exceptional circumstances, may be direct developer responsibility through local service provisions (s.59 of D.C.A.).

- Streetlights on non-arterial roads internal to development: considered part of the complete street and included as a direct developer responsibility under s. 59 of the D.C.A. (as a local service).
- Streetlights on non-arterial roads external to development, needed to support a specific development or required to link with the area to which the plan relates: considered part of the complete street and included as a direct developer responsibility under s. 59 of the D.C.A. (as a local service).

#### **4. Transportation Related Pedestrian and Cycling Facilities**

- Sidewalks, multi-use trails, cycle tracks, and bike lanes, inclusive of all required infrastructure, located within arterial roads, Regional roads and provincial highway corridors: considered part of the complete street and included in D.C.'s, or, in exceptional circumstances, may be direct developer responsibility through local service provisions (s.59 of D.C.A.).
- Sidewalks, multi-use trails, cycle tracks, and bike lanes, inclusive of all required infrastructure, located within or linking to non-arterial road corridors internal to development: considered part of the complete street and is a direct developer responsibility through local service provisions (s.59 of D.C.A.).
- Other sidewalks, multi-use trails, cycle tracks, and bike lanes, inclusive of all required infrastructure, located within non-arterial road corridors external to development and needed to support a specific development or required to link with the area to which the plan relates: direct developer responsibility under s.59 of D.C.A. (as a local service).
- Multi-use trails (not associated with a road), inclusive of all land and required infrastructure, that go beyond the function of a (parkland) recreational trail and form part of the municipality's active transportation network for cycling and/or walking: included in D.C.'s

#### **5. Transit Lanes and Lay-bys**

- Transit lanes and lay-bys located within municipal arterial and regional road corridors: considered part of the complete street and included in D.C.'s



- Transit lanes and lay-bys located within non-arterial road corridors internal to development: considered part of the complete street and direct developer responsibility under s. 59 of the D.C.A. (as a local service).
- Transit lanes and lay-bys located within non-arterial road corridors external to development and needed to support a specific development or required to link with the area to which the plan relates: direct developer responsibility under s. 59 of the D.C.A. (as a local service).

## **6. Transit Bus Stops and Amenities**

- Transit bus stops and amenities internal to development: direct developer responsibility under s.59 of D.C.A. (as a local service).
- Transit bus stops and amenities on arterial roads: included in Municipality's Transit D.C.'s consistent with D.C.A., s.5(1).

## **LAND ACQUISITION FOR ROADS**

### **7. Road Allowances**

- Land acquisition for Arterial or Collector Roads, to the widths required according to the approved engineering standards, is primarily provided by dedications under the Planning Act. In areas where limited or no development is anticipated, and direct dedication is unlikely, the land acquisition is considered to be part of the capital cost of the related development charge project

### **8. Grade Separations**

- Land acquisition for Grade Separations (beyond normal dedication requirements) is considered to be part of the capital cost of the related development charge project.

The detailed engineering requirements of the above items are governed by the approved detailed engineering standards for the City.

## **PARKLAND DEVELOPMENT**

### **9. Recreational Trails**



- Recreational trails (Multi-use trails) that do not form part of the municipality's active transportation network, and their associated infrastructure (landscaping, bridges, trail surface, etc.), is included in area municipal parkland D.C.'s.

## 10. Parkland

- Parkland Development for Community Parks, District Parks, Neighbourhood Parks and Village Squares: direct developer responsibility to provide at base condition, as defined in the Municipality's Parks Standards, as a local service provision.
- Program facilities, amenities, and furniture, within parkland: are included in D.C.s.

## 11. Landscape Buffer Blocks, Features, Cul-de-sac Islands, Berms, Grade Transition Areas, Walkway Connections to Adjacent Arterial Roads, Open Space, Etc.

- The cost of developing all landscape buffer blocks, landscape features, cul-de-sac islands, berms, grade transition areas, walkway connections to adjacent arterial roads, open space and other remnant pieces of land conveyed to the municipality shall be a direct developer responsibility as a local service. Such costs include but are not limited to:
- pre-grading, sodding or seeding, supply and installation of amended topsoil, (to the Municipality's required depth), landscape features, perimeter fencing and amenities and all planting.
- Perimeter fencing to the Municipal standard located on the public property side of the property line adjacent land uses (such as but limited to arterial roads) as directed by the Municipality.

## WATER

### 12. Watermains

- Watermains internal to the development are considered to be a local service unless the City requests a watermain be oversized, in which case the oversizing is a development charge project.





- External watermains of any size required by a development to connect to an existing local trunk main are considered to be the developer's local service responsibility.
- Watermains of any size required to connect a development charge eligible pumping station or reservoir to the supply network are considered to be development charge projects.
- Providing new underground services or upgrading existing underground services external to the development if the services are required to service the development, and if the pipe sizes do not exceed 300mm, are considered to be the developer's local service responsibility.

### **13. Booster Stations and Reservoirs**

- New or expanded water booster pumping stations and reservoir projects servicing two or more developments are considered to be development charge projects. All others are the responsibility of the developer.
- All other new or expanded water booster pumping stations and reservoir projects that do not qualify as above are the responsibility of the developer.
- The detailed engineering requirements of the above items are governed by the approved detailed engineering standards for the City.

## **WASTEWATER**

### **14. Sanitary Sewers**

- Sanitary Sewers internal to the development are considered to be a local service, unless the City requests a sewer be oversized, in which case the oversizing is a development charge project.
- Sanitary Sewers of any size required by a development to connect to an existing local trunk main are considered to be the developer's responsibility.
- Sanitary Sewers of any size required to connect a pumping station or treatment plant to the collection network are considered to be development charge projects.
- Providing new underground services or upgrading existing underground services external to the development if the services are required to service the development, and if the pipe sizes do not exceed 300mm, are considered to be the developer's local service responsibility.



## 15. Pumping Stations

- New or expanded pumping stations internal or external to a development, that are fed by sanitary sewers which qualify as a development charge project are also considered to be development charge projects.
- New or expanded pumping stations fed by sanitary sewers that do not qualify as a development charge project are the responsibility of the developer.
- The above pipe sizes in section 15(iv) govern, unless the hydraulic conditions of a particular development require a different pipe size, in which case the minimum pipe size determined by such hydraulic conditions shall be the developer's responsibility.

## LAND ACQUISITION FOR WATER AND WASTEWATER WORKS

### 16. Booster Stations and Reservoirs

- Where required, land acquisition for Booster Stations and Reservoirs which are development charge projects, to the size required by the design of the facility, is to be provided by the developer as part of the development approval process. The market value of the land is considered to be part of the capital cost of the related development charge project.

### 17. Pumping Stations

- Where required, land acquisition for Pumping Stations which are development charges projects, to the size required by the design of the facility, is to be provided by the developer as part of the development approval process. The market value of the land is considered to be part of the capital cost of the related development charge project.
- The detailed engineering requirements of the above items are governed by the approved detailed engineering standards for the City.

## STORMWATER MANAGEMENT

### 18. Stormwater

- Over-sizing cost of stormwater facilities capacity, excluding land, to accommodate runoff from new, widened, extended or upgraded municipal arterial



roads that are funded as a development charges project: included as part of road costing funded through D.C.'s.

- Erosion works, inclusive of all restoration requirements, related to a development application: direct developer responsibility under s. 59 of the D.C.A. (as a local service).
- Monitoring works: included in D.C.'s consistent with the D.C.A., s.5(1).
- Storm sewer systems and drainage works that are required for a specific development, either internal or external to the area to which the plan relates: direct developer responsibility under s. 59 of the D.C.A. (as a local service).



# Appendix F

## Asset Management Plan

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## Appendix F: Asset Management Plan

The recent changes to the D.C.A. (new section 10(2) (c.2)) require that the Background Study must include an asset management plan related to new infrastructure. Section 10(3) of the D.C.A. provides:

**The asset management plan shall,**

- (a) deal with all assets whose capital costs are proposed to be funded under the development charge by-law;**
- (b) demonstrate that all the assets mentioned in clause (a) are financially sustainable over their full life cycle;**
- (c) contain any other information that is prescribed; and**
- (d) be prepared in the prescribed manner.**

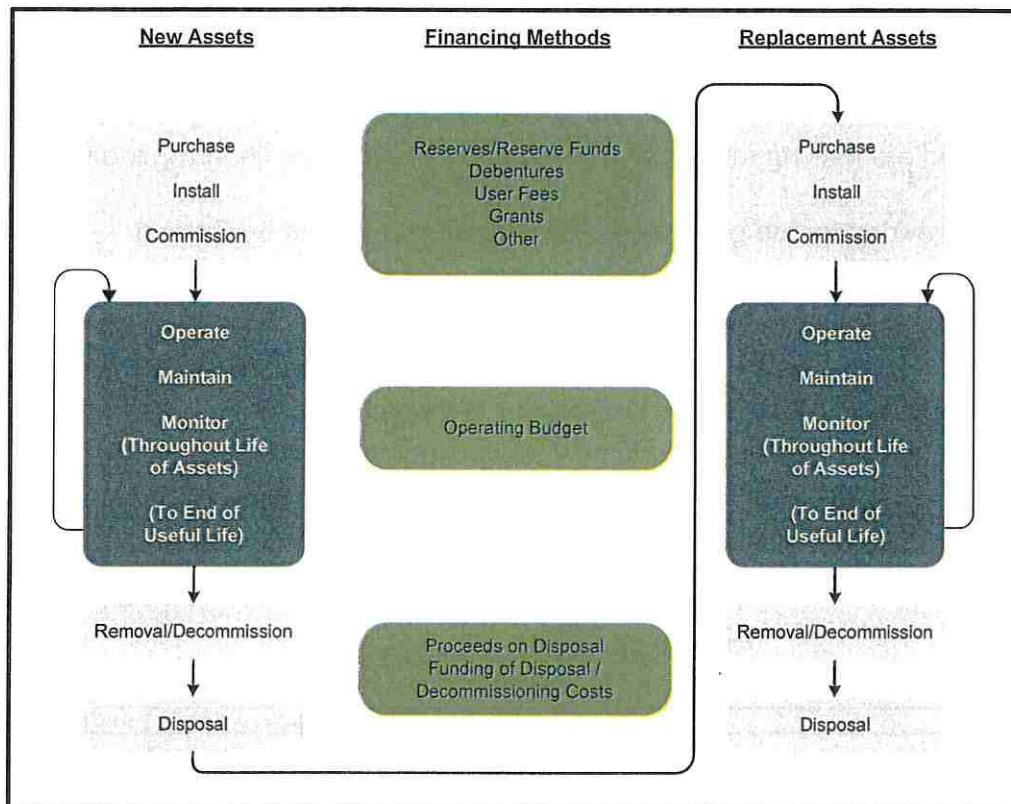
In regard to the above, section 8 of the Regulations was amended to include subsections (2), (3) and (4) which set out for specific detailed requirements for transit (only). For all services except transit, there are no prescribed requirements at this time thus requiring the municipality to define the approach to include within the Background Study.

At a broad level, the Asset Management Plan provides for the long-term investment in an asset over its entire useful life along with the funding. The schematic below identifies the costs for an asset through its entire lifecycle. For growth-related works, the majority of capital costs will be funded by the D.C. non-growth-related expenditures will then be funded from non-D.C. revenues as noted below. During the useful life of the asset, there will be minor maintenance costs to extend the life of the asset along with additional program related expenditures to provide the full services to the residents. At the end of the life of the asset, it will be replaced by non-D.C. financing sources.

It should be noted that with the recent passing of the Infrastructure for Jobs and Prosperity Act (I.J.P.A.) municipalities are now required to complete asset management plans, based on certain criteria, which are to be completed by 2021 for core municipal services and 2023 for all other services. The amendments to the D.C.A. do not require municipalities to complete these asset management plans (required under I.J.P.A.) for



the D.C. background study, rather the D.C.A. requires that the D.C. background study include information to show the assets to be funded by the D.C. are sustainable over their full lifecycle.



In 2012, the Province developed Building Together: Guide for municipal asset management plans which outlines the key elements for an asset management plan (A.M.P.), as follows:

**State of local infrastructure:** asset types, quantities, age, condition, financial accounting valuation and replacement cost valuation.

**Desired levels of service:** defines levels of service through performance measures and discusses any external trends or issues that may affect expected levels of service or the municipality's ability to meet them (for example, new accessibility standards, climate change impacts).

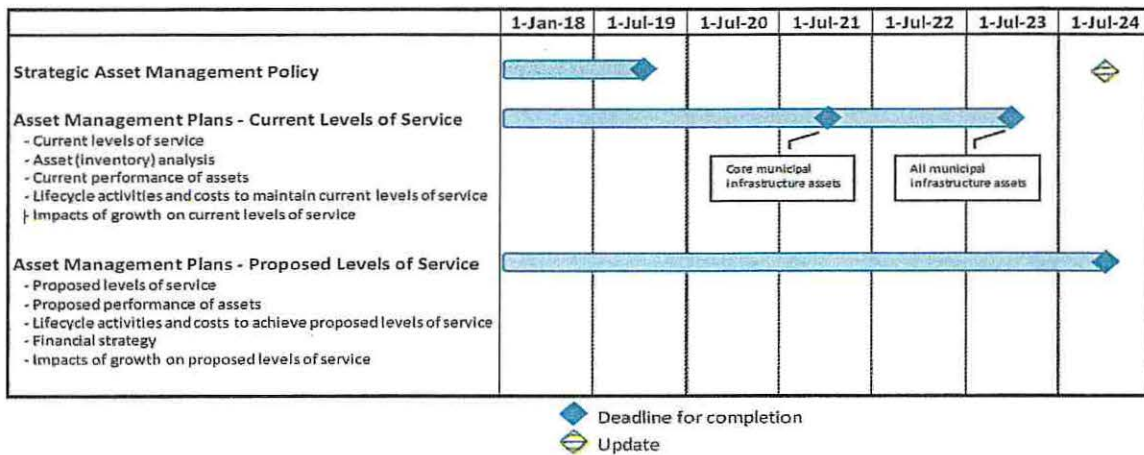


**Asset management strategy:** the asset management strategy is the set of planned actions that will seek to generate the desired levels of service in a sustainable way, while managing risk, at the lowest lifecycle cost.

**Financing strategy:** having a financial plan is critical for putting an A.M.P. into action. By having a strong financial plan, municipalities can also demonstrate that they have made a concerted effort to integrate the A.M.P. with financial planning and municipal budgeting and are making full use of all available infrastructure financing tools.

The above provides for the general approach to be considered by Ontario municipalities. Currently, there is not a mandated approach for municipalities hence leaving discretion to individual municipalities as to how they plan for the long-term replacement of their assets. However, on June 4, 2015, the Province passed the Infrastructure for Jobs and Prosperity Act (I.J.P.A.) which, over time, will require municipalities to undertake and implement asset management plans for all infrastructure they own. On December 27, 2017, the Province of Ontario released Ontario Regulation 588/17 under I.J.P.A. which has 3 phases that municipalities must meet:

Figure G-2  
Timeline of I.J.P.A. Requirements



Every municipality in Ontario will have to prepare a strategic asset management policy by July 1, 2019. Municipalities will be required to review their strategic asset management policies at least every five years and make updates as necessary. The subsequent phases are as follows:

- • Phase 1 – Asset Management Plan (by July 1, 2021):





- For core assets – Municipalities must have the following:
  - Inventory of assets;
  - Current levels of service measured by standard metrics; and
  - Costs to maintain levels of service.
- Phase 2 – Asset Management Plan (by July 1, 2023):
  - Same steps as Phase 1 but for all assets.
- Phase 3 – Asset Management Plan (by July 1, 2024):
  - Builds on Phase 1 and 2 by adding:
    - Proposed levels of service; and
    - Lifecycle management and Financial strategy.

Once the requirements of I.J.P.A. are implemented, the requirement for an asset management plan in the D.C. process will be removed.

Commensurate with the above, the City prepared an Asset Management Plan in 2013 for its existing assets, however, did not take into account future growth-related assets. As a result, the asset management requirement for the D.C. must be undertaken in the absence of this information.

In recognition to the schematic above, the following table (presented in 2019 \$) has been developed to provide the annualized expenditures and revenues associated with new growth. Note that the D.C.A. does not require an analysis of the non-D.C. capital needs or their associated operating costs so these are omitted from the table below. As well, as all capital costs included in the D.C. eligible capital costs are not included in the City's Asset Management Plan, the present infrastructure gap and associated funding plan have not been considered at this time. Hence the following does not represent a fiscal impact assessment (including future tax/rate increases) but provides insight into the potential affordability of the new assets:

1. The non-D.C. recoverable portion of the projects which will require financing from municipal financial resources (i.e. taxation, rates, fees, etc.). This amount has been presented on an annual debt charge amount based on 20-year financing.
2. Lifecycle costs for the 2019 D.C. capital works have been presented based on a sinking fund basis. The assets have been considered over their estimated useful lives.
3. Incremental operating costs for the D.C. services (only) have been included.



4. The resultant total annualized expenditures are \$4.43 million.
5. Consideration was given to the potential new taxation and user fee revenues which will be generated as a result of new growth. These revenues will be available to finance the expenditures above. The new operating revenues are \$1.61 million. This amount, totalled with the existing operating revenues of \$33.69 million, provide annual revenues of \$35.29 million by the end of the period.
6. In consideration of the above, the capital plan is deemed to be financially sustainable.

City of Port Colborne  
 Asset Management – Future Expenditures and Associated Revenues  
 2019\$

	2031 (Total)
<b>Expenditures (Annualized)</b>	
Annual Debt Payment on Non-Growth Related Capital <sup>1</sup>	1,104,615
Annual Debt Payment on Post Period Capital <sup>2</sup>	777,922
<b>Lifecycle:</b>	
<b>Sub-Total - Annual Lifecycle</b>	<b>\$1,054,344</b>
<b>Incremental Operating Costs (for D.C. Services)</b>	<b>\$2,270,169</b>
<b>Total Expenditures</b>	<b>\$4,429,127</b>
<b>Revenue (Annualized)</b>	
Total Existing Revenue <sup>3</sup>	\$33,687,102
Incremental Tax and Non-Tax Revenue (User Fees, Fines, Licences, etc.)	\$1,605,419
<b>Total Revenues</b>	<b>\$35,292,521</b>

<sup>1</sup> Non-Growth Related component of Projects including 10% mandatory deduction on soft services

<sup>2</sup> Interim Debt Financing for Post Period Benefit

<sup>3</sup> As per Sch. 10 of FIR

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# Appendix G

## Proposed D.C. By-law

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# Appendix G: Proposed D.C. By-law

By-law Number \_\_\_\_\_

- of -

## The Corporation of the City of Port Colborne

Being a by-law of the Corporation of the City of Port Colborne with respect to development charges.

**WHEREAS** section 2(1) of the *Development Charges Act, 1997* (hereinafter called "the Act") enables the Council of a municipality to pass by-laws for the imposition of development charges against land located in the municipality 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 City of Port Colborne (hereinafter called "the Council"), at its public meeting of August 26, 2019, approved a report dated July 24, 2019 entitled "City of Port Colborne, 2019 Development Charge Background Study", which report was prepared by Watson & Associates Economists Ltd.;

**AND WHEREAS** the Council has given Notice in accordance with Section 12 of the *Development Charges Act, 1997* of its development charge proposal and held a public meeting on August 26, 2019;

**AND WHEREAS** the Council has heard all persons who applied to be heard in objection to, or in support of, the development charge proposal at such public meeting;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE HEREBY** enacts as follows:

1. In this by-law,

### DEFINITIONS



“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;

“agricultural use” means use or intended use for bona fide farming purposes:

a) including (but not limited to):

i) cultivation of crops whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, grains, field crops, sod trees, shrubs, flowers, and ornamental plants;

ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and

iii) animal husbandry, dairying, equestrian activities, horticultural, fallowing, pasturing, and market gardening;

b) but excluding:

i) winery activities;

ii) retail sales activities; and

iii) marijuana facilities.

“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, and includes a stacked townhouse;

“back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;



“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;

“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 City or a local board thereof directly or by others on behalf of and as authorized by the City 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 (4) above, including the development charge background study required for the provision of services designated in this by-





law within or outside the City, including interest on borrowing for those expenditures under clauses (1) to (4) above that are growth related;

“City” means the Corporation of the City of Port Colborne;

“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, and does not include hotels, motels, motor inns and boarding, lodging and rooming houses;

“Council” means the Council of the City;

“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 has 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 are provided 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 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 part 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 or motor vehicles or for storage and other accessory use;

“industrial” means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly or 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;

“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 City of Port Colborne or any part of parts thereof;



“local services” means those services, facilities or things which are under the jurisdiction of the City 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;

“marijuana facilities” means a building used, designed or intended for growth, producing, testing, destroying, storing or distribution, excluding retail sales, of medical marijuana or cannabis authorized by a license issued by the federal Minister of Health pursuant to section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, S.C. 1996, c.19;

“multiple dwellings” means all dwellings other than single-detached, semi-detached and apartment unit dwellings;

“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 City, 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;

“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 unit 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 units are not connected by an interior corridor;

“service” means a service designated in Schedule “A” to this by-law, and “services” shall have a corresponding meaning;

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

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

“special care facilities” means lands, buildings or structures used or designed or intended for uses for the purpose of providing supervision, nursing care or medical treatment, which do not comprise dwelling units, that are licensed, approved or supervised under any special or general statute, and excludes the special care/special dwelling portions of the building

“special care/special dwelling” means a residential portion of special care facilities containing rooms or suites of rooms designed or intended to be used for sleeping and living accommodation that have a common entrance from street level:

- i. Where the occupants have the right to use in common, halls, stairs, yards, common rooms and accessory buildings;
- ii. Which may or may not have exclusive sanitary and/or culinary facilities;



iii. That is designed to accommodate persons with specific needs, including, but not limited to, independent permanent living arrangements; and

iv. Where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided at various levels.

“Stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor.

## 2. **DESIGNATION OF SERVICES**

2.1 The categories of services for which development charges are imposed under this by-law are as follows:

- (1) Services Related to a Highway;
- (2) Fire Protection Services;
- (3) Indoor Recreation Services;
- (4) Outdoor Recreation Services;
- (5) Library Services;
- (6) Engineering Studies;
- (7) Community Based Studies
- (8) Wastewater Services; and
- (9) Water Services.

2.2 The components of the services designated in Section 2.1 are described in Schedule A.

## 3. **APPLICATION OF BY-LAW RULES**

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



- (1) the lands are located in the area described in Section 3.2; and
- (2) the development of the lands requires any of the approvals set out in Subsection 3.4(1).

#### **Area to Which By-law Applies**

- 3.2 Subject to Section 3.3, this by-law applies to all lands in the City of Port Colborne 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:
  - (1) the City or a local board thereof;
  - (2) a board of education; or
  - (3) the Corporation of the Region of Niagara or a local board thereof.

#### **Approvals for Development**

- 3.4 (1) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:
  - (1) the passing of a zoning by-law or of an amendment to a zoning by-law under Section 34 of the Planning Act;
  - (2) the approval of a minor variance under Section 45 of the Planning Act;
  - (3) a conveyance of land to which a by-law passed under subsection 50(7) of the Planning Act applies;
  - (4) the approval of a plan of subdivision under Section 51 of the Planning Act;
  - (5) a consent under Section 53 of the Planning Act;



(6) 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

(7) the issuing of a permit under the Building Code Act in relation to a building or structure.

(2) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structure to which this by-law applies even though two or more of the actions described in Subsection 3.4(1) are required before the lands, buildings or structures can be developed.

(3) Despite Subsection 3.4(2), if two or more of the actions described in Subsection 3.4(1) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

### Exemptions

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

(1) an enlargement to an existing dwelling unit;

(2) one or two additional dwelling units in an existing single detached dwelling; or

(3) one additional dwelling unit in any other existing residential building.

3.6 Notwithstanding Section 3.5(2), development charges shall be imposed if the total gross floor area of the additional one or two units exceeds the gross floor area of the existing dwelling unit.

3.7 Notwithstanding Section 3.5, development charges shall be imposed if the additional unit has a gross floor area greater than:

(1) in the case of a semi-detached or row dwelling, the gross floor area of the existing dwelling unit; and



(2) in the case of any other residential building, the gross floor area of the smallest dwelling unit contained in the residential building.

### 3.8 Exemption for Industrial Development:

3.8.1 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.

3.8.2 If a development includes the enlargement of the gross floor area of an existing industrial building, the amount of the development charge that is payable in respect of the enlargement is determined in accordance with the following:

(i) Subject to subsection 3.8.2 (iii), if the gross floor area is enlarged by 50 per cent or less of the lesser of:

- (A) the gross floor area of the existing industrial building, or
- (B) the gross floor area of the existing industrial building before the first enlargement for which:

(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid, pursuant to Section 4 of the Act and this subsection,

the amount of the development charge in respect of the enlargement is zero;

(ii) Subject to subsection 3.8.2 (iii), if the gross floor area is enlarged by more than 50 per cent or less of the lesser of:

- (A) the gross floor area of the existing industrial building, or
- (B) the gross floor area of the existing industrial building before the first enlargement for which:





(i) an exemption from the payment of development charges was granted, or

(ii) a lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

the amount of the development charge 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 per cent of the gross floor area before the first enlargement, and

(B) divide the amount determined under subsection (A) by the amount of the enlargement

(iii) For the purposes of calculating the extent to which the gross floor area of an existing industrial building is enlarged in subsection 3.8.2 (ii), the cumulative gross floor area of any previous enlargements for which:

(A) An exemption from the payment of development charges was granted, or

(B) A lesser development charge than would otherwise be payable under this by-law, or predecessor thereof, was paid,

pursuant to Section 4 of the Act and this subsection,

shall be added to the calculation of the gross floor area of the proposed enlargement.

(iv) For the purposes of this subsection, the enlargement must not be attached to the existing industrial building by means only of a tunnel, bridge, passageway, canopy, shared below grade connection, such as a service tunnel, foundation, footing or parking facility.



3.9 For the purpose of Section 3.8 herein, “existing industrial building” is used as defined in the Regulation made pursuant to the Act.

3.10 Other Exemptions:

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

- (1) Non-residential farm buildings for the purpose of an agricultural use except for any building constructed to accommodate an On-Farm Business which shall be considered to be an industrial building;
- (2) Downtown core area is exempt from payment of development charges;
- (3) Industrial development shall be exempt from payment of development charges on any square footage of gross floor area constructed over 5,000 square feet;
- (4) Partial exemption requiring the payment of only the roads and fire protection components of the charge for all residential unit types constructed within the Sherkston Secondary Plan Area;
- (5) Partial exemption of up to 70% of the payable development charges for development on Brownfield properties under the City of Port Colborne Brownfield Community Improvement Plan, which have an approved Application and Agreement under the Brownfield Rehabilitation Grant Program; and
- (6) Partial exemption for certain Community Improvement Plan areas based upon specific policies approved by Council.

### **Amount of Charges**

#### **Residential**

3.11 The development charges set out in Schedule B 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 B 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 12 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:

(1) 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 demolished or will be demolished or converted to another principal use; and

(2) 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.

### **Timing of Payment of Development Charges**



- 3.14 Development charges imposed under this by-law are calculated, payable, and collected upon issuance of a building permit with respect to each dwelling unit, building or structure.
- 3.15 Despite Section 3.14, 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 the anniversary date of the by-law, 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 - Components of Services Designated in Section 2.1

Schedule B1 - Schedule of Development Charges – Hard Services

Schedule B2 - Schedule of Development Charges – Soft Services

Schedule C1 - Map of East Waterfront Community Plan

Schedule C2 - Map of Downtown Community Improvement Plan

Schedule C3 - Map of Olde Humberstone Community Improvement Plan



## 7. CONFLICTS

7.1 Where the City 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.

7.2 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(1), 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 of 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 12:01 AM on \_\_\_\_\_, 2019

## 10. DATE BY-LAW EXPIRES

10.1 This by-law shall expire at 12:01 AM on \_\_\_\_\_, 2024 unless it is repealed by Council at an earlier date.

## 11. EXISTING BY-LAW REPEALED

11.1 By-law No. 6131/97/14 is hereby repealed as of the date and time of this by-law coming into effect.

## 12. SHORT TITLE

This by-law may be cited as the "Port Colborne City-wide Development Charge Bylaw."



READ a first and second time, this \_\_\_ day of \_\_\_\_\_, 2019.

READ a third time and finally passed in Council, this \_\_\_ day of \_\_\_\_\_, 2019.

THE CORPORATION OF THE CITY OF PORT  
COLBORNE

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



BY-LAW NUMBER \_\_\_\_\_

SCHEDULE "A"

DESIGNATED MUNICIPAL SERVICE UNDER THIS BY-LAW

City-wide Services (Soft)

1. Community Based Studies
2. Outdoor Recreation Services
3. Indoor Recreation Services
4. Library Services

City-wide Services (Hard)

1. Engineering Studies
2. Fire Protection Services
3. Services Related to a Highway

Urban Area Services

1. Wastewater Services
2. Water Services



SCHEDULE "B1"

TO BY-LAW \_\_\_\_\_ OF CITY OF PORT COLBORNE

SCHEDULE OF DEVELOPMENT CHARGES – HARD SERVICES

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)
<b>City-Wide Services:</b>						
Services Related to a Highway	2,160	1,595	1,557	952	862	1.10
Fire Protection Services	155	114	112	68	62	0.08
Engineering Related Studies	267	197	192	118	107	0.13
<b>Total City-Wide Services</b>	<b>2,582</b>	<b>1,906</b>	<b>1,861</b>	<b>1,138</b>	<b>1,031</b>	<b>1.31</b>
<b>Urban Services</b>						
Wastewater Services	1,593	1,176	1,149	702	636	0.76
Water Services	3,688	2,723	2,659	1,626	1,472	1.75
<b>Total Urban Services</b>	<b>5,281</b>	<b>3,899</b>	<b>3,808</b>	<b>2,328</b>	<b>2,108</b>	<b>2.51</b>
<b>GRAND TOTAL CITY-WIDE</b>	<b>2,582</b>	<b>1,906</b>	<b>1,861</b>	<b>1,138</b>	<b>1,031</b>	<b>1.31</b>
<b>GRAND TOTAL CITY-WIDE + URBAN SERVICES</b>	<b>7,863</b>	<b>5,805</b>	<b>5,669</b>	<b>3,466</b>	<b>3,139</b>	<b>3.82</b>





SCHEDULE "B2"

TO BY-LAW \_\_\_\_ OF CITY OF PORT COLBORNE

SCHEDULE OF DEVELOPMENT CHARGES – SOFT SERVICES

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)
<b>City-Wide Services:</b>						
Outdoor Recreation Services	305	225	220	134	122	0.02
Indoor Recreation Services	2,999	2,214	2,162	1,322	1,197	0.21
Library Services	163	120	118	72	65	0.01
Community Based Studies	89	66	64	39	36	0.04
<b>Total City-Wide Services</b>	<b>3,556</b>	<b>2,625</b>	<b>2,564</b>	<b>1,567</b>	<b>1,420</b>	<b>0.28</b>



SCHEDULE "C1"

MAP OF EAST WATERFRONT COMMUNITY PLAN



East Waterfront Community Improvement Plan | Port Colborne



SCHEDULE "C2"

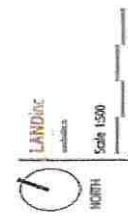
MAP OF DOWNTOWN COMMUNITY IMPROVEMENT PLAN





SCHEDULE "C3"

MAP OF OLDE HUMBERSTONE COMMUNITY PLAN



CITY OF PORT COLBORNE  
Olde Humberstone Community Improvement Plan  
Streetscape Master Plan  
September 2008



**City of Port Colborne**  
**Regular Meeting of Committee of the Whole 22-19**  
**Monday, August 26, 2019**  
**following the Special Meeting of Council**  
**Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum and Delegation Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Committee of the Whole 21-19, held on August 12, 2019
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Presentations:**

Nil.
9. **Delegations (10 Minutes Maximum):**
  - (a) Jodi Shanoff, Vice-President, Consultation and Engagement, Environics Re: Regional Governance Review Survey (Page No. 217)
10. **Mayor's Report:**
11. **Regional Councillor's Report:**
12. **Councillors' Items:**
  - (a) Councillors' Issues/Enquiries
  - (b) Staff Responses to Previous Councillors' Enquiries
13. **Consideration of Items Requiring Separate Discussion:**
14. **Notice of Motion:**
15. **Adjournment:**

**Upcoming Committee of the Whole and Council Meetings**

Monday, September 9, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, September 23, 2019	Committee of the Whole/Council – 6:30 P.M.
Tuesday, October 15, 2019	Committee of the Whole/Council – 6:30 P.M.
Monday, October 28, 2019	Committee of the Whole/Council – 6:30 P.M.

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

## Committee Items:

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><b><u>Planning and Development Department, Report 2019-128, Subject: Planning and Development Department Fees</u></b></p> <p>That Planning and Development Department Report 2019-128, Subject: Planning and Development Department Fees, be received for information.</p> <p>Note: Dan Aquilina, Director of Planning and Development, will be providing a presentation regarding the above report.</p>	249
WCS MB EB RB GB FD AD DK HW	2.	<p><b><u>Planning and Development Department, Planning Division, Report 2019-129, Subject: Proposed Development Agreement for David Luckasavitch and Mary Ventresca, 534 Pleasant Beach Road</u></b></p> <p>That a development agreement be entered into with David Luckasavitch and Mary Ventresca for 534 Pleasant Beach Road and that the Mayor and Clerk be authorized to sign and execute the agreement.</p>	263
WCS MB EB RB GB FD AD DK HW	3.	<p><b><u>Corporate Services Department, Clerks Division, Report 2019-130, Subject: Shopping Cart By-law</u></b></p> <p>That Appendix A to Corporate Services Department, Clerks Division Report 2019-130, Subject: Shopping Cart By-law, be supported; and</p> <p>That the Shopping Cart By-law and an amendment to the Fees and Charges By-law be brought forward for approval.</p>	269
<b>Miscellaneous Correspondence</b>			
WCS MB EB RB GB FD AD DK HW	4.	<p><b><u>Region of Niagara Re: Niagara Peninsula Conservation Authority (NPCA) Board Appointments (PDS-C 15-2019)</u></b></p> <p>That the correspondence received from the Region of Niagara Re: Niagara Peninsula Conservation Authority (NPCA) Board Appointments, be received for information.</p>	275

Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.

WCS	MB	EB	5.	<b>Region of Niagara Re: Bill 108 – Transition Regulations to the Planning Act and Development Charges Act (PDS 28-2019)</b>	279
RB	GB	FD			
AD	DK	HW		That the correspondence received from the Region of Niagara Re: Bill 108 – Transition Regulations to the Planning Act and Development Charges Act, be received for information.	
WCS	MB	EB	6.	<b>Memorandum from Carrie McIntosh, Deputy Clerk Re: Port Colborne Harvest Festival</b>	293
RB	GB	FD			
AD	DK	HW		That the Council of The Corporation of the City of Port Colborne hereby deems the 2019 Harvest Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for Special Occasion Permit.	
<b>Outside Resolutions – Requests for Endorsement</b>					
Nil.					
<b>Responses to City of Port Colborne Resolutions</b>					
Nil.					

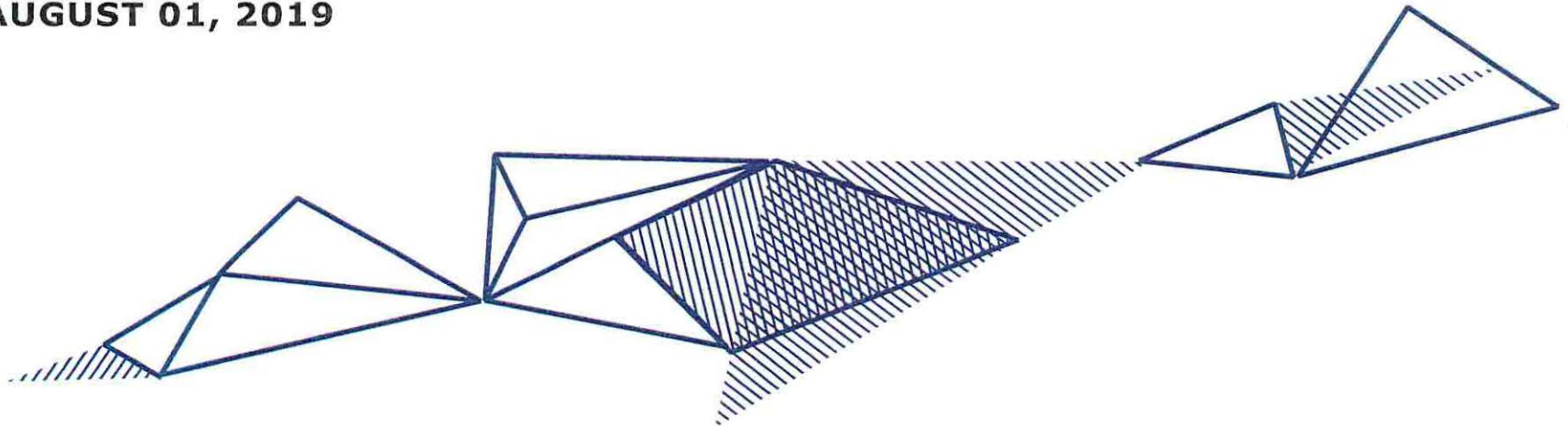
Note: If not otherwise attached to the staff report, by-laws are published and available for review under the "Consideration of By-laws" section of the Council agenda.



# **Regional Governance Review Survey Presentation of Findings**

**REGION OF NIAGARA**

**AUGUST 01, 2019**

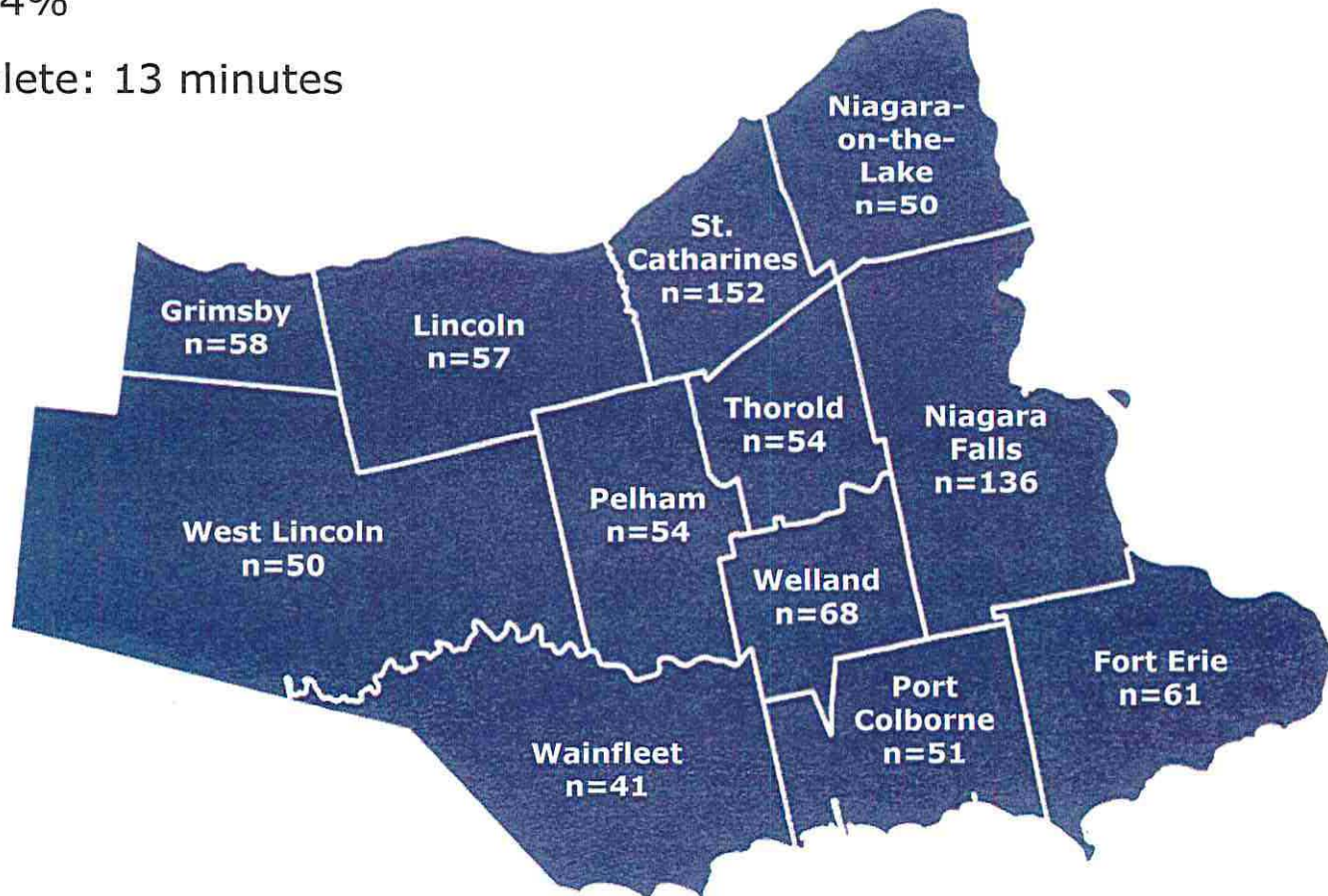


# METHODOLOGY

A telephone survey was conducted with a representative sample of Niagara Region residents between May 30 – June 17, 2019:

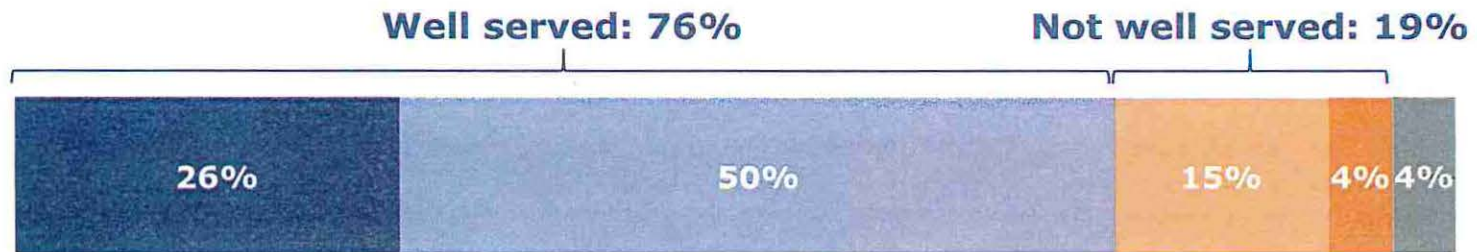
- Total N: 832
- Margin of error: +/- 3.4%
- Average Time to Complete: 13 minutes

	Actual sample (unweighted)	2016 Census (weighted)
<b>Gender</b>		
Men	45%	48%
Women	55%	52%
<b>Age</b>		
18-34	12%	24%
35-54	22%	31%
55+	66%	45%



# DELIVERY OF TWO-TIER GOVERNMENT

Three-quarters of Niagara Region residents feel well-served by the current two-tier structure of municipal government.



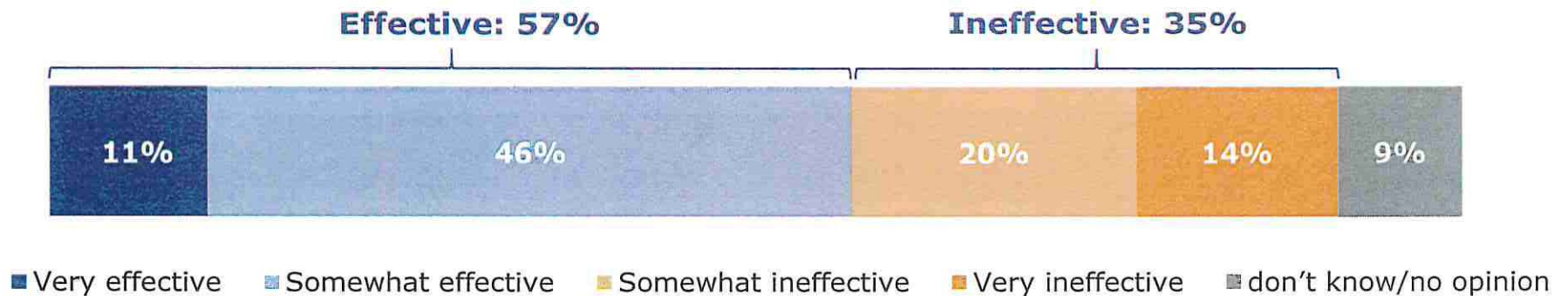
■ Very well served   ■ Somewhat well served   ■ Not very well served   ■ Not at all well served   ■ Don't know

Q1. As you may know, <Municipality> residents are served by two levels of municipal government: <Municipality>, providing local services such as fire services, parks and recreation and community centres, and Niagara Region, which provides services across a broader geography such as emergency medical services, policing, public health, seniors services, and waste management. How well do you feel <Municipality> residents are being served by this current two-tier structure of municipal government?

Base: all respondents (n=832)

# EFFECTIVENESS OF GOVERNANCE STRUCTURE

A majority of residents feel that the current structure of elected officials is effective at representing their interests when making decisions for Niagara Region.



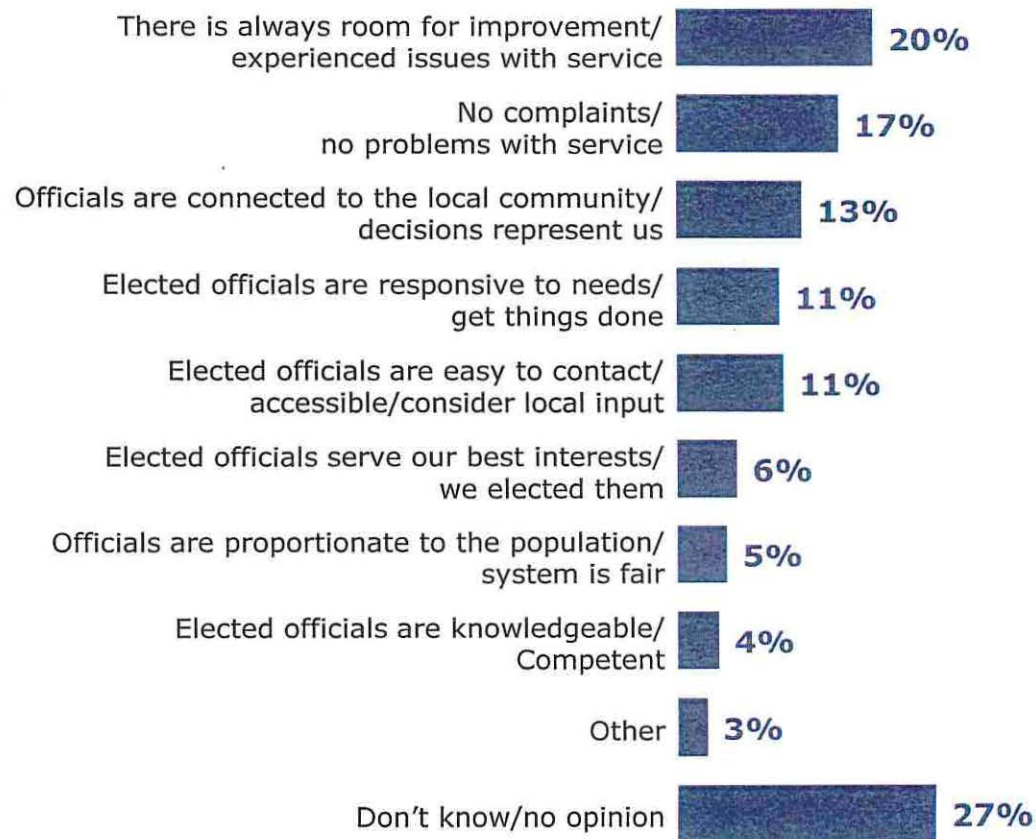
Q2. Niagara Region is made up of five cities, five towns and two townships, each of which have elected local councils governing them. Each community also elects Regional councillors, who along with the elected mayor, make decisions for Niagara Region. The number of regional councillors elected depends on the size of the community. <Municipality> has <number of regional councillors>.

Setting aside your political views, how effective or ineffective do you feel this structure of elected officials is at representing your interests when they are making decisions for Niagara Region?

Base: all respondents (n=832)

# REASONS FOR EFFECTIVENESS

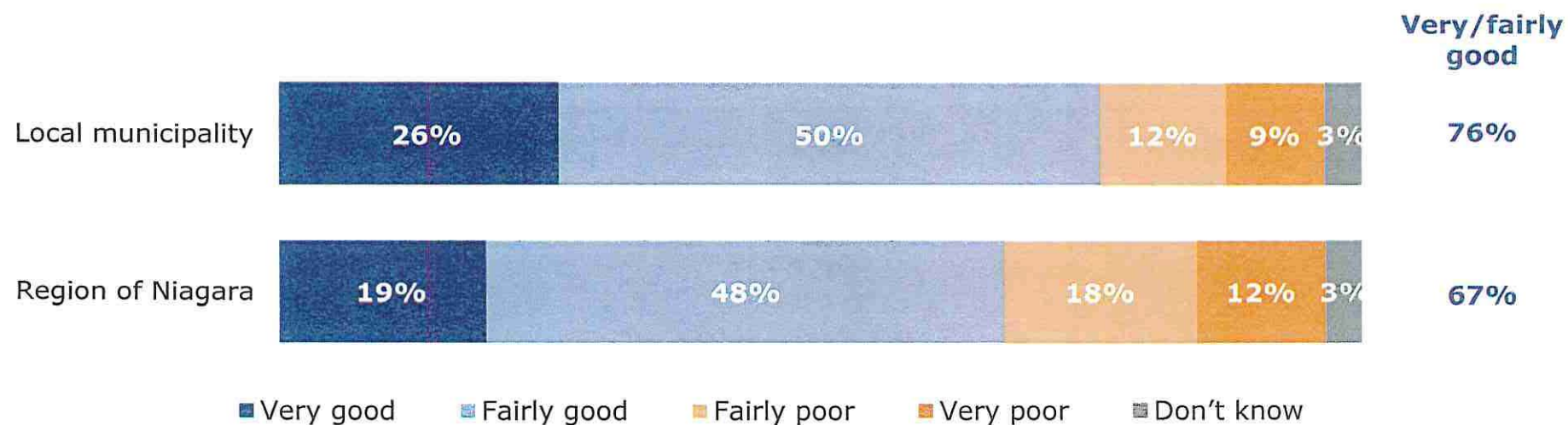
Residents who consider the current structure effective say that there is always room for improvement, that they have no complaints, or that officials are connected to and represent the local community.



Q3A. Why do you say the structure of elected officials is effective at representing your interests when they are making decisions for Niagara Region?  
Base: current structure is effective (n=466)

# VALUE FOR TAX DOLLARS

Three-quarters of residents say they receive good value for their tax dollars from their local municipality, while two-thirds say the same of Niagara Region.



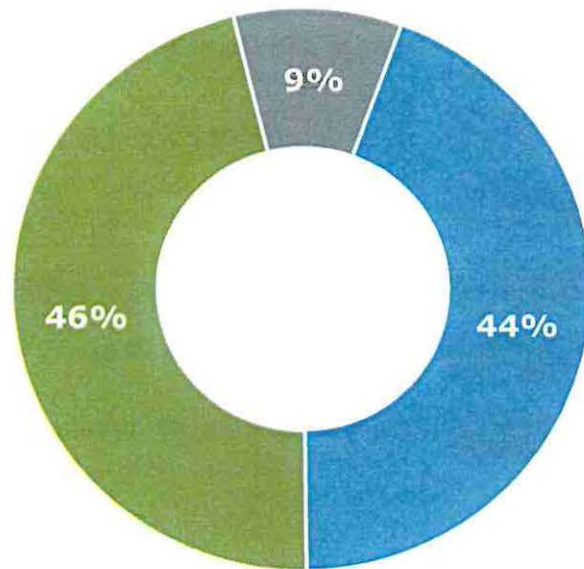
Q4. Thinking about all the programs and services you receive from <municipality>, would you say that, overall, you receive very good, fairly good, fairly poor or very poor value for your tax dollars?

Q5. And thinking about all the programs and services you receive from the Region of Niagara, would you say that, overall, you receive very good, fairly good, fairly poor or very poor value for your tax dollars?

Base: all respondents (n=832)

# REPRESENTATION PREFERENCE

Niagara Region residents are closely split between a preference for separate councillors elected at the lower-tier and regional level and one set of councillors elected for both.



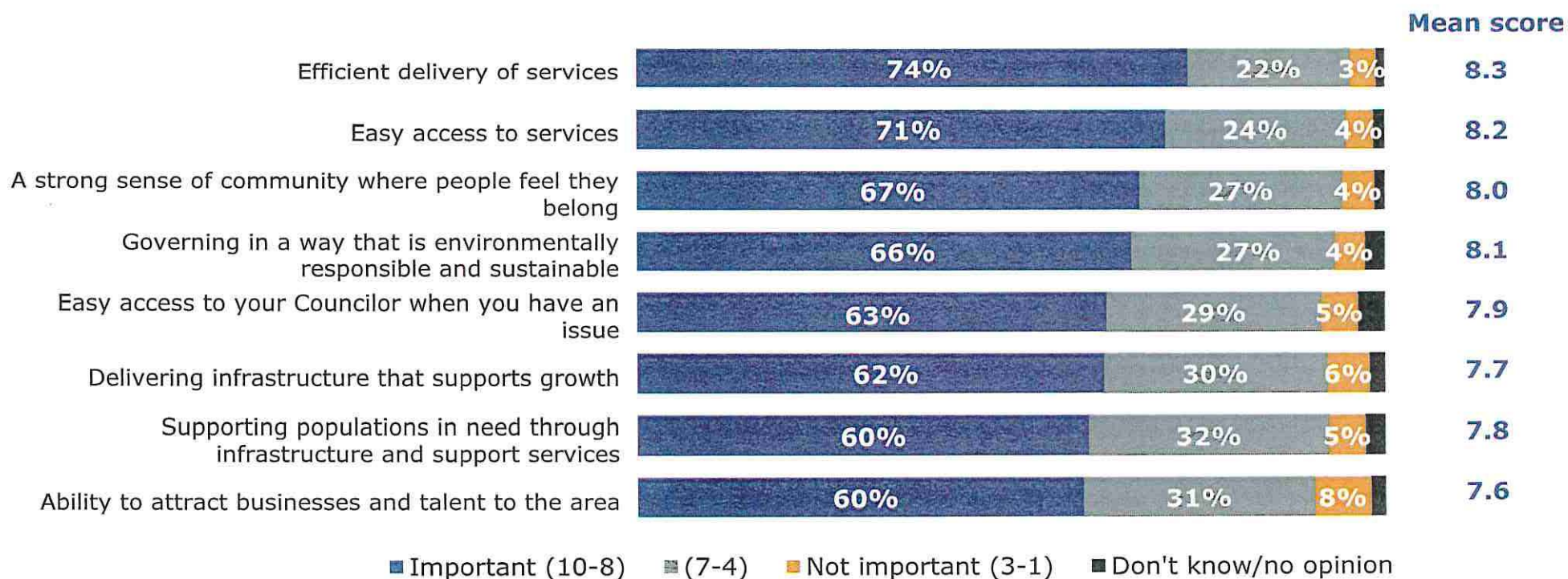
- Separate Councillors elected to represent residents at [lower-tier municipality] and regional levels
- One set of Councillors elected to represent residents at both [lower-tier municipality] and regional levels
- Don't know/no opinion

Q6. When you think about how you are represented at both the <town/city/township> and Regional levels, which scenario would you prefer?

Base: all respondents (n=832)

# CITIZEN PRIORITIES

When considering aspects of local government that are of importance, Niagara Region residents prioritize efficient delivery and easy access to services.



Q8-Q15. Using a ten-point scale where one means "not at all important" and ten means "extremely important", please indicate how important each of the following are to you personally when thinking about your local government.

Base: all respondents (n=832)



# DEFINITIONS OF POTENTIAL STRUCTURES

Residents were given the following descriptions of potential municipal governance structures before proceeding to subsequent questions.

As you may know, the provincial government is currently undertaking a review of the governance, decision-making and service delivery functions of Ontario's regional municipalities, including the Niagara Region and its twelve municipalities. Some possible outcomes from this review could include the following:

**Current Structure.** The province may decide to leave the current structure in place where the <municipality> remains a lower-tier municipality within Niagara Region. Each level of government would retain responsibility for delivery of services.

**Partial amalgamation.** A scenario that combines some Niagara area municipalities into larger municipal governments which are responsible for delivering services within the new municipality.

**Total amalgamation.** A scenario whereby the 12 municipalities within the Niagara Region are brought together into one central government which has the sole responsibility for administering services across a new amalgamated geography.

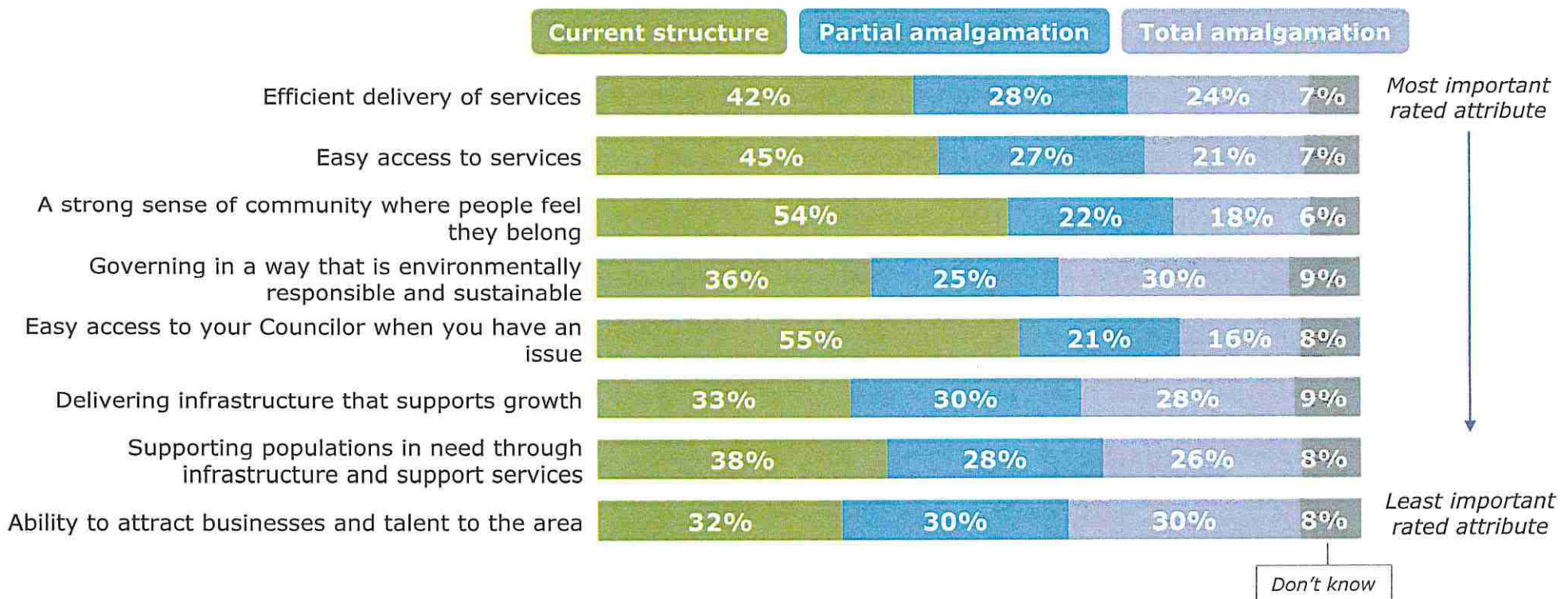
I'd like to ask you about the different aspects of municipal governance and administration discussed earlier and get your sense of which of these three municipal models you think would do the best job of delivering services in a way that meets your expectations.

To recall, the three options are:

- The **current structure**, or two-tier model, in place now in Niagara Region;
- The **partial amalgamation** of a few municipalities into one municipality
- A **total amalgamation** of all of the municipalities currently within Niagara Region.

# PREFERRED GOVERNMENT STRUCTURE

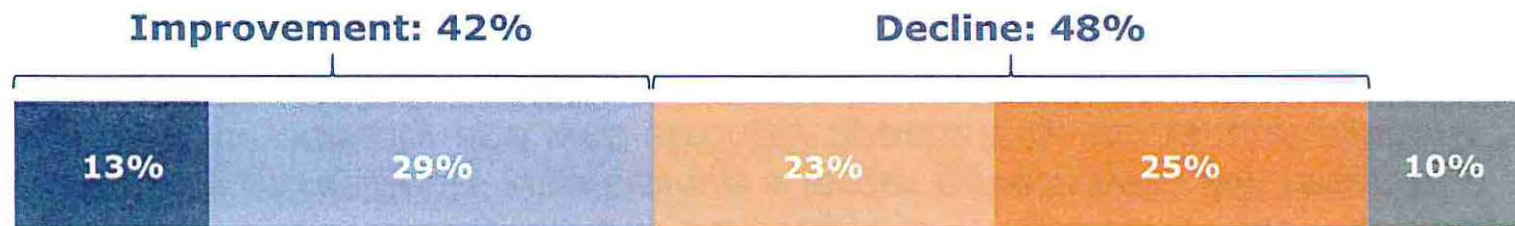
Majorities of residents express a preference for the current structure when considering delivering a strong sense of community and providing easy access to Councillors.



Q16-Q23. Which of the three models would do the best job of...  
 Base: all respondents (n=832)

# EFFECT OF LARGER GOVERNMENT ON SERVICES

Overall, residents are closely split in their expectations of the quality of service delivered if their local municipality became part of a larger municipal structure. A plurality lean towards an expectation of a decline in service, of which one-quarter anticipate the decline would be significant.



■ A significant improvement ■ A moderate improvement ■ A moderate decline ■ A significant decline ■ Don't know/no opinion


Q24. If [MUNICIPALITY] was reorganized to make it larger would that result in an [improvement/decline] in the quality of service delivery to [MUNICIPALITY]?

Base: all respondents (n=832)

## Key Takeaways

- ▶ Residents generally express **confidence in the current state** of representation in Niagara Region; they feel well-served by current political representation, feel their interests are well represented by the two-tier system and derive value for the taxes they pay to both tiers of municipal government.
- ▶ There are small pockets of evidence of a **limited appetite for some changes** to the two-tier system. A significant proportion of Niagara Region residents anticipate efficiencies derived from one set of councilors to represent residents at both municipal levels. However, this sentiment is limited as it runs into opposition from a majority of residents who believe a larger government will result in a decline in service delivery and who strongly oppose any increase in property taxes to fund a new, larger municipality.
- ▶ Support for the current government structure translates into confidence that **existing representation can best deliver important services and community character**. Amalgamation scenarios receive diffused support for the delivery of some municipal responsibilities, however the overall tone of support for the current structure and pronounced opposition to any changes that would negatively impact service delivery or taxation suggest that resistance to change would be vocalized should amalgamation be imposed throughout the region.

**ENVIRONICS**  
RESEARCH

Niagara  Region

**Regional Governance Review Survey  
Detailed Report**

REGION OF NIAGARA  
JULY 15, 2019

**TABLE OF CONTENTS**

Section	Slide
Executive Summary	3
Research Overview and Methodology	4
Perceptions of Current Governance	9
Preference for Different Models of Governance	23
Key Takeaways	37
Respondent characteristics	38

**ENVIRONICS**

NIAGARA REGION | REGIONAL REVIEW SURVEY | DRAFT REPORT | 2

## EXECUTIVE SUMMARY

### Positive perceptions of the current structure of governance.

Overall, Niagara region residents have positive perceptions of current governance.

- The majority say they receive good value for tax dollars at both the lower-tier (76%) and Regional levels (67%).
- Most (50%) of those who have reached out to their municipal government say they have rarely or never encountered confusion over the division of responsibilities between their local municipal government and regional government. Only a quarter (27%) have sometimes or often encountered confusion.
- The majority (76%) feel well-served by the current two-tier structure of municipal government.

The majority (57%) feel that the current structure of elected officials is effective at representing their interests when making decisions for Niagara Region. At the same time, Niagara Region residents are evenly split between preferring separate councillors elected at the lower-tier and regional level (44%) versus one set of councillors elected for both (46%).

Of all 12 lower-tier municipalities, Wainfleet residents tend to have consistently less positive perceptions of the current governance structure.

## EXECUTIVE SUMMARY

### Mixed opinions of the outcome of larger government.

Niagara region residents hold mixed opinions regarding the impact on service delivery of amalgamating their local municipality into a larger government. Specifically, around half (48%) anticipate it would result in a decline in service, while four-in-ten (42%) say it would result in improvements.

When asked about the importance of different aspects of governance, efficient delivery of services and ease of access to service are most often identified as important (74% and 71% respectively).

## EXECUTIVE SUMMARY

### Opinions lean toward the current governance structure as best delivering on areas of responsibility.

Niagara residents were asked to select between three distinct governance models (current structure, partial amalgamation or total amalgamation) which they believe can best deliver on eight different areas of municipal government responsibility. A resident's preference for a model was determined by that resident selecting the model for a majority of the eight areas of responsibility tested:

- Only one-in-five residents prefer either amalgamation structure (20% and 19% respectively) in a majority of instances. Half (50%) and close to half (45%) never opt for partial or total amalgamation respectively for any area of responsibility.
- Two-in-five (38%) residents prefer the current structure in a majority of instances. A third (33%) of residents never opted for the current structure for any area of responsibility.

Preference for the current structure is more common among those saying they are well served by it (57%) and those believing they receive very good value for municipal (55%) and regional tax dollars (52%). Conversely, preference for total amalgamation is more common among those saying the current structure of elected officials is ineffective (27%) and those believing they receive poor value for municipal (29%) and regional tax dollars (26%).

## Research Overview & Methodology

## RESEARCH OVERVIEW AND METHODOLOGY

**Overview.** Niagara Region, in partnership with its 12 lower-tier municipalities, commissioned Environics Research to conduct a representative survey of residents across the Region. The research objectives included understanding attitudes towards municipal and regional governance, representation, and the potential of amalgamation.

**Methodology.** A telephone survey was fielded among a random sample of Niagara Region residents. This report is based on 832 interviews. The average interview length was 13 minutes.

The survey data are weighted by age and gender according to 2016 Census data. Quotas based on census subdivisions ensured geographical representation.

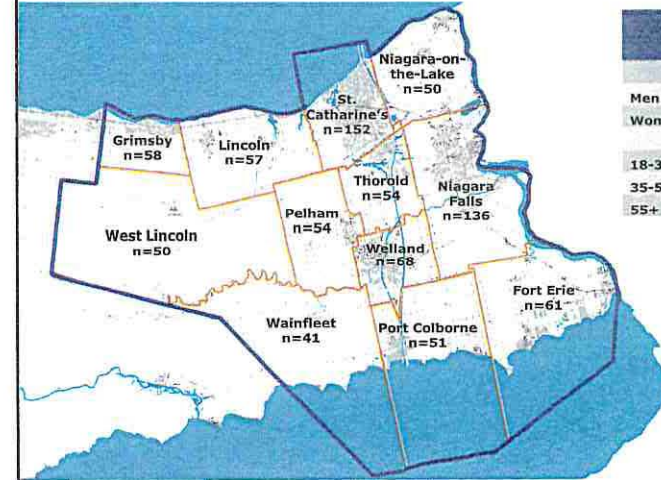
- A sample of 832 produces results that are statistically reliable to within  $\pm 3.4$  percentage points, 19 times out of 20 (that is, at a 95% confidence interval). The margin of error is larger for smaller sub-segments of the total sample.

**Field dates.** May 30 to June 17, 2019.

**Notes:**

- In this report, results are expressed as percentages unless otherwise noted.
- Results may not add to 100% due to rounding or multiple responses.

## SURVEY REPRESENTATION ACROSS NIAGARA



	Actual sample (unweighted)	2016 Census (weighted)
<b>Gender</b>		
Men	45%	48%
Women	55%	52%
<b>Age</b>		
18-34	12%	24%
35-54	22%	31%
55+	66%	45%



# Survey Findings: Perceptions of Current Governance

## DELIVERY OF TWO-TIER GOVERNMENT

Three-quarters of Niagara Region residents feel well-served by the current two-tier structure of municipal government. Holding the opinion of being well served declines with age.



### MOST LIKELY TO SAY:

#### Well Served

- 18 to 34 years old (86%)
- Believe receive *good* value for lower-tier municipal tax dollars (86%)
- Believe receive *good* value for regional tax dollars (89%)
- Say current structure is *effective* at representing interests (91%)

#### Not Well Served

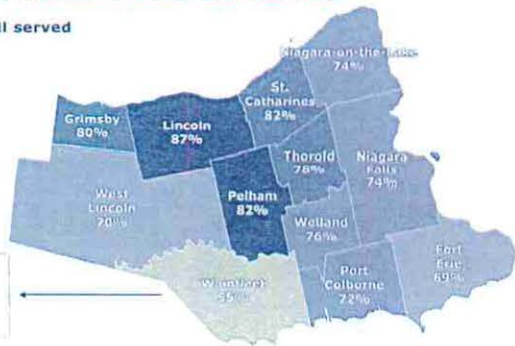
- 55 years and older (26%)
- Say receive *poor* value for lower-tier municipal tax dollars (51%)
- Say receive *poor* value for regional tax dollars (48%)
- Say current structure is *ineffective* at representing interests (42%)

Q1. As you may know, <Municipality> residents are served by two levels of municipal government: <Municipality>, providing local services such as fire services, parks and recreation and community centres, and Niagara Region, which provides services across a broader geography such as emergency medical services, policing, public health, seniors services, and waste management. How well do you feel <Municipality> residents are being served by this current two-tier structure of municipal government?  
Base: all respondents (n=832)

### WELL SERVED BY TWO-TIER GOVERNMENT

Residents of Wainfleet are least likely to say that they are well-served by the current structure, while those in Lincoln are most likely.

% Very/somewhat well served



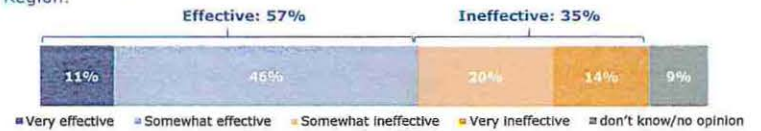
Compared to most other lower-tier municipalities, significantly fewer Wainfleet residents say they are very/somewhat well served by the current two-tier structure.



Q1. As you may know, <Municipality> residents are served by two levels of municipal government: <Municipality>, providing local services such as fire services, parks and recreation and community centres, and Niagara Region, which provides services across a broader geography such as emergency medical services, policing, public health, seniors services, and waste management. How well do you feel <Municipality> residents are being served by this current two-tier structure of municipal government?  
Base: all respondents (n=832)

### EFFECTIVENESS OF GOVERNANCE STRUCTURE

A majority of residents feel that the current structure of elected officials is effective at representing their interests when making decisions for Niagara Region.



#### MOST LIKELY TO SAY:

##### Effective

- 18 to 34 years old (70%)
- Believe receive good value for lower-tier municipal tax dollars (65%)
- Believe receive good value for regional tax dollars (70%)
- Prefer separate sets of councillors (68%)

##### Ineffective

- 35 to 54 years old (42%) & 55 years and older (35%)
- Believe receive poor value for lower-tier municipal tax dollars (64%)
- Believe receive poor value for regional tax dollars (65%)
- Prefer one set of councillors (45%)

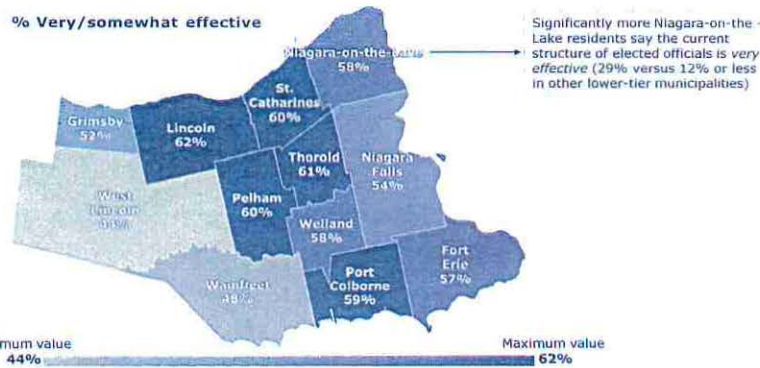
Q2. Niagara Region is made up of five cities, five towns and two townships, each of which have elected local councils governing them. Each community also elects Regional councillors, who along with the elected mayor, make decisions for Niagara Region. The number of regional councillors elected depends on the size of the community. <Municipality> has <number of regional councillors>.

Setting aside your political views, how effective or ineffective do you feel this structure of elected officials is at representing your interests when they are making decisions for Niagara Region?  
Base: all respondents (n=832)

### EFFECTIVE GOVERNANCE STRUCTURE

Residents of West Lincoln and Wainfleet are the least likely to say the current structure is effective at representing their interest. The majority of residents in other municipalities feel it is effective.

% Very/somewhat effective



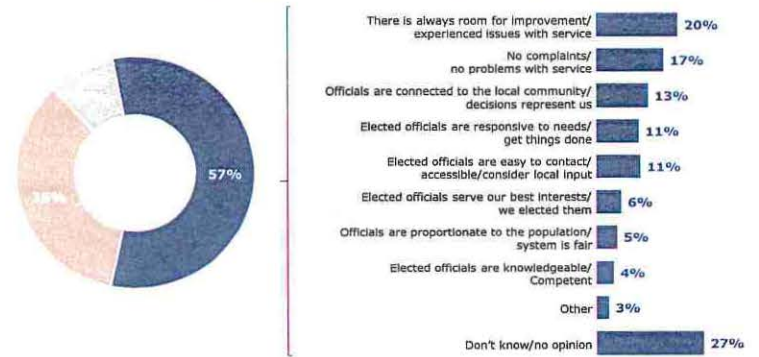
Significantly more Niagara-on-the-Lake residents say the current structure of elected officials is very effective (29% versus 12% or less in other lower-tier municipalities)

Q2. Setting aside your political views, how effective or ineffective do you feel this structure of elected officials is at representing your interests when they are making decisions for Niagara Region?  
Base: all respondents (n=832)



### REASONS FOR EFFECTIVENESS

Residents who consider the current structure effective say that there is always room for improvement, that they have no complaints, or that officials are connected to and represent the local community.

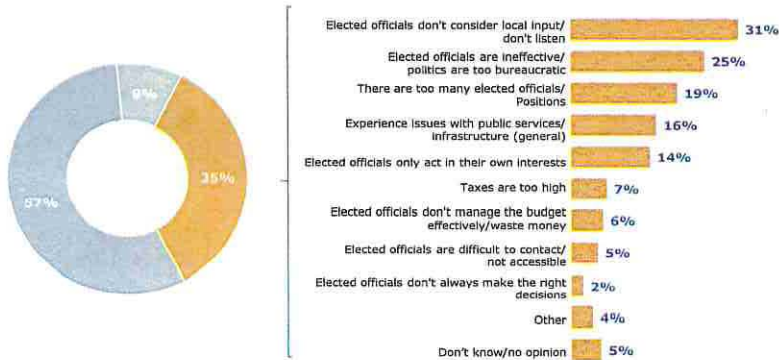


Q3A. Why do you say the structure of elected officials is effective at representing your interests when they are making decisions for Niagara Region?  
Base: current structure is effective (n=466)



### REASONS FOR INEFFECTIVENESS

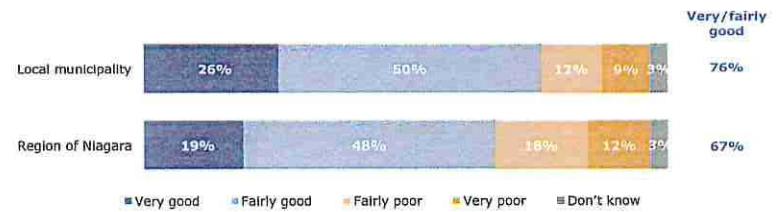
Residents who consider the current structure ineffective say the elected officials don't consider local input, or that the elected officials are ineffective.



Q3B. Why do you say the structure of elected officials is ineffective at representing your interests when they are making decisions for Niagara Region? Base: current structure is ineffective (n=295)

### VALUE FOR TAX DOLLARS

Three-quarters of residents say they receive good value for their tax dollars from their local municipality, while two-thirds say the same of Niagara Region.



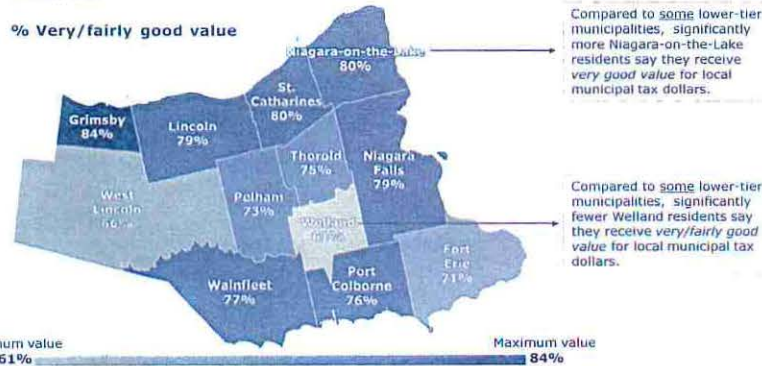
Q4. Thinking about all the programs and services you receive from <municipality>, would you say that, overall, you receive very good, fairly good, fairly poor or very poor value for your tax dollars?

Q5. And thinking about all the programs and services you receive from the Region of Niagara, would you say that, overall, you receive very good, fairly good, fairly poor or very poor value for your tax dollars? Base: all respondents (n=832)

### GOOD VALUE FOR LOCAL MUNICIPAL TAX DOLLARS

Residents of Grimsby are the most likely to say they receive good value for lower-tier municipal tax dollars, while Welland residents are the least likely to say so.

% Very/fairly good value



Compared to some lower-tier municipalities, significantly more Niagara-on-the-Lake residents say they receive very good value for local municipal tax dollars.

Compared to some lower-tier municipalities, significantly fewer Welland residents say they receive very/fairly good value for local municipal tax dollars.

Minimum value 61% Maximum value 84%

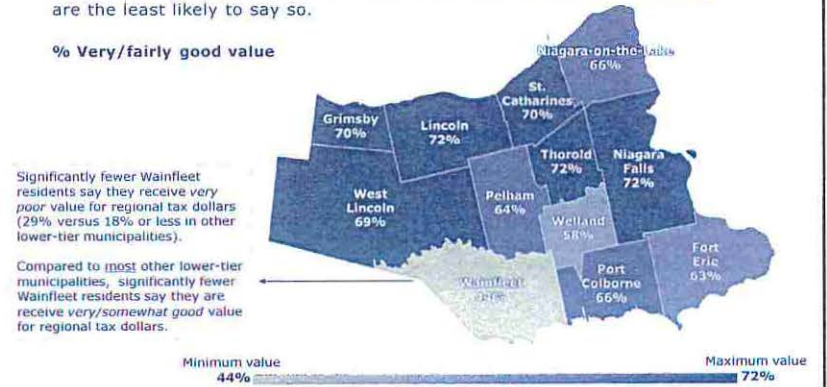
Q4. Thinking about all the programs and services you receive from <municipality>, would you say that, overall, you receive very good, fairly good, fairly poor or very poor value for your tax dollars?  
Base: all respondents (n=832)



### GOOD VALUE FOR REGIONAL TAX DOLLARS

Residents of Lincoln, Thorold and Niagara Falls are the most likely to say they receive good value for regional tax dollars, while Wainfleet residents are the least likely to say so.

% Very/fairly good value



Significantly fewer Wainfleet residents say they receive very poor value for regional tax dollars (29% versus 18% or less in other lower-tier municipalities).

Compared to most other lower-tier municipalities, significantly fewer Wainfleet residents say they are receive very/somewhat good value for regional tax dollars.

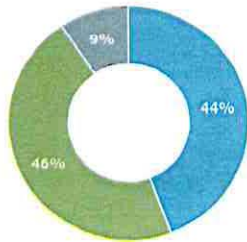
Minimum value 44% Maximum value 72%

Q5. And thinking about all the programs and services you receive from the Region of Niagara, would you say that, overall, you receive very good, fairly good, fairly poor or very poor value for your tax dollars?  
Base: all respondents (n=832)



## REPRESENTATION PREFERENCE

Niagara Region residents are closely split between a preference for separate councillors elected at the lower-tier and regional level and one set of councillors elected for both.



- Separate Councillors elected to represent residents at [lower-tier municipality] and regional levels
- One set of Councillors elected to represent residents at both [lower-tier municipality] and regional levels
- Don't know/no opinion

### MOST LIKELY TO SAY:

#### Separate

- 18 to 34 years old (57%)
- Female (50%)
- Believe receive *very good* value for lower-tier municipal tax dollars (55%)
- Believe receive *good* value for regional tax dollars (49%)

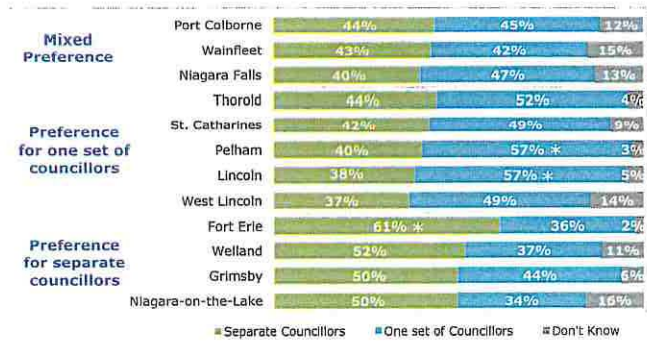
#### One set

- 35 to 54 years old (57%) & 55 years and older (47%)
- Male (52%)
- Believe receive *poor* value for lower-tier municipal tax dollars (55%)
- Believe receive *poor* value for regional tax dollars (55%)

Q5. When you think about how you are represented at both the <town/city/township> and Regional levels, which scenario would you prefer?  
Base: all respondents (n=832)

## REPRESENTATION PREFERENCE

There is a preference for one set of councillors among residents of the plurality of lower-tier municipalities.

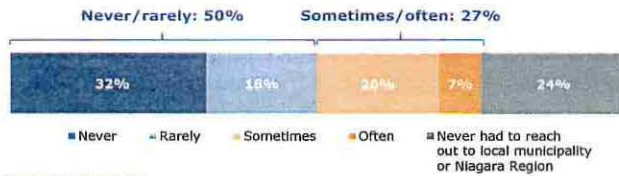


\*Significantly higher than most other lower-tier municipalities

Q5. When you think about how you are represented at both the <town/city/township> and Regional levels, which scenario would you prefer?  
Base: all respondents (n=832)

### CONFUSION OVER RESPONSIBILITIES

Only one-quarter of Region residents report they have sometimes or often experienced confusion as a result of the division of responsibilities between local and regional governments. Encountering confusion is more often associated with residents saying they receive poor value for tax dollars.



**MOST LIKELY TO SAY:**

**Never/Rarely**

- Believe receive *good* value for local municipal tax dollars (53%)
- Believe receive *good* value for regional tax dollars (56%)

**Sometimes/Often**

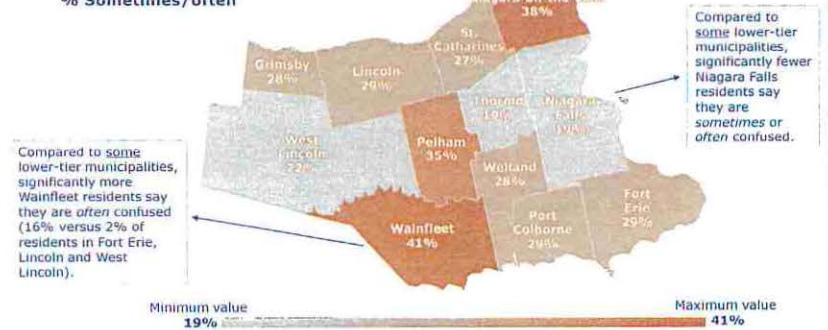
- Male (34%)
- *Poor* value for local municipal tax dollars (41%)
- *Poor* value for regional tax dollars (44%)

Q7. Have you encountered a situation where the division of responsibilities between the [local municipality] and the region has been a source of confusion, etc.?  
 Base: all respondents (n=832)

### ENCOUNTERED CONFUSION OVER RESPONSIBILITIES

Residents of Wainfleet are the most likely to say they have encountered confusion over the division of responsibilities, while Niagara Falls residents are the least likely to say so.

**% Sometimes/often**



Compared to some lower-tier municipalities, significantly more Wainfleet residents say they are *often* confused (16% versus 2% of residents in Fort Erie, Lincoln and West Lincoln).

Compared to some lower-tier municipalities, significantly fewer Niagara Falls residents say they are *sometimes* or *often* confused.



Q7. Have you encountered a situation where the division of responsibilities between the [local municipality] and the region has been a source of confusion, etc.?  
 Base: all respondents (n=832)

# Survey Findings: Assessing Different Models of Governance

## EFFECT OF LARGER GOVERNMENT ON SERVICES

Overall, residents are closely split in their expectations of the quality of service delivered if their local municipality became part of a larger municipal structure. A plurality lean towards an expectation of a decline in service, of which one-quarter anticipate the decline would be significant.



■ A significant improvement ■ A moderate improvement ■ A moderate decline ■ A significant decline ■ Don't know/no opinion

### MOST LIKELY TO SAY:

#### Improvement

- 18 to 34 years old (51%)
- Believe receive *very poor* value for lower-tier municipal tax dollars (62%)
- Believe receive *poor* value for regional tax dollars (51%)
- Say current structure is *ineffective* at representing interests (52%)
- Prefer *one set of councillors* (53%)

#### Decline

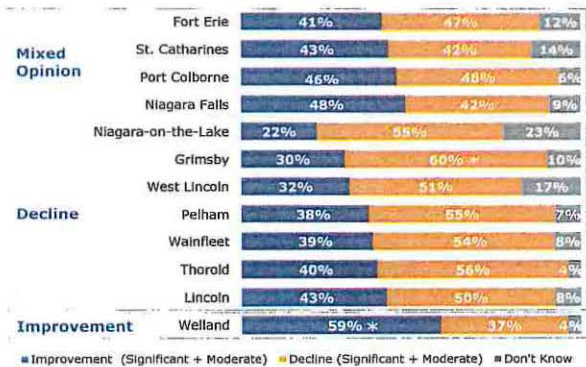
- 55 years and older (54%)
- Believe receive *very good* value for lower-tier municipal tax dollars (55%)
- Say current structure is *effective* at representing interests (50%)
- Prefer *separate councillors* (58%)

Q24. If [MUNICIPALITY] was reorganized to make it larger would that result in an [Improvement/decline] in the quality of service delivery to [MUNICIPALITY]?  
Base: all respondents (n=832)



### EFFECT OF LARGER GOVERNMENT ON SERVICES

The majority of residents in most lower-tier municipalities anticipate a larger government would result in a decline in service quality. The majority of Welland residents alone say it results in improvements

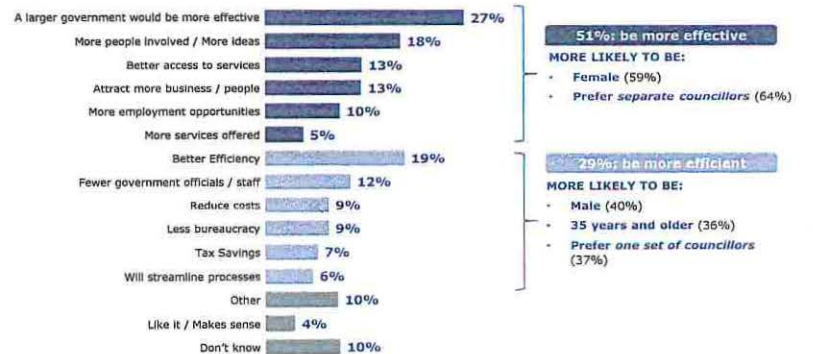


\*Significantly higher than most other lower-tier municipalities

Q24. If [MUNICIPALITY] was reorganized to make it larger would that result in an [improvement/decline] in the quality of service delivery to [MUNICIPALITY]?  
Base: all respondents (n=832)

### REASONS FOR SAYING SERVICE IMPROVEMENT

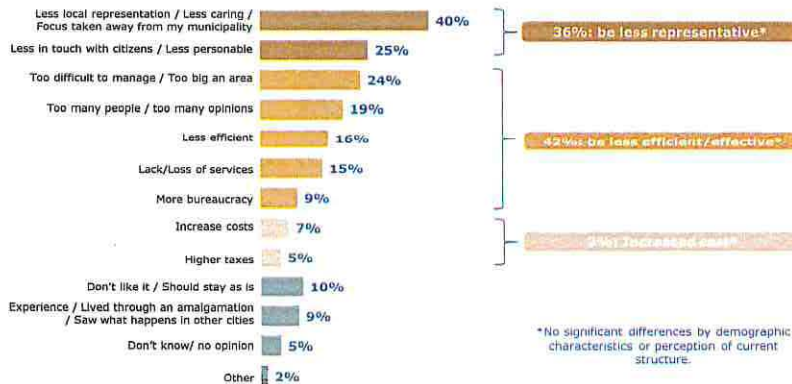
Residents who anticipate a service improvement resulting from larger government believe it would be more effective, would achieve better efficiencies, and would benefit from more people generating ideas.



Q25. Why do you believe a larger government will represent an improvement of service delivery in [MUNICIPALITY]?  
Base: Improvement in Q24 (n=328)

### REASONS FOR SAYING DECLINE IN SERVICE

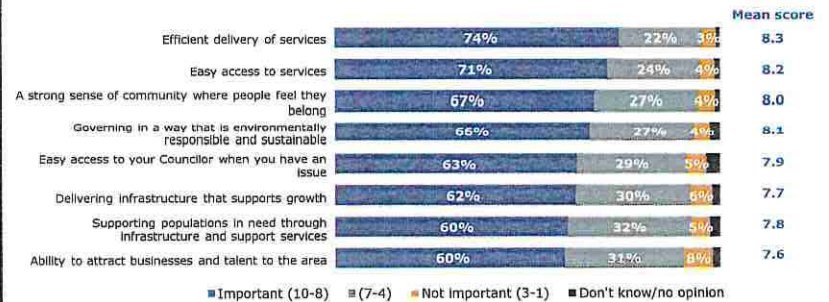
Residents who anticipate a decline in the quality of services resulting from a larger government believe there would be less representation, that it would be less in touch, and would be difficult to manage.



Q25. Why do you believe a larger government will represent a decline of service delivery in [MUNICIPALITY]?  
 Base: Decline in Q24 (n=420)

### CITIZEN PRIORITIES

When considering aspects of local government that are of importance, Niagara Region residents prioritize efficient delivery and easy access to services.



Q8-Q15. Using a ten-point scale where one means "not at all important" and ten means "extremely important", please indicate how important each of the following are to you personally when thinking about your local government.  
 Base: all respondents (n=832)

### DEFINITIONS OF POTENTIAL STRUCTURES

Residents were given the following descriptions of potential municipal governance structures before proceeding to subsequent questions.

As you may know, the provincial government is currently undertaking a review of the governance, decision-making and service delivery functions of Ontario's regional municipalities, including the Niagara Region and its twelve municipalities. Some possible outcomes from this review could include the following:

**Current Structure.** The province may decide to leave the current structure in place where the <municipality> remains a lower-tier municipality within Niagara Region. Each level of government would retain responsibility for delivery of services.

**Partial amalgamation.** A scenario that combines some Niagara area municipalities into larger municipal governments which are responsible for delivering services within the new municipality.

**Total amalgamation.** A scenario whereby the 12 municipalities within the Niagara Region are brought together into one central government which has the sole responsibility for administering services across a new amalgamated geography.

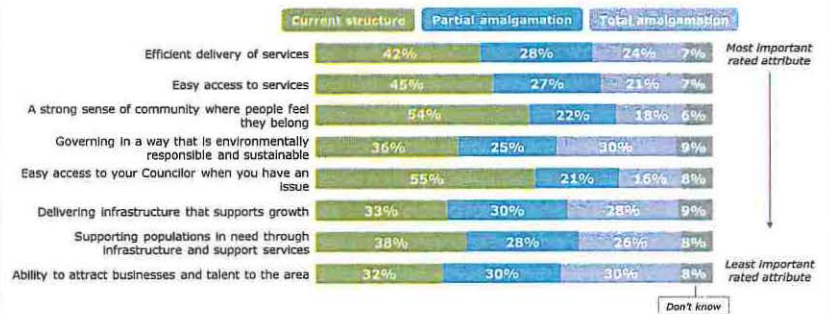
I'd like to ask you about the different aspects of municipal governance and administration discussed earlier and get your sense of which of these three municipal models you think would do the best job of delivering services in a way that meets your expectations.

To recall, the three options are:

- The **current structure**, or two-tier model, in place now in Niagara Region;
- The **partial amalgamation** of a few municipalities into one municipality
- A **total amalgamation** of all of the municipalities currently within Niagara Region.

### PREFERRED GOVERNMENT STRUCTURE

Majorities of residents express a preference for the current structure when considering delivering a strong sense of community and providing easy access to Councillors.



Q16-Q23. Which of the three models would do the best job of...  
Base: all respondents (n=832)

### Governance Structure Options - Analysis

Support for amalgamation structures is limited and diffuse, while preference for current two-tier structure is articulated frequently.

Niagara residents were asked to select between three distinct governance models which they believe can best deliver on different areas of municipal government responsibility. They were permitted only one selection for each area of service, governance and representation.

When examining the frequency with which each structure was chosen across all eight (8) areas of responsibility, the following was observed:

- 33% of residents **never** selected "current structure" for any of the 8 areas of responsibility
- 45% of residents **never** selected "partial amalgamation" for any of the 8 areas of responsibility
- 50% of residents **never** selected "total amalgamation" for any of the 8 areas of responsibility

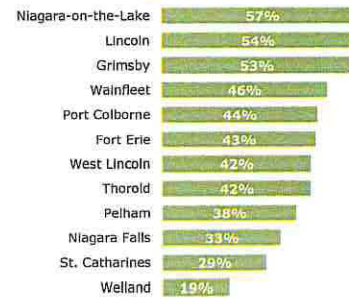
By comparison:

- Only one-in-five residents opted for either amalgamation structure for more than half of the 8 areas of responsibility (20% and 19% respectively)
- The "current structure" option was selected for more than half of all 8 areas of responsibility by two-in-five residents (38%).
- One-in-five residents showed mixed preference as they did not opt for any one option for more than half the 8 areas of responsibility (18%).

### PREFER CURRENT STRUCTURE

The majority of Niagara-on-the-Lake, Lincoln and Grimsby residents show a preference for the delivery of responsibilities via the current structure.

**38%** Residents opted for the **Current Structure** for more than half of the 8 areas of responsibility.



#### MOST LIKELY TO SAY:

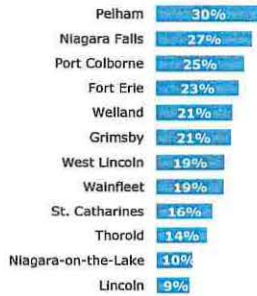
- 55 years and older (46%)
- Female (42%)
- Say very well served by two-tier structure (57%)
- Believe receive very good value for lower-tier municipal tax dollars (55%)
- Believe receive very good value for regional tax dollars (52%)
- Say Current structure is effective at representing interests (44%)
- Prefer separate councillors (50%)
- Compared to some other lower-tier municipalities, significantly more Niagara-on-the-Lake (57%), Lincoln (54%) and Grimsby (53%) residents opted for the current structure for more than half of the 8 areas of responsibility.

Q16-Q23. Which of the three models would do the best job of...  
Base: all respondents (n=832)

### PREFER PARTIAL AMALGAMATION

Preference for partial amalgamation is more common among residents of Pelham and Niagara Falls, and least common among Lincoln residents.

**20%** Residents opted for the **Partial Amalgamation** for more than half of the 8 areas of responsibility.



**MOST LIKELY TO SAY:**

Compared to some other lower-tier municipalities, significantly more Pelham (30%) and Niagara Falls (27%) residents opted for the partial amalgamation for more than half of the 8 areas of responsibility.

Q16-Q23. Which of the three models would do the best job of...  
Base: all respondents (n=832)



### PREFER TOTAL AMALGAMATION

Preference for total amalgamation is more common among residents of Welland and St. Catharines, and least common among Niagara-on-the-Lake and Grimsby residents.

**19%** Residents opted for the **Total Amalgamation** for more than half of the 8 areas of responsibility.



**MOST LIKELY TO SAY:**

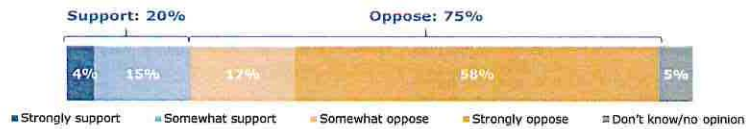
- Male (25%)
- Believe receive *poor* value for lower-tier municipal tax dollars (29%)
- Believe receive *poor* value for regional tax dollars (26%)
- Say current structure is *ineffective* at representing interests (27%)
- Prefer *one set of councillors* (30%)
- Compared to some other lower-tier municipalities, significantly more Welland (31%), and St. Catharines (26%) residents opted for the current structure for more than half of the 8 areas of responsibility.

Q16-Q23. Which of the three models would do the best job of...  
Base: all respondents (n=832)



### POST-AMALGAMATION TAX INCREASE

Six in ten Niagara Region residents would be strongly opposed to a increase in property taxes to support service delivery by a new amalgamated municipality.



#### MOST LIKELY TO SAY:

##### Support

- 18 to 34 years old (32%)
- Male (23%)
- Renters (40%)
- Lived in local municipality for fewer than 4 years (23%)
- Prefer one set of councillors (26%)
- Say quality of service would improve with larger government (32%)

##### Oppose

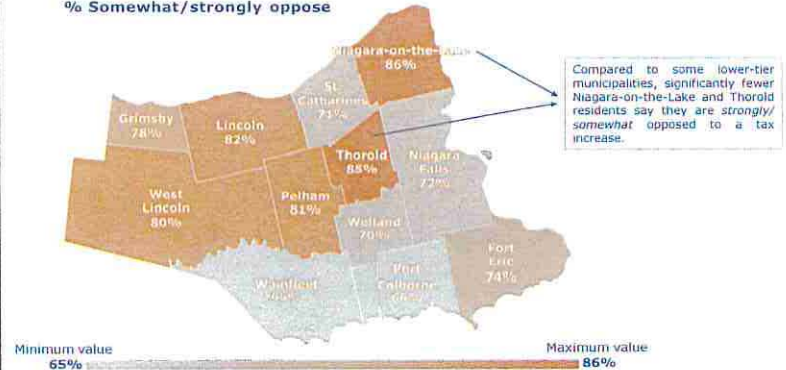
- 35 years and older (78%)
- Own home (79%)
- Lived in local municipality for 4 to 15 years (74%) or more than 15 years (78%)
- Believe receive poor value regional tax dollars (78%)
- Prefer separate councillors (81%)
- Say quality of service would decline with larger government (87%)

Q26. If <municipality> were to be amalgamated with other municipalities to make it larger, would you support or oppose a moderate increase in property taxes to support service delivery by the new municipality?  
Base: all respondents (n=832)

### OPPOSITION TO POST-AMALGAMATION TAX INCREASE

Across lower-tier municipalities, the majority would oppose a property tax increase to support service delivery by a new amalgamated municipality.

#### % Somewhat/strongly oppose



Compared to some lower-tier municipalities, significantly fewer Niagara-on-the-Lake and Thorold residents say they are strongly/somewhat opposed to a tax increase.

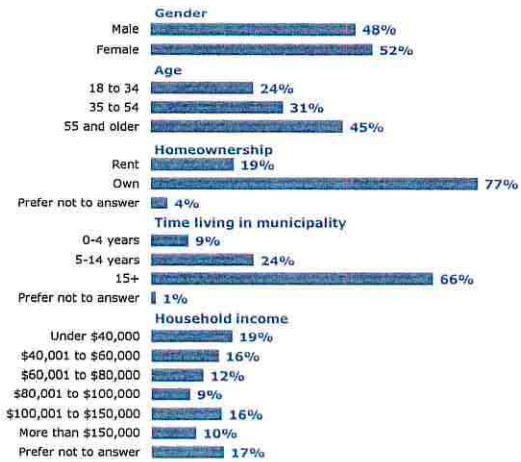
Q26. If <municipality> were to be amalgamated with other municipalities to make it larger, would you support or oppose a moderate increase in property taxes to support service delivery by the new municipality?  
Base: all respondents (n=832)

## Key Takeaways

- ▶ Residents generally express **confidence in the current state** of representation in Niagara Region; they feel well-served by current political representation, feel their interests are well represented by the two-tier system and derive value for the taxes they pay to both tiers of municipal government.
- ▶ There are small pockets of evidence of a **limited appetite for some changes** to the two-tier system. A significant proportion of Niagara Region residents anticipate efficiencies derived from one set of councilors to represent residents at both municipal levels. However, this sentiment is limited as it runs into opposition from a majority of residents who believe a larger government will result in a decline in service delivery and who strongly oppose any increase in property taxes to fund a new, larger municipality.
- ▶ Support for the current government structure translates into confidence that **existing representation can best deliver important services and community character**. Amalgamation scenarios receive diffused support for the delivery of some municipal responsibilities, however the overall tone of support for the current structure, and pronounced opposition to any changes that would negatively impact service delivery or taxation suggest that resistance to change would be vocalized should amalgamation be imposed throughout the region.

## Respondent Characteristics

## DEMOGRAPHICS (WEIGHTED)



## FOR FURTHER INFORMATION OR QUESTIONS CONTACT:



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**SUBJECT: Planning and Development Department Fees**

**1) PURPOSE:**

Under the direction of Scott Luey, Chief Administrative Officer, the purpose of the report is to provide Council with information on the various fees that the Planning and Development Department requires to be collected in order to process various applications and requests.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

The Planning and Development Department is composed of three divisions: Planning, Building and By-law Enforcement Services. Fees were established for each division in the City's Consolidated Fees and Charges By-law 6339/02/19.

The following provides each division's legislative authority to impose fees:

Planning Division

Section 69 of the *Planning Act, 2001*, allows municipalities to impose fees through by-law for the purpose of processing planning applications. In determining the associated fee, the Act requires that:

"The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff".

Building Division

In 2006, as part of the Bill 124, the *Building Code Act*, was amended, in part, as follows:

7. (2) The total amount of the fees authorized under clause (1) (c) must not exceed the anticipated reasonable costs of the principal Authority to administer and enforce this Act in its area of jurisdiction;

7. (6) Change in Fees. If a principal authority proposes to change any fee imposed under clause (1) (c) for applications for a permit or for the issuance of a permit, the principal authority shall,

- (a) Give notice of the proposed changes in fees to such persons as may be prescribed; and
- (b) Hold a public meeting concerning that proposed changes.

## By-law Enforcement Services Division

Section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides a municipality and a local board the authority to pass by-laws imposing fees or charges.

### **3) STAFF COMMENTS AND DISCUSSIONS**

#### Planning Division

On March 27, 2017, Council approved a new application fee schedule for the Planning Division that replaced and updated a 2011 fee schedule. Attached as Appendix A is a copy the 2017 to 2019 approved fee schedule.

When the 2017 fees were drafted, staff realized that a full cost recovery from the development community was not realistic and could also be seen as a deterrent to development. Council of the day was comfortable with the absorption and offset of costs being picked up and paid by the overall tax base.

As part of the review process, staff prepared a comparison survey of planning fees associated with the twelve municipalities within the Niagara Region that showed that many municipalities appeared to be attempting to achieve full cost recovery. Staff have provided an updated summary showing 2019 fees (attached as Appendix B).

In addition, staff have also provided a systematic breakdown of the time involved to process a Minor Variance application with applicable hourly rates that support the proposed application fee (attached as Appendix C).

Council should also be aware that properties within the City's Community Improvement Plan Project Areas are provided an incentive of a 50% reduction of all application fees payable to the Planning and Development Department.

#### Building Division

On January 28, 2019, Council approved a new fee schedule for the Building Division that replaced and updated the 2012 fee schedule.

The fees for the more common building permit applications were increased by 1-3 cents per square foot (less than 2% on average). These fees are for the construction of all new buildings as well as additions, decks, sheds and similar structures.

The minimum permit fee and the Permit Application Fee were increased from \$110 to \$115 and a new Third Party Review of Building Permit Application fee was introduced. Attached as Appendix D is a copy of the 2017 to 2019 approved fee schedule and a Niagara Region building permit fee comparison attached as Appendix E.

#### By-law Enforcement Division

The By-law Enforcement Division received Council approval for all fees and charges over the years through various by-law amendments. The CANADATA Construction Cost Index for Ontario is reviewed prior to proposing rates and fees. Attached as Appendix F is a copy the 2017 to 2019 approved fee schedule.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

a) **Do nothing.**

N/A

b) **Other Options**

Although not recommended, Council may direct that any fee be reduced or increased.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A.

**6) ATTACHMENTS**

- Appendix A - Planning Fee Schedule
- Appendix B - Planning Fee Comparison
- Appendix C - 2017 Minor Variance Processing Time
- Appendix D - Building Fee Schedule
- Appendix E - Building Fee Comparison
- Appendix F - By-law Enforcement Fee Schedule

**7) RECOMMNDATION**

That Planning and Development Department Report 2019-128, Subject: Planning and Development Department Fees, be received for information.

**8) SIGNATURES**

Prepared on August 16, 2019 by:

Reviewed and respectfully submitted by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development



Scott Luey  
Chief Administrative Officer

Schedule V  
 Services by Planning and Development Division

Application	2017 Fee	2018 Fee	2019 Fee
<b>Official Plan</b>			
Official Plan Amendment	\$4,400.00	\$4,400.00	\$4,488.00
Adjournment of an Official Plan Amendment (at applicant's request)	\$700.00	\$700.00	\$714.00
<b>Zoning By-Law</b>			
Zoning By-Law Amendment	\$3,900.00	\$3,900.00	\$3,978.00
Adjournment of a Zoning By-Law (at owner's request)	\$700.00	\$700.00	\$714.00
Removal of a Holding Symbol	\$1,000.00	\$1,000.00	\$1,020.00
Temporary Use By-Law	\$3,900.00	\$3,900.00	\$3,978.00
Preparation of a Temporary Use Agreement	\$1,800.00	\$1,800.00	\$1,836.00
Extension of a Temporary Use	\$1,500.00	\$1,500.00	\$1,530.00
<b>Plan of Subdivision/Condominium</b>			
Draft Plan Approval	\$6,500.00	\$6,500.00	\$6,630.00
Redline Revisions/Change of Conditions to Draft Plan	\$2,000.00	\$2,000.00	\$2,040.00
Extension to Draft Plan Approval	\$1,500.00	\$1,500.00	\$1,530.00
Condominium Conversion	\$6,500.00	\$6,500.00	\$6,630.00
Final Plan Approval	\$1,500.00	\$1,500.00	\$1,530.00
Amendment to Subdivision/Condo Agreement	\$2,000.00	\$2,000.00	\$2,040.00
Part Lot Control	\$1,000.00	\$1,000.00	\$1,020.00
Deeming By-Law	\$400.00	\$400.00	\$408.00
Discharge of a Subdivision/Condominium Agreement	\$1,000.00	\$1,000.00	\$1,020.00
Validation Order By-Law	N/A	N/A	N/A
<b>Site Plan Control</b>			
Site Plan Control Approval	\$3,400.00	\$3,400.00	\$3,468.00
Amendment to Site Plan Agreement	\$1,500.00	\$1,500.00	\$1,530.00
Discharging of a Site Plan Agreement	\$1,000.00	\$1,000.00	\$1,020.00
<b>Commitment of Adjustment</b>			
Minor Variance/Expansion of Non-Conforming Use	\$1,150.00	\$1,150.00	\$1,173.00
Minor Variance (Building without a Permit)	\$1,500.00	\$1,500.00	\$1,530.00
Consent (new lot)	\$1,600.00	\$1,600.00	\$1,632.00
Easement	\$1,100.00	\$1,100.00	\$1,122.00
Lot Addition/Boundary Adjustment	\$1,100.00	\$1,100.00	\$1,122.00
Adjournment of a Consent or Variance (at applicant's request)	\$500.00	\$500.00	\$510.00
Changes to Consent Conditions	\$500.00	\$500.00	\$510.00
Final Certification Fee	\$200.00	\$200.00	\$204.00
Validation of Title	\$900.00	\$900.00	\$918.00

Application	2017 Fee	2018 Fee	2019 Fee
<b>Miscellaneous</b>			
Quarry/Pit Establishment or Expansion	\$60,000.00	\$60,000.00	\$61,200.00
Telecommunication Facilities Consultation Process	\$1,500.00	\$1,500.00	\$1,530.00
Compliance Letter	\$125.00	\$125.00	\$127.50
Compliance Letter Express (within 3 days)	\$180.00	\$180.00	\$183.60
Development Agreement	\$2,400.00	\$2,400.00	\$2,448.00
Discharging of a Development Agreement	\$900.00	\$900.00	\$918.00
Front Ending Agreement	\$1,500.00	\$1,500.00	\$1,530.00
OMB Subpoena – first day	\$600.00	\$600.00	\$612.00
– thereafter	\$400.00	\$400.00	\$408.00
Pre-consultation Report (when requested)	N/A	N/A	N/A
<b>Combined Applications</b>			
Official Plan & Zoning By-Law Amendments	\$7,500.00	\$7,500.00	\$7,650.00
Official Plan, Zoning By-Law Amendments & Draft Plan of Subdivision/Condo.	\$12,500.00	\$12,500.00	\$12,750.00
Zoning By-Law Amendment & Draft Plan of Subdivision/Condo.	\$8,500.00	\$8,500.00	\$8,670.00
Official Plan & Zoning By-Law Amendment & Site Plan Control	\$9,500.00	\$9,500.00	\$9,690.00
Zoning By-Law Amendment & Site Plan Control	\$5,500.00	\$5,500.00	\$5,610.00
Consent & Minor Variance	\$2,100.00	\$2,100.00	\$2,142.00
Consent & Development Agreement	\$3,500.00	\$3,500.00	\$3,570.00
Consent/Lot Addition & Zoning By-law Amendment	\$4,500.00	\$4,500.00	\$4,590.00
Minor Variance & Development Agreement	\$3,000.00	\$3,000.00	\$3,060.00
<b>Submission Deadlines and Accelerated Applications</b>			
Please be advised that the Planning Act requires Notice of Public Hearing be given no later than 20 days before a scheduled public meeting for a Zoning By-Law Amendment and Official Plan Amendment, 14 days for a Plan of Subdivision and Consent Application, and 10 days for a Minor Variance application. In order to allow sufficient review time of an application, all applications should be submitted at least 14 days before the last day for giving Notice of Public Hearing under the Planning Act.			
While it is an objective of the Planning and Development Division to process applications in an expeditious manner within the time frame established in the Planning Act, an applicant may wish to consider an accelerated application in the event processing is needed immediately and City resources and/or notice requirements are limited. Fees for an accelerated application will be assessed based on overtime incurred by staff to process the application at the rates listed below:			
Staff Rates:	Director of Planning and Development	\$220/hour	
	Planner	\$150/hour	
	Planning Technician / Clerical	\$100/hour	
Applicants should note that no application shall take priority over other applications being processed solely on the basis of the applicant having paid an accelerated fee.			

**2019 Common Application Fee Comparisons in Niagara Region**

Application Type	Municipality										Existing P.C.
	Grimsby	Niagara Falls	N.O.T.L.	Welland	Lincoln	West Lincoln	Pelham	Fort Erie	Thorold	Wainfleet	
Variance	\$1,500-2,600	\$2,100	\$2,003	\$1,075	\$1,600	\$1,625	\$990	\$927	\$1,060	\$1,193	\$1,173
Consent	\$2,600	\$3,400	\$2,619	\$1,417	\$2,400	\$2,230	\$1,210	\$1,344	\$1,690	\$1,193	\$1,632
Rezoning	\$20,910	\$5,600	\$7,497	\$3,359	\$8,500	\$6,290	\$4,404	\$3,284	\$5,080	\$3,799	\$3,978
Official Plan Amendment	\$23,140	\$12,200	\$7,959	\$3,359	\$16,000	\$8,075	\$5,503	\$7,600	\$5,610	\$4,342	\$4,488
Site Plan Control	\$18,470	\$6,000	\$7,343	\$2,331	\$8,000	\$4,540	\$3,852	\$7,335	\$4,550	\$3,696	\$3,468
Site Plan Amend.	\$2,740	\$1,500	\$1,155	\$1,189	\$4,000	\$2,225	\$2,754	\$1,273	\$2,330	\$1,076	\$1,530
Development Agreement	\$5,585	\$6,000	\$3,774	\$1,930	\$6,000	\$3,450	\$10,790	\$2,611	\$1,910	\$2,170	\$3,468
Draft Plan of Subdivision	\$27,710	\$13,500	\$8,421	\$7,129	\$25,000	\$7,390	\$8,805	\$8,274	\$8,260	\$5,725	\$6,630
Final Plan of Subdivision	\$5,890		\$1,592	\$2,560	\$2,300	\$1,495	\$1,652	\$4,455	\$2,440	\$1,627	\$1,530

<b>STANDARD APPLICATION FOR MINOR VARIANCE</b>			
<b>Description of Task</b>	<b>Time (Hours)</b>	<b>Rate (2017)</b>	
Consultation, review & completion of application including property authorization, fees, sketches, preparation for Commissioner, advise of hearing date, location, time and meeting protocol	3	HM	\$74.64
	1	SL	\$32.02
Create and set up new file, prepare Treasury Chart	2	HM	\$49.76
Preparation of Notice	2	HM	\$49.76
Consult with Planning Staff - Review of Notice	.5	SL	\$16.01
Preparation of poster and notification for pick-up, preparation of affidavits, instruction guidelines	3	HM	\$74.64
Create mailing buffer, prepare mailing addresses, labels and mail Notice/application to neighbours and agencies	3.5	HM	\$87.08
Site investigation by Planning staff	.5	SL	\$16.01
Preparation & review of Planning Report	2.5	SL	\$80.05
	.5	DA	\$31.11
Preparation of CoA packages and delivery	1.5	HM	\$37.32
Preparation for meeting, resolutions for decisions, extra correspondence	2	HM	\$49.76
Respond to public inquiry	1	HM	\$24.88
Create "pdf" files and upload Notices & Agenda & minutes	1.5	HM	\$37.32
Attendance at meeting, read reports/correspondence, take minutes	2	HM	\$49.76
Committee (5) member hearing attendance (\$80 Chair - \$75 Member)			\$375
Prepare minutes after meeting	1	HM	\$24.88
Prepare and mail notices of decision	1	HM	\$24.88
Prepare record of payment to members & notify Accounts Payable, create cheque	1	HM	\$24.88
Prepare & mail Final and Binding Notices	1	HM	\$24.88
<b>TOTAL</b>	<b>30.5</b>		<b>\$1184.64</b>

**Schedule X**  
**Permits for Construction, Demolition, Occupancy and Change of Use, Transfer of Permits and Inspections**

Construction				
New Building Construction and Additions <sup>6,8</sup>	Permit Fee Details <sup>1-16</sup>	2017 Fee	2018 Fee	2019 Fee
Minimum Fee for All Building Permits <sup>9</sup>		\$105.00	\$110.00	\$115.00
Major Occupancy <sup>7</sup>				
<i>Group A – Assembly Occupancies</i>				
Examples: School, church, restaurant, daycare, hall, transit, recreation facility, other	Per square foot	\$1.15	\$1.21	\$1.23
<i>Group B – Institutional Occupancies</i>				
Examples: Hospital, retention facility, nursing home, other	Per square foot	\$1.26	\$1.50	\$1.53
<i>Group C – Residential Occupancies</i>				
Single detached dwelling	Per square foot	\$1.05	\$1.15	\$1.17
Semi-detached dwelling, duplex dwelling	Per square foot	\$1.05	\$1.15	\$1.17
Townhouse	Per square foot	\$1.05	\$1.15	\$1.17
Multiple unit dwellings, apartment building, townhouse	Per square foot	\$0.84	\$1.15	\$1.17
Hotels, motels	Per square foot	\$0.84	\$1.15	\$1.17
Other residential	Per square foot	\$0.84	\$1.15	\$1.17
<i>Group D – Business/Personal Services Occupancies</i>				
Examples: Office, bank, medical, police station, other	Per square foot	\$1.05	\$1.15	\$1.17
<i>Group E – Mercantile Occupancies</i>				
Examples: Store, shopping mall/plaza, shop, market, retail, other	Per square foot	\$1.05	\$1.15	\$1.17
<i>Group F – Industrial Occupancies</i>				
Examples:				
Industrial mall/plaza/garage, plant, factory, warehouse, other	Per square foot	\$0.68	\$0.75	\$0.77
Industrial buildings with no partitions, no plumbing and no mechanical	Per square foot	\$0.37	\$0.45	\$0.46
<i>Special Categories/Occupancies</i>				
Farm building, greenhouse	Per square foot	\$0.27	\$0.28	\$0.29
Park Model Trailer		\$160.00	\$200.00	\$200.00
Tent, temporary fabric structure		\$0.10 sq.ft	\$200.00	\$200.00
Renewable Energy Projects	Each	See note 12	See note 12	See note 12 (Min. \$200.00)
<i>Houses: <sup>14</sup></i>				
Garage, carport	Per square foot	\$0.53	\$0.56	\$0.57
Covered deck/porch	Per square foot	\$0.32	\$0.34	\$0.35
Uncovered deck/porch	Per square foot	\$0.27	\$0.28	\$0.35
Sunroom/solarium	Per square foot	\$0.63	\$0.66	\$0.67
Shed/accessory building	Per square foot	\$0.32	\$0.34	\$0.57



Alterations	Permit Fee Details <sup>1-16</sup>	2017 Fee	2018 Fee	2019 Fee
Unfinished basement (new or replaced foundation) Under pinning foundation	Per square foot	\$0.27 See note 12	\$0.28 See note 12	\$0.28 See note 12 (Min. \$200.00)
Roof structure Fireplace, woodstove, chimney	Per square foot	\$0.11 \$105.00	\$0.12 \$110.00	\$0.12 \$115.00
Interior Alterations: Interior alterations, all occupancies, except finished basements	Per square foot	\$0.32	\$0.55	\$0.55
Finishing basement	Per square foot	\$0.48	\$0.55	\$0.55
Other minor alteration		See note 12	See note 12	See note 12

Partial Permit/Staged Construction <sup>11</sup>	2017 Fee	2018 Fee	2019 Fee
All partial permits subject to a surcharge applied to the stage permit value	50%	50%	50%
<b>Foundation Stage<sup>11</sup></b> Complete to grade including or excluding underground services within building	15%	15%	15%
<b>Building Shell Stage<sup>11</sup></b> Completed structural shell stage	40%	40%	40%
Completed architectural shell stage	80%	80%	80%
<b>Building Completion Stage<sup>11</sup></b> Includes completed building stage	100%	100%	100%

Plumbing Only	Permit Fee Details <sup>1-16</sup>	2017 Fee	2018 Fee	2019 Fee
Fixture; plumbing appliance; stack; interceptor; tank; floor drain; sewage ejector; sump; manhole; catchbasin; rain water leader; other	Each	\$8.50	\$8.93	\$9.11
All buried piping including building drain and sewer; building storm drain and sewer; storm drainage piping; water service pipe	Per linear foot	\$1.00	\$1.05	\$1.15
Water distribution pipe inside a building	Each	\$105.00	\$110.00	\$115.00
<b>Residential<sup>14</sup></b> Replace buried water service, sanitary drains or storm drains (single fee applies if multiple services are replaced at the same time)	Each	N/A	\$200.00	\$200.00

Occupancy	2017 Fee	2018 Fee	2019 Fee
<i>Permit to allow occupancy</i>			
Houses, semi-detached dwellings, townhouses	\$105.00	\$110.00	\$115.00
Other buildings	\$105.00	\$110.00	\$115.00
<i>Permit to allow partial occupancy</i>			
For area of building to be occupied (per square foot gross floor to be occupied)	N/A	\$0.07	\$0.07
Review of proposed application	N/A	\$100/hour	\$100/hour

Transfer	2017 Fee	2018 Fee	2019 Fee
Transfer of permit to a new owner	\$105.00	\$110.00	\$110.00

Deposits Required for Permits		2017 Fee	2018 Fee	2019 Fee
New Main Buildings	Houses	\$1,000.00	\$1,050.00	\$1,050.00
	Other than Houses	\$500.00	\$525.00	\$525.00
Additions, Accessory	Houses	\$500.00	\$525.00	\$525.00
	Other than Houses	\$500.00	\$525.00	\$525.00
Alterations	Houses	\$500.00	\$525.00	\$525.00
	Other than Houses	\$500.00	\$525.00	\$525.00
Demolitions	Main Building	\$2,000.00	\$2,100.00	\$2,100.00
	Accessory, Partial	\$500.00	\$525.00	\$525.00
Pools	In ground	\$500.00	\$525.00	\$525.00
Other	See note 4	\$500.00	\$525.00	\$525.00
New Main Buildings and Additions and Renovations	Industrial, Commercial Institutional and Residential other than Houses	\$1,000.00	\$1,050.00	\$1,050.00
Lot Grading Deposit	All categories of construction (as necessary)	\$2,000.00	\$2,100.00	\$2,100.00

**Notes regarding Deposits:**

- a. No deposit is required for the following:
  - i. Uncovered decks on piers
  - ii. Tents and fabric structures
- b. "Houses" includes single detached, semi-detached, duplexes, triplexes and townhouses.
- c. "Other than Houses" includes Plumbing only, Mechanical HVAC only, Designated Structures, etc.
- d. The requirement for a new deposit may be waived where the City already holds a deposit with an owner on the same property with respect to an open permit file with the City, provided:
  - i. The deposit already held is equal or larger than the amount specified in this Schedule.
  - ii. There is no existing damage to City property as a result of work on the lot.
  - iii. The existing deposit is recorded on all applicable permit files as being held as security for other permits.

Appendix E  
Report 2019-128  
1 of 1

The minimum permit fee is:		Port Colborne	Grimsby	Fort Erie	Wainfleet	Niagara On The Lake	Lincoln	West Lincoln	St. Catharines	Thorold	Wainland	Pellam	Average	Maximum	Minimum						
Area based permit fees are based on a metric or imperial unit of measure/		115.00	138.00	150.00	137.98	150.00	175.00	125.00	125.25	194.40	137.00	255.00									
For projects based on value of construction the rate used is (EVC):		imperial	imperial	imperial	imperial	imperial	metric	metric	imperial	imperial	imperial	metric									
		13 per	\$15.65 per	\$14.12 per	15.32 per	14.25 per	12 per 1000	15 per 1000	12 per	na per	17 per										
New Construction & Additions		Port Colborne	Grimsby	Fort Erie	Wainfleet	Niagara On The Lake	Lincoln	West Lincoln	St. Catharines	Thorold	Wainland	Pellam	Average	Maximum	Minimum						
class of permit		imperial	imperial	imperial	imperial	imperial	metric	imperial	metric	imperial	imperial	imperial	metric	imperial							
A - Assembly	school, church, restaurant, daycare, etc	\$1.23 /sq.ft.	\$1.64 /sq.ft.	\$1.60 /sq.ft.	\$1.47 /sq.ft.	\$1.97 /sq.ft.	\$16.04 /sq.m.	\$1.49 /sq.ft.	\$14.33 /sq.m.	\$1.33 /sq.ft.	\$2.00 /sq.ft.	\$2.07 /sq.ft.	\$18.85 /sq.m.	\$1.75 /sq.ft.	\$1.67						
	outdoor public swimming pool	\$1.23 /sq.ft.	\$1.64 /sq.ft.	\$430.00		\$630.00	\$2,000.00		\$310.00	flat	\$310.00	flat	\$746.05	flat	\$202.50	\$18.85 /sq.m.	\$1.75 /sq.ft.	\$1.87			
B - Institutional	hospital	\$1.53 /sq.ft.	\$1.89 /sq.ft.	\$1.74 /sq.ft.	\$1.66 /sq.ft.	\$2.16 /sq.ft.	\$17.65 /sq.m.	\$1.64 /sq.ft.	\$16.02 /sq.m.	\$1.49 /sq.ft.	\$2.30 /sq.ft.	\$2.32 /sq.ft.	\$2.12 /sq.ft.	\$2.12 /sq.ft.	\$18.85 /sq.m.	\$1.75 /sq.ft.	\$1.87	\$2.32	\$1.49		
	nursing home	\$1.53 /sq.ft.	\$1.89 /sq.ft.	\$1.74 /sq.ft.	\$1.66 /sq.ft.	\$2.16 /sq.ft.	\$17.65 /sq.m.	\$1.64 /sq.ft.	\$16.02 /sq.m.	\$1.49 /sq.ft.	\$2.30 /sq.ft.	\$2.32 /sq.ft.	\$2.12 /sq.ft.	\$2.12 /sq.ft.	\$18.85 /sq.m.	\$1.75 /sq.ft.	\$1.87	\$2.32	\$1.49		
	prison	\$1.53 /sq.ft.	\$1.89 /sq.ft.	\$1.74 /sq.ft.	\$1.66 /sq.ft.	\$2.16 /sq.ft.	\$17.65 /sq.m.	\$1.64 /sq.ft.	\$16.02 /sq.m.	\$1.49 /sq.ft.	\$2.30 /sq.ft.	\$2.32 /sq.ft.	\$2.12 /sq.ft.	\$2.12 /sq.ft.	\$18.85 /sq.m.	\$1.75 /sq.ft.	\$1.87	\$2.32	\$1.49		
C - Residential	single detached, semi-detached, duplex	\$1.17 /sq.ft.	\$1.26 /sq.ft.	\$1.30 /sq.ft.	\$1.22 /sq.ft.	\$1.41 /sq.ft.	\$14.00 /sq.m.	\$1.30 /sq.ft.	\$11.92 /sq.m.	\$1.11 /sq.ft.	\$1.35 /sq.ft.	\$1.41 /sq.ft.	\$1.38 /sq.ft.	\$1.38 /sq.ft.	\$15.44 /sq.m.	\$1.43 /sq.ft.	\$1.30	\$1.43	\$1.11		
	apartment	\$1.17 /sq.ft.	\$0.99 /sq.ft.	\$1.30 /sq.ft.	\$1.22 /sq.ft.	\$1.41 /sq.ft.	\$14.00 /sq.m.	\$1.30 /sq.ft.	\$11.92 /sq.m.	\$1.11 /sq.ft.	\$1.35 /sq.ft.	\$1.43 /sq.ft.	\$1.13 /sq.ft.	\$1.13 /sq.ft.	\$15.73 /sq.m.	\$1.46 /sq.ft.	\$1.26	\$1.46	\$0.99		
	hotel / motel	\$1.17 /sq.ft.	\$1.26 /sq.ft.	\$1.30 /sq.ft.	\$1.22 /sq.ft.	\$1.41 /sq.ft.	\$14.00 /sq.m.	\$1.30 /sq.ft.	\$10.14 /sq.m.	\$0.94 /sq.ft.	\$1.45 /sq.ft.	\$1.60 /sq.ft.	\$1.13 /sq.ft.	\$1.13 /sq.ft.	\$15.73 /sq.m.	\$1.46 /sq.ft.	\$1.29	\$1.60	\$0.94		
D - Bus. & Personal Service	office - finished, under 2 story	\$1.17 /sq.ft.	\$1.07 /sq.ft.	\$1.45 /sq.ft.	\$1.38 /sq.ft.	\$1.84 /sq.ft.	\$11.84 /sq.m.	\$1.10 /sq.ft.	\$13.32 /sq.m.	\$1.24 /sq.ft.	\$1.80 /sq.ft.	\$1.84 /sq.ft.	\$1.72 /sq.ft.	\$1.85 /sq.m.	\$1.75 /sq.ft.	\$1.49	\$1.84	\$1.07			
E - Mercantile	retail store - finished	\$1.17 /sq.ft.	\$1.21 /sq.ft.	\$1.27 /sq.ft.	\$1.20 /sq.ft.	\$1.84 /sq.ft.	\$13.45 /sq.m.	\$1.25 /sq.ft.	\$11.61 /sq.m.	\$1.08 /sq.ft.	\$1.45 /sq.ft.	\$1.81 /sq.ft.	\$1.38 /sq.ft.	\$1.85 /sq.m.	\$1.75 /sq.ft.	\$1.40	\$1.84	\$1.08			
F - Industrial	garage, plant, factory, warehouse, etc.	\$0.77 /sq.ft.	\$0.82 /sq.ft.	\$0.97 /sq.ft.	\$0.90 /sq.ft.	\$0.93 /sq.ft.	\$13.45 /sq.m.	\$1.25 /sq.ft.	\$8.65 /sq.m.	\$0.80 /sq.ft.	\$1.15 /sq.ft.	\$1.17 /sq.ft.	\$0.88 /sq.ft.	\$17.72 /sq.m.	\$1.65 /sq.ft.	\$1.03	\$1.65	\$0.77			
Agricultural Buildings	greenhouse	\$0.29 /sq.ft.	\$0.26 /sq.ft.	\$0.18 /sq.ft.		\$0.17 /sq.ft.	\$0.11 /sq.m.	\$0.01 /sq.ft.	\$0.83 /sq.m.	\$0.08 /sq.ft.	\$0.50 /sq.ft.	\$0.22 /sq.ft.	\$0.23 /sq.ft.			\$0.19	\$0.50	\$0.01			
	barn	\$0.29 /sq.ft.	\$0.26 /sq.ft.	\$0.18 /sq.ft.	\$0.21 /sq.ft.	\$0.29 /sq.ft.	\$1.72 /sq.m.	\$0.16 /sq.ft.	\$2.00 /sq.m.	\$0.19 /sq.ft.	\$1.15 /sq.ft.	\$0.29 /sq.ft.	\$0.23 /sq.ft.	\$5.11 /sq.m.	\$0.47 /sq.ft.	\$0.34	\$1.15	\$0.16			
	other agricultural structure	\$0.29 /sq.ft.	\$0.26 /sq.ft.	\$0.18 /sq.ft.	\$0.21 /sq.ft.		\$1.72 /sq.m.	\$0.16 /sq.ft.	\$2.00 /sq.m.	\$0.19 /sq.ft.	\$0.50 /sq.ft.	\$0.29 /sq.ft.				\$0.23	\$0.50	\$0.16			
Mobile / Portable Buildings	trailer	\$200.00	flat			\$137.98	flat	\$150.00	flat							\$165.91	\$255.00	\$137.98			
	sea container	\$200.00	flat			\$137.98	flat	\$400.00	flat	\$200.00	flat	na	\$1.15 /sq.ft.	\$202.50	flat						
	relocatable building / portable	\$200.00	flat	\$236.00	flat			\$400.00	flat	\$475.00	flat	\$475.00	flat	\$213.90	\$202.50	flat	\$17.00	flat	\$255.00		
	mobile home	\$200.00	flat			\$137.98	flat	\$400.00	flat	\$250.00	flat	\$250.00	flat	\$1.35 /sq.ft.	\$202.50	flat			\$255.00		
	mobile home foundation	\$0.28 /sq.ft.						\$400.00	flat	\$1.79 /sq.m.	\$0.17 /sq.ft.	\$0.45 /sq.ft.	\$194.40	flat							
Tents & Air Supported	air supported structure	\$200.00		\$160.00	flat	\$137.98	flat	\$400.00	flat	\$3.67 /sq.m.	\$0.34 /sq.ft.	\$213.90	\$0.18 /sq.ft.	\$0.09 /sq.ft.	\$255.00	flat	\$148.25	\$255.00	\$137.98		
	tent	\$200.00	flat	\$160.00	flat	\$137.98	flat	\$400.00	flat	\$125.00	flat	\$125.00	flat	\$213.90	\$202.50	flat	\$0.09 /sq.ft.	\$255.00	flat		
Miscellaneous	drainage layer & weeping tile	\$200.00	flat					EVC	\$200.00	flat	\$200.00	flat	\$248.35	\$194.50 /sq.ft.	\$137.00						
	wood fireplace / woodstove	\$115.00	flat	\$150.00	flat	\$137.98	flat	\$175.00	flat	\$125.00	flat	\$125.00	flat	\$248.35	\$162.00	flat	\$255.00	flat			
Fire Systems	commercial kitchen hood	EVC						\$263.00	flat	EVC			\$213.90	\$202.50	flat	\$181.00					
	fire alarm upgrade / installations	\$115.00	flat					EVC		\$400.00	flat	\$400.00	flat	\$213.90	\$202.50	flat					
	sprinkler upgrade / installations	\$115.00	flat					EVC		\$400.00	flat	\$400.00	flat	\$213.90	\$202.50	flat					
	standpipe upgrade / installations	\$115.00	flat					EVC		\$400.00	flat	\$400.00	flat	\$213.90	\$202.50	flat					
Demolition		Demolition	Demolition	Demolition	Demolition	Demolition	Demolition	Demolition	Demolition	Demolition	Demolition	Demolition	Demolition	Demolition							
class of permit		imperial	imperial	imperial	imperial	imperial	metric	imperial	metric	imperial	imperial	imperial	imperial	metric							
Demolition	buildings up to ~3,000 sq.ft.	\$115.00	flat	\$198.00	flat	\$0.00	flat	\$198.00	flat	\$150.00	flat	\$0.43 /sq.m.	\$0.04 /sq.ft.	\$125.00	flat	\$125.00	flat	\$229.55	flat	\$121.50	
	buildings more than	\$115.00	flat	\$329.00	flat	\$0.06	flat	\$329.00	flat	\$0.07 /sq.ft.	\$0.43 /sq.m.	\$0.04 /sq.ft.	\$0.67 /sq.m.	\$0.06 /sq.ft.	\$229.55	flat	\$121.50	flat	\$137.00	flat	
																		\$765.00	flat	\$255.00	
																				\$176.76	
																				\$255.00	
																				\$121.50	
Plumbing		Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing	Plumbing							
class of permit		imperial	imperial	imperial	imperial	imperial	metric	imperial	metric	imperial	imperial	imperial	imperial	metric							
specialty plumbing	backflow preventer	\$115.00	flat					\$175.00	flat	\$125.00	flat	\$125.00	flat	\$78.25	\$200.00 /sq.ft.	\$137.00	flat			\$0.00	
	back water valve	\$115.00	flat					\$175.00	flat	\$125.00	flat	\$125.00	flat	\$125.25	flat	\$150.00 /sq.ft.	\$137.00	flat		\$0.00	
	sump pump installation	\$115.00	flat					\$175.00	flat	\$250.00	flat	\$250.00	flat	\$125.25	flat	\$150.00 /sq.ft.	\$93.32	each		\$0.00	
	grease / oil interceptor installation	\$115.00	flat					\$175.00	flat	\$250.00	flat	\$250.00	flat	\$125.25	flat	\$200.00 /sq.ft.	\$93.32	each		\$0.00	
Other Fees		Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees	Other Fees							
class of permit		imperial	imperial	imperial	imperial	imperial	metric	imperial	metric	imperial	imperial	imperial	imperial	metric							
administration	transfer permit	\$110.00	flat	\$138.00	flat	\$133.00	flat	\$137.98	flat	\$100.00	flat	\$125.00	flat	\$125.00	flat	\$125.25	\$194.40	flat	\$137.00	flat	\$255.00
	move a building	N/A		\$472.00	flat	\$133.00	flat	\$137.98	flat	EVC			\$125.25	flat	\$125.00	flat	\$125.25	flat	EVC	\$255.00	
	deferral of permit revocation	\$110.00	flat	\$138.00	flat	\$133.00	flat	\$137.98	flat	\$265.00	flat	\$400.00	flat	\$125.25	flat	\$125.00	flat	\$125.25	flat	\$255.00	
	limiting distance agreement	\$0.00	flat	\$329.00	flat					actual cost						\$1,200.00	flat			\$255.00	
	research request	\$115.00	flat							\$75 per hour						\$100.00	flat	\$153.00		\$255.00	
permits	change of use	\$120.00	flat	\$297.00	flat	\$133.00	flat	\$137.98	flat	\$133.00	flat	\$400.00	flat	\$0.76 /sq.m.	\$0.76 /sq.m.	\$194.40	flat	\$137.00	flat	\$255.00	
	partial occupancy for unfinished bldg.			\$192.00	flat	\$137.98	FALSE	\$265.00	flat	\$125.00	flat	\$125.00	flat	\$125.25	flat	\$194.40	flat	\$137.00	flat	\$255.00	
	conditional permit			\$793.00	flat	\$137.98	FALSE	\$400.00	flat	\$2,000.00	flat	\$750.00	flat	\$750.00	flat	\$2,000.00	flat	\$255.00	flat	\$255.00	
inspections	non routine inspection	N/A						\$95.00	flat	\$90.00	flat			\$75.00	flat	\$75.00	flat	\$75.00	flat	\$75.00	
	off hours inspections	N/A						\$95.00	flat	na				\$125.00	flat	\$125.00	flat	\$100.00	flat	\$322.00	
	unprepared for inspection	N/A						\$95.00	flat	\$90.00	flat			\$75.00	flat	\$75.00	flat			\$159.65	
plans examination	stock plans examination	N/A						\$12.00	flat												
	off hours plans exam / fast track	N/A								na				\$125.00	flat	\$125.00	flat				
	alternative solution	\$400.00	flat							\$75 per hour				\$125.00	flat	\$125.00	flat	\$400.00	flat	\$81.00	
	secondary plans examination	Actual cost								\$75 per hour				\$75.00	flat	\$75.00	flat			\$94.00	
	revision review	\$50/hr								\$75 per hour				\$100.00	flat	\$100.00	flat			\$81.00	

Schedule T  
 Services by By-Law Enforcement Division

Cutting Weeds			
Lot Size	2017 Fee	2018 Fee	2019 Fee
1 to 7,500 square feet	\$322.00	Actual costs	Actual costs
7,501 to 15,000 square feet	\$354.00		
15,001 to 30,000 square feet	\$386.00		
30,000 square feet to 1 acre	\$442.00		
> 1 acre to 1.5 acres	\$489.00		
> 1.5 acres to 2 acres	\$512.00		
Each additional acre	\$69.50		

Erection and Maintenance of Signs and Other Advertising Devices					
Sign Type	Size		2017 Fee	2018 Fee	2019 Fee
Awning	Each		\$50.00	\$51.00	\$51.00
Banner	Not exceeding 6.7 square meters	Per 15 days	\$15.00	\$16.00	\$16.00
Banner	Exceeding 6.7 square meters	Per 15 days	\$30.00	\$31.00	\$31.00
Billboard	Maximum 50 square meters	Per square meter	\$5.00	\$5.50	\$5.50
Facia	Maximum 15 square meters	Per square meter	\$5.00	\$5.50	\$5.50
Ground	Maximum 10 square meters		\$50.00	\$51.00	\$51.00
Mall		Per square meter	\$5.00	\$5.50	\$5.50
Pole / Pylon	Maximum 20 square meters	Per square meter	\$5.00	\$5.50	\$5.50
Portable	Maximum 9 square meters	Per 15 days	\$15.00	\$16.00	\$16.00
Projecting	Maximum 10 square meters		\$50.00	\$51.00	\$51.00
Roof	Maximum 50 square meters	Per square meter	\$5.00	\$5.50	\$5.50
<b>Fees</b>					
Sign Variance (non-refundable)			\$700.00	\$714.00	\$714.00
Order to Comply – administration fee			\$204.00	\$208.00	\$208.00

By-Law Enforcement Division Miscellaneous Fees			
Schedule of Fees	2017 Fee	2017 Fee	2018 Fee
Fence By-Law			
Fence Variance (non-refundable)	\$450.00	\$459.00	\$459.00
Fence By-Law Order to Comply – application fee	\$204.00	\$208.00	\$208.00
Removal of Snow and Ice By-Law			
Snow clearing - per meter	\$10.50	\$11.00	\$11.00
Snow and Ice Removal By-Law Order to Comply – application fee	\$204.00	\$208.00	\$208.00
Regulate Noise By-Law			
Noise Variance – Private function taking place on private property (non-refundable)	\$150.00	\$153.00	\$153.00
Noise Variance – Private function taking place on City property (non-refundable)	\$100.00	\$102.00	\$102.00
On Street Parking Permits			
Initial Fee (per vehicle)	\$25.00	\$26.00	\$26.00
Replacement Fee (per vehicle)	\$40.00	\$41.00	\$41.00
Fail to display permit prominently	\$25.00	\$26.00	\$26.00
Park without permit	\$50.00	\$51.00	\$51.00

Maintenance of Property and Land			
Schedule of Fees	2017 Fee	2018 Fee	2019 Fee
Re-inspection fee*	\$95.00	\$97.00	\$97.00
Minimum maintenance fee	\$170.00	\$174.00	\$174.00
Administration fee	Add 15%	Add 15%	Add 15%
Mailing fee	\$25.00	\$26.00	\$26.00
*Re-inspection fee is payable where violation still exists.			

Site Alteration				
Schedule of Fees		2017 Fee	2018 Fee	2019 Fee
Basic fee for affected land area of 1 hectare for a 6 month permit	Per application	\$100.00	\$102.00	\$102.00
Additional fee per hectare or fraction thereof over one hectare (Example: 15 ha site = \$100 + (\$20 x 14 ha) = \$380)	Per hectare	\$20.00	\$21.00	\$21.00
Maximum fee for a 6 month permit	Per application	\$1,000.00	\$1,020.00	\$1,020.00
NOTE: Fees include inspection of control plans and site by City staff				
Permit extension fee – per hectare (Example: same 15 ha site = (\$20 x 15 ha) = \$300)	Per hectare	\$20.00	\$21.00	\$21.00

Trees				
Schedule of Fees		2017 Fee	2018 Fee	2019 Fee
Tree Trimming	Per hour	\$200.00	\$204.00	\$204.00
Tree Removal	Per hour	\$300.00	\$306.00	\$306.00
Stump Removal	Per hour	\$100.00	\$102.00	\$102.00
Tree Replacement	Per tree	\$350.00	\$357.00	\$357.00
Tree Inspection – by Arborist	Per report	\$500.00	\$510.00	\$510.00
Municipal Consent for Tree Removal		Nil	Nil	Nil

Exotic Pets				
Schedule of Fees		2017 Fee	2018 Fee	2019 Fee
For the first animal of each species		\$20.00	\$21.00	\$21.00
For the second and third animal of each species		\$2.00	\$2.50	\$2.50
For each species the aggregate of which exceed three in number		\$1.00	\$1.50	\$1.50
Maximum Licensing fee*		\$5,000.00	\$5,100.00	\$5,100.00
*regardless of the number of animals, animal species or sub-species held in a single location				



Report Number: 2019-129

Date: August 26, 2019

**SUBJECT: Proposed Development Agreement for David Luckasavitch and Mary Ventresca, 534 Pleasant Beach Road**

**1) PURPOSE:**

This report has been prepared to recommend Council approval to enter into a development agreement with David Luckasavitch and Mary Ventresca.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

David Luckasavitch and Mary Ventresca obtained a consent to sever their property at 534 Pleasant Beach Road from the Committee of Adjustment in application B12-19-PC (Notice of Decision attached as Appendix A). One of the conditions that Mr. Luckasavitch and Ms. Ventresca must clear before the severance is given final certification is "enter into a development agreement with the City of Port Colborne prior to any construction or site alteration, to address the Region's concerns". The Region's request for a development agreement will address potential archaeological features that may be discovered during the development of the property. In addition, the Region requires the installation of a sufficient septic system and cistern to provide the water supply.

**3) STAFF COMMENTS AND DISCUSSIONS**

Staff have prepared the draft development agreement attached as Appendix B. Staff recommends that Council approve the development agreement.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do Nothing**

This option is not recommended as it would negatively impact development of David Luckasavitch and Mary Ventresca's property at 534 Pleasant Beach Road.

**b) Other Options**

That Council accepts this report as information and not take any further action at this time.

This option is not recommended as it would negatively impact development of David Luckasavitch and Mary Ventresca's property at 534 Pleasant Beach Road.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

N/A

**6) ATTACHMENTS**

Appendix A            Committee of Adjustment Notice of Decision for B12-19-PC  
Appendix B            Draft Development Agreement

**7) RECOMMENDATION**

That a development agreement be entered into with David Luckasavitch and Mary Ventresca for 534 Pleasant Beach Road and that the Mayor and Clerk be authorized to sign and execute said agreement.

**8) SIGNATURES**

Prepared on August 14th 2019 by:



David Schulz  
Planning and Development Department

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT  
Director of Planning and Development

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer



Application B12-19-PC

June 12, 2019

IN THE MATTER OF The Planning Act, R.S.O., 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the property legally known as Part of Lot 3 Concession 1 in the City of Port Colborne Regional Municipality of Niagara; municipally known as 534 Pleasant Beach Road.

AND IN THE MATTER OF AN APPLICATION by the agent David Luckasavitch, for consent under Section 53(1) of the Planning Act, R.S.O. 1990, Chapter P. 13, so as to permit the conveyance of a parcel of land (Part 1) having a lot frontage of 60.56m (198.68ft) on Pleasant Beach Road for a total lot area of 1.214ha(3.00ac) for a future residential use and to retain a parcel of land (Part 2) having a total lot frontage of 155.54m(510.30ft) on Pleasant Beach Road for a total lot area of 3.48ha(8.61ac) for an existing residential use.

That application B12-19-PC be **GRANTED** subject to the following conditions:

1. That a drainage apportionment agreement be completed by the City's Drainage Superintendent or by an approved engineer at the cost of the applicant.
2. That the owner submit a letter to the City indicating that (s)he is aware of the requirements of By-law 4748/130/05 which requires the collection of the parkland dedication at the time of the building permit application based on the value of the property the day before issuance of the permit and that (s)he will advise any future purchasers of this requirement.
3. That the applicant provides the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel or a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
4. That a final certification fee of \$204 payable to the City of Port Colborne be submitted to the Secretary-Treasurer.
5. A successful Minor Variance application from MDS for new lot creation.
6. That the Owner enter into a Development Agreement with the City of Port Colborne subject to the approval of the Niagara Region.

For the following reasons:

1. The application conforms to the policies of the Official Plan and will comply with the provisions of Zoning By-law 6575/30/81, as amended.
2. This decision is rendered having regard to the provisions of subsection 51(24) of the Planning Act, R.S.O. 1990, c.P.13.

DATED AT PORT COLBORNE this 11th day of June, 2019.

CERTIFIED A TRUE COPY

  
 SECRETARY-TREASURER

**DECISIONS SIGNED:**

<u>"Dan O'Hara"</u>	<u>"Gary Bruno"</u>	<u>"Angie Desmarais"</u>	<u>"Donna Kalailieff"</u>	<u>"Eric Beauregard"</u>
Signature of Member of Committee	Signature of Member of Committee	Signature of Member of Committee	Signature of Member of Committee	Signature of Member of Committee

NOTE: No Public Correspondence was received.

FINAL AND BINDING  
  
 SECRETARY-TREASURER

THIS DEVELOPMENT AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2019.

**BETWEEN:**

**DAVID LUCKASAVITCH and MARY VENTRESCA**  
hereinafter referred to as the "OWNER";

and

**THE CORPORATION OF THE CITY OF PORT COLBORNE**  
hereinafter referred to as the "CITY";

**WHEREAS** the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "Lands");

**AND WHEREAS** on June 11, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B12-19-PC);

**AND WHEREAS** the Regional Municipality of Niagara (hereinafter referred to as the "Region") requires a Development Agreement between the Owner and the City regarding specific conditions and processes to be followed during development of the Lands;

**NOW THEREFORE** the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. The Owner shall undertake or implement all requirements in Paragraphs 5 and 6, of this agreement prior to construction or site alteration to the satisfaction of the Regional Municipality of Niagara.
5. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport and owner's archaeological consultant shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport and owner's archaeological consultant.
6. Development on Part 1 will require the installation of a N-I by CAN-BNQ 3860-600 system at the approximate location shown in Figure 7 of the Hydrogeological Assessment (dated April 18, 2019, prepared by Terra-Dynamics Consulting Inc.), and that a cistern provide the water supply for any development on Part 1.

7. The Owner agrees and acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City and the Region.

**SIGNED, SEALED & DELIVERED  
IN THE PRESENCE OF:**

**OWNER**

\_\_\_\_\_  
David Luckasavitch

\_\_\_\_\_  
Mary Ventresca

**THE CORPORATION OF THE CITY  
OF PORT COLBORNE**

\_\_\_\_\_  
William C Steele, Mayor

\_\_\_\_\_  
Amber LaPointe, Clerk

**SCHEDULE "A" – THE LANDS**

Con 1 PT Lot 3  
On the West Side of Pleasant Beach Road  
In the City of Port Colborne  
In the Regional Municipality of Niagara

Report Number: 2019-130

Date: August 26, 2019

**SUBJECT: Shopping Cart By-law**

**1) PURPOSE**

This report has been prepared by the City Clerk at the direction of the Chief Administrative Officer in order to advise Council of a proposed solution to the problem of nuisance shopping carts being abandoned in public locations throughout the City.

**2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Currently shopping carts are frequently removed from retail store properties within the City and discarded at other locations. This discarding of shopping carts commonly causes an impediment to those trying to use sidewalks and roadways. It regularly creates hazards and limits accessibility. In an attempt to keep the City safe and clean, staff are recommending a formal process in order to safely retrieve abandoned shopping carts, ensure their return to the proper owners, and deter the continual removal from store property.

**3) STAFF COMMENTS AND DISCUSSIONS**

The proposed Shopping Cart By-law requires that shopping carts must remain on store property and requires store owners to ensure compliance.

This by-law will require store owners to review their processes and implement a shopping cart management system. This management system could include an attachment to the cart to prevent removal, or could be as simple as requiring staff to retrieve carts on a frequent basis.

The proposed Shopping Cart By-law sets out a formal process for actions staff will take when they find an abandoned shopping cart near a road or on City property. The by-law gives staff the authority to remove the cart and charge the cart owner a fee for the retrieval. The by-law requires staff to hold the cart safely within a City facility and send a letter to the cart owner notifying them of the cart location and pick-up requirements. Staff are required to keep the cart for 60 days after the letter has been sent to the owner in order to provide a reasonable amount of time for the owner to pick-up the cart.

The shopping cart retrieval fee will be included in the City's consolidated fees and charges by-law and will be reviewed annually. The proposed fee is \$50 for each cart. This fee includes the cost for staff to retrieve the cart, administrative staff to send a letter to the cart owner and arrange for pick-up, storage of the cart, and staff time spent during the cart pick-up. The fee of \$50 per cart does not represent full cost recovery, but is designed so that retrieving the cart is practical while discouraging repeated occurrences.

In order to provide education and encourage compliance with the by-law, staff will be sending communication to all known shopping cart owners in the municipality before

enforcement begins.

**4) OPTIONS AND FINANCIAL CONSIDERATIONS:**

**a) Do Nothing**

If Council does not approve the recommended by-law, staff will not proceed with the collection and storage of shopping carts and the carts will continue to remain a nuisance throughout the City.

**b) Other Options**

It is recommended that Council approve the Shopping Cart By-law. Council may make amendments to the proposed by-law.

**5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES**

Not applicable.

**6) ATTACHMENTS**

Appendix A – Draft Shopping Cart By-law

**7) RECOMMENDATION**

That Appendix A to Corporate Services Department, Clerks Division Report 2019-130, Subject: Shopping Cart By-law, be supported; and

That the Shopping Cart By-law and an amendment to the Fees and Charges By-law be brought forward for approval.

**8) SIGNATURES**

Prepared on August 16, 2019 by:



Amber LaPointe  
Manager of Legislative Services/City Clerk

Reviewed by:



Brenda Garrett  
Director of Corporate Services

Reviewed and respectfully submitted by:



C. Scott Luey  
Chief Administrative Officer

The Corporation of the City of Port Colborne

By-Law no. \_\_\_\_\_

Being a by-law to prevent and control  
the abandonment of shopping carts on  
public lands in the City of Port Colborne

Whereas under Section 9 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, The Corporation of the City of Port Colborne has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 11(1) of the *Municipal Act, 2001*, the Council of The Corporation of the City of Port Colborne may provide any service or thing that it considers necessary or desirable for the public; and

Whereas under Section 128(1) of the *Municipal Act, 2001*, the Council of The Corporation of the City of Port Colborne may prohibit and regulate with respect to matters that in the opinion of Council are or could become a public nuisance; and

Whereas shopping carts that are disposed of or abandoned on or near highways and on City property constitute a public nuisance; and

Whereas under Section 63 of the *Municipal Act, 2001*, the Council of The Corporation of the City of Port Colborne has the authority to prohibit the abandonment or disposal of an object on or near a highway; and

Whereas under Section 391 of the *Municipal Act, 2001*, the Council of The Corporation of the City of Port Colborne has the authority to impose fees or charges on persons for services or activities provided by the municipality;

Now therefore, the Council of The Corporation of the City of Port Colborne enacts as follows:

Section 1 – Short Title

1.1 This by-law shall be known as the “Shopping Cart By-law”.

Section 2 – Definitions

2.1 For the purposes of this by-law;

"abandon" means to place, leave, park, stand or deposit a shopping cart, unattended, on any public or private property outside of the premises of the business that owns or uses the shopping cart;

"Director" means the Director of Engineering and Operations Department;

"highway" means a common and public highway, street, road, avenue, parkway, lane, driveway, boulevard, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons and includes the area between the lateral property lines of any highway or road allowance including any curbs, gutters, culverts and retaining walls;

"owner" means a person or business who owns or provides shopping carts to its customers, and for the purposes of the retrieval of an impounded shopping cart(s) owner shall include an agent authorized in writing by the owner;

"parking area" means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;

"person" shall include a corporation;

"premises" means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, "premises" shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;

"shopping cart" means a non-motorized basket which is mounted on wheels, or a similar device, which includes anything that is attached thereon, generally used by a customer of a business for the purpose of transporting goods on the business premises;

"Shopping Cart Retrieval Fee" means the fee that must be paid to the City by an owner of an impounded shopping cart prior to the release of the shopping cart, in the amount set in the City's Fee and Charges By-law.

### Section 3 – Removal or Abandonment Prohibited

- 3.1 No owner shall allow or otherwise permit a shopping cart owned or used by the business to be removed from the premises of the business.
- 3.2 No person shall remove a shopping cart from the premises of the business that owns or uses the shopping cart.



- 3.3 No owner shall abandon a shopping cart on or near any highway or on any City property.
- 3.4 No owner shall allow or otherwise permit a shopping cart owned or used by the business to be abandoned on or near any highway or on any City property.
- 3.5 No person shall abandon any shopping cart on or near any highway or on any City property.
- 3.6 Subsections 3.1 and 3.2 of this by-law shall not apply to an owner, or any person authorized in writing by an owner, where a shopping cart is removed from the premises of a business for the purposes of a transfer to a different location, sale, repair, maintenance or proper disposal.

#### Section 4 – Disposal of Abandoned Shopping Carts

- 4.1 City staff may remove and impound any abandoned shopping cart that is found on or near any highway or on any City property. The shopping carts may be impounded in any City storage facility.
- 4.2 If the owner's identity can be determined from a visual inspection of an impounded shopping cart, City staff shall notify the owner by way of a written notice that the City has impounded the owner's shopping cart(s) and provide a reasonable period of time for the owner to retrieve the shopping cart from the storage facility.
- 4.3 For the purposes of subsection 4.2, the written notice may be sent to the owner by facsimile transmission, regular letter mail, e-mail, or by leaving a copy of the notice at the owner's place of business. The City may send the written notice to any corporate head office or any local business address that may be available for the owner of an impounded shopping cart.
- 4.4 A Shopping Cart Retrieval Fee shall apply to each shopping cart impounded pursuant to this by-law. The fee will be prescribed in conformance with the City's Fees and Charges By-law.
- 4.5 The Shopping Cart Retrieval Fee shall become due and payable by the owner of the shopping cart on the date the shopping cart is impounded.
- 4.6 The City shall release an impounded shopping cart to an owner after the owner has paid the Shopping Cart Retrieval Fee to the City pursuant to subsection 4.4 of this by-law.
- 4.7 If the owner of an impounded shopping cart cannot be determined by City staff through a visual inspection of the shopping cart and the City has not been contacted by the owner of an impounded shopping cart where ownership cannot be determined by City staff, the shopping cart may be disposed of by the City

after the passage of a period of 60 days from the date the shopping cart is impounded.

- 4.8 If an impounded shopping cart, for whom the owner has been identified either through a visual inspection by City staff or by contact from the owner, remains unclaimed from the storage facility after the passage of 60 days from the date of the notice as provided for under subsection 4.2 herein, the shopping cart may be disposed of pursuant to the provisions of the *Repair and Storage Liens Act, R.S.O. 1990, c.R.25*, as amended.

#### Section 5 – Enforcement

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalties specified in accordance with the *Provincial Offences Act, R.S.O. 1990, c.P.33*, as amended. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.

#### Section 6 – General

- 6.1 If a Court of competent jurisdiction declares any provision or part of any provision of this by-law to be invalid or to be of no force and effect, it is the intention of the Council for The Corporation of the City of Port Colborne in enacting this by-law, that each and every other provision of this by-law authorized by law, be applied and enforced in accordance with its term to the extent possible according to law.
- 6.2 The Director shall prescribe all notices and forms necessary to administer this by-law and may amend such forms from time to time as the Director deems necessary.

Enacted and passed this 26th day of August, 2019.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

August 16, 2019

**CL 15-2019, August 15, 2019**  
**PEDC 8-2019, August 7, 2019**  
**PDS-C 15-2019, August 7, 2019**

***NIAGARA PENINSULA CONSERVATION AUTHORITY***

***SENT ELECTRONICALLY***

**Re: Niagara Peninsula Conservation Authority (NPCA) Board Appointments  
PDS-C 15-2019**

Regional Council, at its meeting of August 15, 2019, approved the following recommendation of its Planning and Economic Development Committee:

That Correspondence Item PDS-C 15-2019, being a memorandum from A.-M. Norio, Regional Clerk, dated August 7, 2019, respecting Niagara Peninsula Conservation Authority (NPCA) Board Appointments **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPOINT** Ken Kawall (Lincoln), Mal Woodhouse (Thorold), Deborah Coon-Petersen (West Lincoln) and Jack Hellinga (Port Colborne) to the Niagara Peninsula Conservation Authority Board of Directors effective August 17, 2019; and
2. That Regional Council **EXTEND** the current appointment of Councillor Zalepa on the Niagara Peninsula Conservation Authority Board of Directors until September 30, 2019 and **APPOINT** William Rapley (Niagara-on-the-Lake) to the Niagara Peninsula Conservation Authority Board of Directors effective October 1, 2019 in accordance with the recommendation of the Council of the Town of Niagara-on-the-Lake.

A copy of Correspondence Item PDS-C 15-2019 is enclosed for your information.

Yours truly,



Ann-Marie Norio  
Regional Clerk

CLK-C 2019-205

Cc: Clerk, Town of Lincoln  
Clerk, Township of West Lincoln  
Clerk, City of Port Colborne  
Clerk, City of Thorold  
Clerk, Niagara-on-the-Lake

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## MEMORANDUM

PDS-C 15-2019

**Subject: Niagara Peninsula Conservation Authority (NPCA) Board Appointments**

**Date: August 7, 2019**

**To: Planning and Economic Development Committee**

**From: Ann-Marie Norio, Regional Clerk**

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At the Regional Council meeting held on June 20, 2019, staff were requested to consider having NPCA related matters brought forward to the Planning and Economic Development Committee for consideration.

At its meeting held on May 16, 2019, Regional Council passed the following resolution:

1. *That Correspondence Item CL-C 39-2019, being a memorandum from A.-M. Norio, Regional Clerk, dated May 16, 2019, respecting Niagara Peninsula Conservation Authority Board Appointments, **BE RECEIVED**;*
2. *That Regional Council **APPOINT** the community representatives selected by Fort Erie, Grimsby, St. Catharines, and Welland to the Niagara Peninsula Conservation Authority Board effective immediately;*
3. *That Regional Council **REQUEST** that the remaining eight local area municipalities submit their recommendations for representatives on the Niagara Peninsula Conservation Authority Board by July 31, 2019; and*
4. *That Regional Council **EXTEND** the appointments of Councillors Bylsma, Foster, Gibson, Greenwood, Huson, Steele, Whalen and Zalepa, on the Niagara Peninsula Conservation Authority Board for an additional three months from today's date unless the local area municipality appoints another representative before that date.*

Pursuant to the *Conservation Authorities Act*, Regional Council is the body responsible for the appointment of members representing Niagara Region on the NPCA Board.

Staff are in receipt of correspondence respecting the outstanding local area municipalities' recommendations for representation on the Board.

A resolution of Council is required for these Board appointments. Suggested wording is as follows:

That Regional Council **APPOINT** Ken Kawall (Lincoln), Mal Woodhouse (Thorold), Deborah Coon-Petersen (West Lincoln) and Jack Hellinga (Port Colborne) to the Niagara Peninsula Conservation Authority Board of Directors effective August 17, 2019; and

That Regional Council **EXTEND** the current appointment of Councillor Zalepa on the Niagara Peninsula Conservation Authority Board of Directors until September 30, 2019 and **APPOINT** William Rapley (Niagara-on-the-Lake) to the Niagara Peninsula Conservation Authority Board of Directors effective October 1, 2019 in accordance with the recommendation of the Council of the Town of Niagara-on-the-Lake.

Respectfully submitted and signed by

---

Ann-Marie Norio  
Regional Clerk

August 19, 2019

**CL 15-2019, August 15, 2019**  
**PEDC 8-2019, August 7, 2019**  
**PDS 28-2019, August 7, 2019**

**AREA MUNICIPAL CLERKS**

**SENT ELECTRONICALLY**

**Re: Bill 108 - Transition Regulations to the Planning Act and Development Charges Act  
PDS 28-2019**

Regional Council, at its meeting of August 15, 2019, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 28-2019 dated August 7, 2019, respecting Bill 108 – Transition Regulations to the Planning Act and Development Charges Act **BE RECEIVED**, and the following recommendations **BE APPROVED**:

1. That staff **BE DIRECTED** to continue to provide detailed comments on Bill 108 and any associated matters, as needed;
2. That a copy of Report PDS 28-2019 **BE CIRCULATED** to local area municipal Planning Directors and Area Treasurers; and
3. That staff **FURTHER REPORT** to Council with additional information on any legislation changes to Bill 108 and associated regulations that arise after the date of this report.

A copy of Report PDS 28-2019 is enclosed for your information.

Yours truly,



Ann-Marie Norio  
Regional Clerk

:me

CLK-C 2019-213

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**Subject:** Bill 108 – proposed transition regulation materials relating to the *Planning Act, 1990* and *Development Charges Act, 1997*

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, August 7, 2019

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## Recommendations

1. That Report PDS 28-2019 **BE RECEIVED** for information.
2. That staff **BE DIRECTED** to continue to provide detailed comments on Bill 108 and any associated matters, as needed.
3. That a copy of Report PDS 28-2019 **BE CIRCULATED** to local area municipal Planning Directors and Area Treasurers.
4. That staff **FURTHER REPORT** to Council with additional information on any legislation changes to Bill 108 and associated regulations that arise after the date of this report.

## Key Facts

- This report provides an overview of the proposed regulations associated with Bill 108 – More Homes, More Choice Act, 2019 (Bill 108).
- On May 2, 2019, Ministry of Municipal Affairs and Housing (MMAH) announced its “Housing Supply Action Plan” and concurrently introduced Bill 108. An earlier report, PDS 26-2019, provides an overview and comments on Bill 108.
- On June 6, 2019, Bill 108 received Royal Assent, with some amendments coming into force and effect immediately.
- On June 21, 2019, MMAH released three proposed regulations for Bill 108 relating to the Planning Act, 1990 and Development Charges Act, 1997 (DC Act).
- A key component of Bill 108 – the formula for calculating a Community Benefit Charge (CBC) – has not been released. It is the subject of further consultation.
- The proposed CBC implementation date is January 1, 2021. Soft service development charges can no longer be charged after that date.



- Regional staff submitted their comments on Bill 108 regulations to the Environmental Registry of Ontario (ERO). A copy is attached as Appendix 1.

## Financial Considerations

As identified in PDS 26-2019, proposed regulations to Bill 108 will influence the amount of development-related charges collected by Niagara Region and its local municipalities. This could result in less available funding for Regional programs and initiatives and may result in deferral of growth-related capital infrastructure.

The proposed regulations have not identified the formula for calculating a CBC – the release of the draft formula will occur after further consultation. The introduction of CBCs and the changes to development charges (DCs) may have a significant financial impact on the Region. Under the existing system the forecast DCs collected are as shown in the table below:

Summary of Regional Development Charge Collections (\$Ms)											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	Total
DCs Collected - Hard Service	41.03	42.73	43.59	44.46	45.35	46.26	47.18	48.13	49.09	50.07	457.88
DCs Collected - Soft Service	3.33	7.95	8.11	8.27	8.44	8.61	8.78	8.96	9.13	9.32	80.90
<b>Total</b>	<b>44.36</b>	<b>50.69</b>	<b>51.70</b>	<b>52.73</b>	<b>53.79</b>	<b>54.86</b>	<b>55.96</b>	<b>57.08</b>	<b>58.22</b>	<b>59.39</b>	<b>538.79</b>

As recently presented in CSD 56-2019 Long Term Care Home Redevelopment Financing, unknowns associated with the CBC has created a significant financial risk for the growth related component of the Long Term Care redevelopment. This same risk also exists with other soft service areas that were previously included under DCs and proposed to be included under the new CBC (for example, social housing).

Regional staff are also in the process of assessing internal resources required to achieve compliance with the revised legislation. Staff expect to present program changes that are a direct result of Bill 108 as part of the 2020 Levy Supported Operating Budget. Program changes may address staffing and professional service requirements for the implementation of the revised legislation and CBC, as well as for the early adoption of a new DC Background Study.

## Analysis

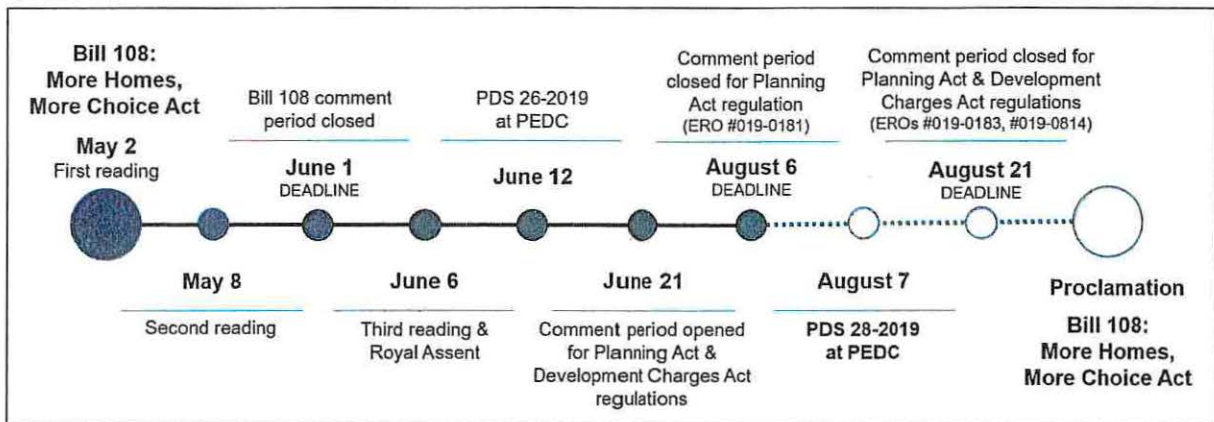
Amendments to the *Planning Act, 1990* and *DC Act* proposed through Bill 108 received Royal Assent on June 6, 2019.

On June 21, 2019, MMAH issued its first ERO postings of proposed transition regulations relating to Bill 108.

Most of the proposed regulations will come in effect at time of Bill 108's proclamation. Bill 108 has not received proclamation at time of writing this report. Some regulations will come in to effect retroactively to the date of Royal Assent (June 6, 2019).

Figure 1 below illustrates a timeline of key milestones associated to Bill 108.

Figure 1: Key milestones relating to Bill 108.



Current ERO postings for Bill 108's proposed regulations cover the following matters:

- ERO #019-0183 titled, "Proposed new regulation pertaining to the community benefits authority under the *Planning Act*" (<https://ero.ontario.ca/notice/019-0183>)
- ERO #019-0184 titled, "Proposed changes to O. Reg. 82/98 under the *Development Charges Act* related to Schedule 3 of *Bill 108 - More Homes, More Choice Act, 2019*" (<https://ero.ontario.ca/notice/019-0184>)
- ERO #019-0181 titled, "Proposed new regulation and regulation changes under the *Planning Act*, including transition matters, related to Schedule 12 of *Bill 108 - the More Homes, More Choice Act, 2019*" (<https://ero.ontario.ca/notice/019-0181>)

Regional staff's comments to these postings are attached as Appendix 1 to this report.

The following sections provide a synopsis of changes proposed through the regulations.

## **Community Benefits Charge (CBC)**

### CBC Formula

MMAH has not yet released the CBC formula. The Ministry advises that it will conduct further consultation to get feedback for the appropriate range of percentages for the formula.

The Ministry states a key goal of the CBC formula will be to ensure that municipalities maintain their historic revenue collected for soft services through its DC.

Notwithstanding this comment, staff are unsure whether this is achievable given that the formula details have not yet been released.

### CBC Authority

The regulations specify that municipalities will be the CBC Authority. This is similar to the current authority of municipalities to charge development charges.

The proposed start date is January 1, 2020. After January 1<sup>st</sup>, municipalities can pass CBC By-laws.

### CBC By-law Implementation Date

By January 1, 2021, municipalities must have transitioned to the use of CBC By-laws if they seek to collect money for soft services (i.e. what was permitted in the former *DC Act* before the recent amendment). After that date, municipalities are prohibited from collecting DCs for soft services.

However, in absence of a CBC By-law by January 2021, municipalities may continue to collect fees for parkland until such time that the municipality implements a CBC By-law.

### CBC Reporting Requirement

The regulation identifies an annual CBC reporting requirement similar to what is currently prepared by municipalities for DC and parkland collection.

Required elements of an annual CBC report include:

- year-opening and year-closing CBC balances;
- details on amounts allocated during the applicable year;
- descriptions of services funded through allocated amounts;

- details relating to any money borrowed from the CBC account and its borrowed purpose; and,
- amount of incurred interest on the borrowed amount.

#### Exemptions to a CBC By-law

The regulation materials prescribe the following development types exempt from the collection of CBCs:

- long-term care homes;
- retirement homes;
- universities and colleges;
- memorial homes, clubhouses or athletic grounds of the Royal Canadian Legion;
- hospices; and
- non-profit housing.

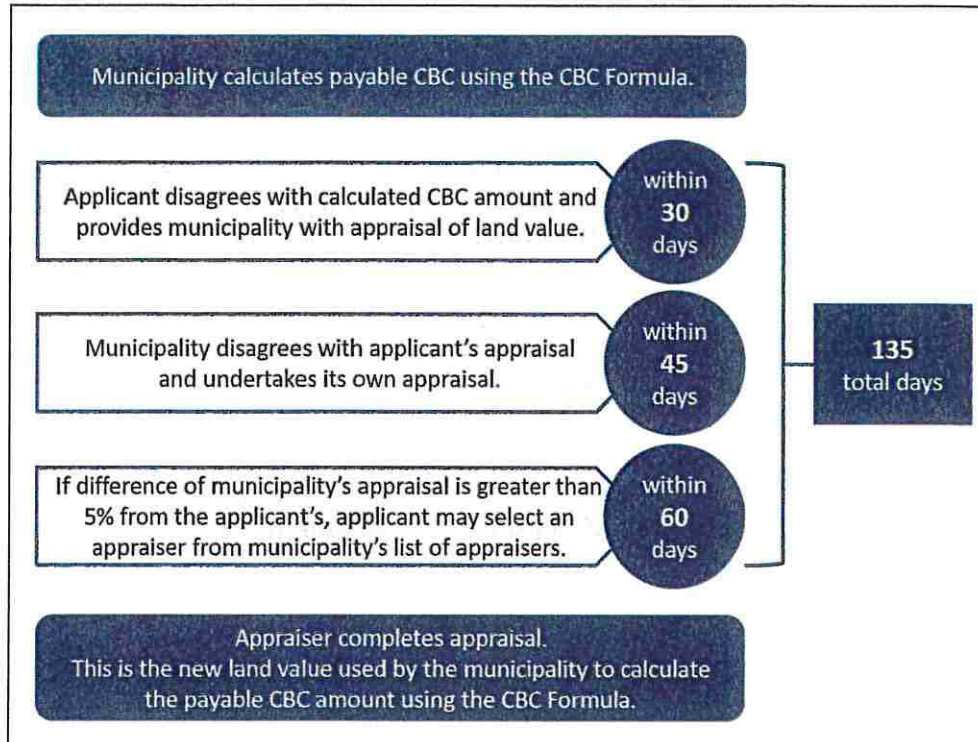
#### Protesting a Payable CBC Amount

An applicant may protest the amount a municipality determined is payable under the CBC.

The protest may only occur on the basis that the payable CBC amount exceeds the amount legislatively permitted through the CBC formula. This is similar to the test under the *DC Act*.

Figure 2 identifies the proposed process for challenges to a payable CBC amount.

Figure 2: Steps of the CBC land value appraisal process.



## Development Charges (DCs)

### January 2021 Implementation Date

As set out above, municipalities must implement a CBC by January 1, 2021 or they are no longer eligible to collect soft service-related DCs.

As a result, the Region may be required to prepare a new development charge background study and pass a new By-law in advance of the current By-law expiry (August 31, 2022) to satisfy the January 1, 2021 CBC implementation date.

### Deferral of DC Collection

The following development types have a mandatory deferral for the collection of DCs:

- rental housing;
- non-profit housing;
- institutional;
- industrial; and
- commercial.

The above development types will be defined further in the regulations. The deferral eligibility takes effect upon proclamation.

### DC Rate Freeze

Bill 108 set out a new process that allows the DC amount to be set at the time of site plan application (or zoning application, if there is no site plan application). In most cases under the old rules, DCs would be paid later, at the time of building permit issuance.

The regulation proposes a maximum length of time for the DC freeze: applications are frozen for a maximum of two years from the date of approval.

For planning applications that do not require a site plan or zoning amendment, the current DC collection procedure continues to apply.

The rate freeze rules will come in to effect upon proclamation.

### Municipal interest rates for deferred or frozen DCs

Municipalities are able to collect interest on deferred or frozen development charges.

The regulation does not set a specific rate; rather MMAH has left it to individual municipalities to set a rate.

## **Local Planning Appeal Tribunal (LPAT)**

### Transition of LPAT Matters

LPAT appeal rights, procedure and evidence rules were revised through Bill 108.

Where an LPAT Hearing has not yet been scheduled, the new rules under Bill 108 will apply to that Hearing. Existing appeals with Hearing dates will proceed under the old rules.

### Reduced Planning Application Review

As noted in PDS 26-2013, municipal review and approval timelines were reduced by Bill 108.

These timelines are now in effect and are set out below in Table 1:

Table 1: Overview of new planning application review and approval timelines through Bill 108.

<b>Planning Instrument</b>	<b>Bill 139</b> (previous timelines)	<b>Bill 108</b> (current timelines as of June 6, 2019)
<b>Official Plan / Official Plan Amendment</b>	210 days	<b>120 days</b>
<b>Zoning By-law Amendment</b>	150 days	<b>90 days</b>
<b>Plan of Subdivision</b>	180 days	<b>120 days</b>

### **Alternatives Reviewed**

The purpose of this report is to provide an overview of key changes proposed through Bill 108's transition regulation materials in relation to the *Planning Act, 1990*, and *DC Act*. There are no other alternatives for Regional Council to consider at this time.

Regional staff will update Council on Bill 108-related matters as they occur.

### **Relationship to Council Strategic Priorities**

#### Doing Business Differently

Bill 108's transition regulations will impact the way Niagara Region conducts its core functions and daily business operations.

Specifically, proposed regulations to the *Planning Act, 1990* and *DC Act* will modify the collection development-related costs through DCs and CBCs.

### **Other Pertinent Reports**

- CWCD 176-2019
- CWCD 215-2019
- PDS 26-2019

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**Prepared by:**

Isaiah Banach  
Manager, Long Range Planning  
Planning and Development Services

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**Recommended by:**

Rino Mostacci  
Commissioner  
Planning and Development Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting, Chief Administrative Officer

*This report was prepared in consultation with Alexander Morrison, Planner, and reviewed by Helen Chamberlain, Director of Financial Management & Planning/Deputy Treasurer, Margaret Murphy, Associate Director of Budget Planning and Strategy, Robert Fleming, Senior Tax and Revenue Analyst, Donna Gibbs, Director of Legal and Court Services.*

**Appendices**

Appendix 1      Niagara's comments: transition regulations for *Bill 108 – More Homes, More Choice Act, 2019*, regarding the *Planning Act, 1990* (ERO 019-0181, -0183), and the *Development Charges Act, 1997* (ERO 019-0184)      Pages 10 - 12



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**Delivered electronically**

**Subject:** Niagara's comments: transition regulations for *Bill 108 – More Homes, More Choice Act, 2019*, regarding the *Planning Act, 1990* (ERO 019-0181, -0183), and the *Development Charges Act, 1997* (ERO 019-0184)

**Date:** August 6, 2019

**To:** **John Ballantine**  
Municipal Finance Policy Branch, Ministry of Municipal Affairs and Housing

**Planning Consultation**  
Provincial Planning Policy Branch

**From:** **Rino Mostacci, MCIP, RPP**  
Commissioner of Planning and Development Services, Niagara Region

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Kindly accept this letter on behalf of the Commissioner of Planning and Development Services of the Regional Municipality of Niagara (the "Region") in response to the proposed regulations for the *Development Charges Act, 1997*, and the *Planning Act, 1990*, through the Ministry of Municipal Affairs and Housing (MMAH) *Bill 108: More Homes, More Choice Act, 2019*.

The views expressed in this letter are those of the Region's Commissioner of Planning and Development Services.

Comments in this letter are submitted collectively in response to the following Environmental Registry of Ontario ("ERO") postings:

- ERO #019-0181: "*Proposed new regulation and regulation changes under the Planning Act, including transition matters, related to Schedule 12 of Bill 108 - the More Homes, More Choice Act, 2019*"
- ERO #019-0183: "*Proposed new regulation pertaining to the community benefits authority under the Planning Act*"
- ERO #019-0184: "*Proposed changes to O. Reg. 82/98 under the Development Charges Act related to Schedule 3 of Bill 108 - More Homes, More Choice Act, 2019*"

## **Regional staff supports some of the proposed changes**

Regional staff supports the following aspects of the proposed regulations:

- The Ministry's stated commitment that municipal revenue historically collected through development charges (DCs) and parkland are maintained through the Community Benefits Charge (CBC) formula.
- Clarified roles and responsibilities between the applicant and the municipality during the land value appraisal process used to calculate a CBC.

Niagara Region's comments to Bill 108 transition regulations  
EROs #019-0181, -0183, -0184  
August 6, 2019

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- Specified transition period for the review and approval of *Planning Act, 1990*, applications such as official plan amendments, zoning by-law amendments, and plans of subdivision.
- Specified official plan elements required to implement a Community Planning Permit System and that approval of that instrument cannot be appealed.
- Decision to *not* specify a prescribed maximum interest rate on deferred / frozen DCs. This will allow municipalities to determine the appropriate rate based on its particular circumstances.

## **Regional staff comments**

### **Participation in future consultations**

The regulation does not specify how the Region can participate in future Bill 108-related consultation, including commenting on the CBC formula. The Region seeks to provide input.

### **Concern with the CBC By-law implementation date**

The regulation sets out that CBCs need to be implemented by January 1, 2021.

This implementation date will be difficult to achieve given the process that must occur prior to the completion of a CBC Strategy.

Undertaking a CBC Strategy in a two-tiered governance structure will take considerable time and be difficult to coordinate between all stakeholders, particularly the first time.

It takes more than a year to complete the necessary background work required for a Development Charge Background Study. As such, we expect a CBC Strategy to take at least this long since it is a new initiative and will involve consultation and coordination with 13 municipalities. It is an unreasonable time expectation to have this work completed, including passing a By-law, for Niagara's 13 municipalities by January 2021.

It would be unfair to prohibit the collection of development charges under a circumstance where a By-law was not passed during this period. Losing out on these charges would be detrimental to the construction of community infrastructure necessary to accommodate growth.

Regional staff requests MMAH to adjust the implementation date of a CBC By-law to allow for proper planning and consultation with municipalities to better understand administrative resourcing, tools, and processes required for this major transition.

In our view, instead of the January 2021 implementation date, CBCs should be phased-in at the time of DC By-law expiry. For example, if a DC By-law expires in March 2023, development charges, including soft services DCs, could continue to be collected until that date, at which time a CBC By-law would be required in order to do so. Using this phased approach will allow for better coordination between the local municipalities and Region, and allow additional time for municipalities to prepare and plan for this new funding process.

Niagara Region's comments to Bill 108 transition regulations  
EROs #019-0181, -0183, -0184  
August 6, 2019

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Additionally, there is confusion about the requirements for the January 2021 date based on the available materials. It is unclear whether a new DC By-law must be passed by January 2021 (thus requiring a new DC Study prior to that date), or if a municipality may instead amend its existing DC By-law by removing soft service rates recovered through the CBC By-law (without a DC Study). If the January 2021 date remains in the final form of the regulation, clarification about the requirements is needed.

### **Non-profit housing definition**

Non-profit housing developments are able to defer payments in the revised *DC Act*. The regulation does not currently identify eligibility requirements for a non-profit that could receive this benefit.

Regional staff requests that the regulation include a "charitable organization" requirement for non-profit housing developments to prevent unmeritorious corporations from incorporating as a non-profit to qualify for DC deferral.

### **Applicable DC rates upon expiry of deferral periods**

Regional staff requests clarification in regards to whether the initial DC rate or current DC rate would apply to applications whose two year deferral period has expired under ss. 26.1-26.2 of the *DC Act*.

### **Establish criteria for eligible CBC "in-kind contributions"**

The regulation should specifically identify eligibility requirements for "in-kind contributions" in lieu of cash on a remaining CBC balance (*Planning Act, 1990, ss.37(6-8)*).

For example, the regulation should provide that in-kind contributions collected by municipalities count towards its 60% annual spending/allocation requirement (*Planning Act, 1990, ss.37(27)*). The legislation and regulation is unclear on whether in-kind contributions, or cash-only, meet the 60% requirement.

## **Conclusion**

Regional staff appreciates the opportunity to provide these comments and looks forward to participating in further consultation opportunities.

Respectfully submitted and signed by



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**Rino Mostacci**, MCIP, RPP  
Commissioner of Planning and Development Services  
Niagara Region

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## MEMORANDUM

PORT COLBORNE

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**TO:** Mayor Steele and Members of City Council

**FROM:** Carrie McIntosh, Deputy Clerk

**DATE:** August 26, 2019

**RE:** Port Colborne Harvest Festival 2019

The Harvest Festival is an annual event held by the Downtown Business Improvement Area. This year's event will be held September 28, 2019. The event organizer is proposing to use King George Park/Market Square. Further information with respect to the event organizer's requests for use of municipal resources (closure of market square, road closure(s), barriers, use of the park, etc.), in accordance with the City's policies and procedures concerning festivals and events, will be forthcoming in a report to Council. The event organizers are working with City Events staff on the details.

According to Regulation 389/91 under the Liquor License Act, a Special Occasion Permit (SOP) is required for occasional special events where liquor is offered for sale anywhere other than a licensed establishment or private property. In order to obtain a SOP for an event such as the Harvest Festival, the municipality must provide a letter to the Alcohol and Gaming Commission of Ontario (AGCO) that the event is of municipal significance.

In order to ensure that there is enough time for the organizer to obtain a SOP, it is requested that Council approve the following resolution at its meeting of August 26, 2019.

That the Council of The Corporation of the City of Port Colborne hereby deems the 2019 Harvest Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit.

Respectfully,

Carrie McIntosh  
Deputy Clerk

Cc. Ashley Grigg, Director of Community and Economic Development  
Nicole Halasz, Manager of Parks and Recreation  
Luke Rowe, Events Assistant/Volunteer Coordinator  
Kristina Domenicucci, Customer Service/Licensing Clerk

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**City of Port Colborne  
Regular Committee of the Whole Meeting 21-19  
Minutes**

**Date:** August 12, 2019

**Time:** 6:30 p.m.

**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

Absent: R. Bodner, Councillor

**Staff Present:** D. Aquilina, Director of Planning and Development  
B. Garrett, Director of Corporate Services  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk (minutes)

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. National Anthem:**

Those in attendance stood for O Canada.

**3. Introduction of Addendum Items:**

Nil.

**4. Confirmation of Agenda:**

Moved by Councillor H. Wells  
Seconded by Councillor A. Desmarais

That the agenda dated August 12, 2019 be confirmed, as circulated or as amended.

CARRIED.

**5. Disclosures of Interest:**

Councillor Bruno declared a pecuniary interest regarding item 6 as the lots subject to the requested development agreements about his daughter's and son in law's property. Councillor Bruno refrained from discussing or voting on item 6.

Councillor Beauregard declared a pecuniary interest regarding item 9 as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard refrained from discussing or voting on item 9.

Councillor Danch declared a pecuniary interest regarding item 9 as Rankin Construction Inc. is a customer of his business. Councillor Danch refrained from discussing or voting on item 9.

**6. Adoption of Minutes:****(a) Regular meeting of Committee of the Whole 20-19, held on July 22, 2019.**

Moved by Councillor D. Kalailieff  
Seconded by Councillor E. Beauregard

That the minutes of the regular meeting of the Committee of the Whole 20-19, held on July 22, 2019, be approved as presented.

CARRIED.

**7. Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 1, 2, 3, 6, 9, 10, and 13.

**8. Approval of Items Not Requiring Separate Discussion:**

Moved by Councillor H. Wells  
Seconded by Councillor A. Desmarais

That items 1 to 14 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Items:****4. Planning and Development Department, Planning Division, Report 2019-122, Subject: Recommendation Report: Proposed Expansion of the Downtown Central Business District Community Improvement Plan**

Committee of the Whole recommends:

That the expansion of the project area for the Downtown Central Business District Community Improvement to include 176 Elm Street, be approved.



5. **Planning and Development Department, Planning Division, Report 2019-123, Subject: Environmental Advisory Committee Memorandum on the Vale-Community-Based Action Plan**

Committee of the Whole recommends:

That the Director of Planning and Development be directed to send a letter to the Ministry of the Environment, Conservation and Parks requesting clarification with respect to the safe soil levels of the Port Colborne Community Based Risk Assessment Chemicals of Concern and levels for use in Ontario Regulation 153/04.

7. **Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee**

Committee of the Whole recommends:

That the memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee, be received for information; and

That donation/sponsorship requests be approved for a total of \$10,325 for the second allocation for the year 2019 as follows:

Community Living Port Colborne Wainfleet – to provide financial assistance to the children of Port Colborne who are unable to register for recreation programs due to lack of funds - \$1,700

Friends of Port Colborne Lighthouses – to assist with the cost of insurance to allow tours of the Port Colborne Lighthouses - \$1,400

Friends of Roselawn Centre – to assist with the cost of purchasing a new stove for the Roselawn Centre - \$1,200 (Note: these funds will only be disbursed if the City proceeds with the project)

Niagara Nutrition Partners – to assist with the purchase of food to run the nutrition programs in Port Colborne schools - \$2,500

Port Colborne Fair Trade Town Committee – to purchase a new banner, advertising and printing for the Fair Trade Crawl and a 10 year celebration cake - \$725

Port Colborne Historical & Marine Museum Auxiliary – to assist with renovations to Arabella's Tea Room - \$2,800.

8. **Bryan Elliott, Ice Dogs Game Coordinator Re: Request for Proclamation of Niagara Ice Dogs Day in Port Colborne**

Committee of the Whole recommends:

That Friday, August 30, 2019 be proclaimed as "Niagara Ice Dogs Day" in the City of Port Colborne, in accordance with the request received from Bryan Elliott, Ice Dogs Game Coordinator.

11. **Niagara Housing Statement Final Summary Report (Report PDS 27-2019)**

Committee of the Whole recommends:

That the correspondence received from the Niagara Housing Statement Final Summary Report, be received for information.

12. **Ministry of Municipal Affairs and Housing Re: Provincial Policy Statement Review – Draft Policies**

Committee of the Whole recommends:

That the correspondence received from Steve Clark, Minister, Ministry of Municipal Affairs and Housing Re: Provincial Policy Statement Review – Draft Policies, be received for information.

14. **City of Thorold Re: Bill 115 – Beer Retailing in Ontario**

Committee of the Whole recommends:

That the resolution received from the City of Thorold Re: Bill 115 – Beer Retailing in Ontario, be received for information.

CARRIED.

9. **Presentations:**

Nil.

10. **Delegations:**

- (a) **Sandeep Chera, Operations Manager, B.C. Investments Ltd., Operating as Storage Guyz Port Colborne Re: Request Street Name Change of Ramey Road, Port Colborne**

Sandeep Chera presented a request to change the name of Ramey Road, north of Highway 140, to better identify the location of his business. A copy of the request is attached.

Moved by Councillor H. Wells  
Seconded by Councillor A. Desmarais

That the Chief Administrative Officer be directed to provide a report back to Council with respect to a policy and practice regarding re-naming of City roads.

CARRIED.

**11. Mayor's Report:**

A copy of the Mayor's Report is attached.

**12. Regional Councillor's Report:**

Nil.

**13. Councillors' Items:**

**(a) Rural road cleanup (Wells)**

Councillor Wells thanked the Director of Engineering and Operations and the roads crew for cleaning up a rural road manure spill.

**(b) Parking at Pleasant Beach (Wells)**

In response to concerns expressed by Councillor Wells with respect to property owners near Pleasant Beach allowing beach goers to park their vehicles for a fee, the Chief Administrative Officer advised that this practice is not allowed and staff is continuing to enforce parking at the beach while preparing a report to Council to try to address the illegal parking.

**(c) Railway crossing – Sugarloaf and Elm Streets (Bagu)**

In response to Councillor Bagu's request for an update, the Director of Engineering and Operations advised that Trillium Railway has scheduled the repair of the railway crossing at Sugarloaf and Elm Streets for September.

**(d) Speeding at the West end of Stanley Street (Bagu)**

In response to a concern expressed by Councillor Bagu about vehicles speeding as they cut through the West end of Stanley Street to access Clarence Street, the Chief Administrative Officer advised that he will forward the concern to the Niagara Regional Police. The Director of Engineering and Operations advised that a consultant is being hired to conduct traffic studies in the City and the intersection will be included in the report to Council.

**(e) City customer service (Bagu)**

In response to an inquiry by Councillor Bagu, the City Clerk advised that the phone system is expected be live answered in the fall as a first step in the roll out of the customer service project over the next year. The Chief Administrative Officer requested for Councillors to report customer service issues to him.

**(f) Communication to Councillors about operations (Bagu/Bruno)**

In response to a request by Councillors Bagu and Bruno for staff to provide communication to Councillors ahead of time regarding work being done in the City, the Chief Administrative Officer advised that communication is a prominent feature in the strategic plan that is being developed and staff is looking to make improvements in the future.

**(g) Councillor attendance at senior staff meetings (D. Kalailieff)**

In response to an inquiry by Councillor Kalailieff about Councillor attendance at senior staff meetings, the Chief Administrative Officer noted that Councillors receive the minutes of the meetings and that the meetings are very operational whereas Council's role is to provide policy oversight but that he would discuss with staff a better approach to providing information to Councillors in a more meaningful and timely way.

**(h) Trees on West Street (Danch)**

Councillor Danch advised that the tree trimming on West Street appears to be incomplete as some of the trees still have dead branches on them.

**(i) Trees on West Street (Kalailieff)**

In response to an inquiry by Councillor Kalailieff, the Director of Engineering and Operations advised that the City has a tree replacement plan for the trees on West Street, which will occur during optimal seasonal planting time in the fall.

**(j) Eagle Marsh Drain (Kalailieff)**

In response to a request by Councillor Kalailieff for an update about the Eagle March Drain, the Director of Engineering and Operations advised that staff is doing maintenance, repairs, and logistics Thursday and Friday. The Director advised that on the weekend, staff checked the automation system installed on the drain gate and it and the alarm are functioning. The Director further advised that staff will continue to proactively monitor the drain. The City Clerk advised that processes for providing residents with more up to date information is a function that can be reviewed during the update of the City's website.

**(k) Sidewalk on Glenwood Avenue (Kalailieff)**

In response to a concern expressed by Councillor Kalailieff on behalf of a resident on Glenwood Avenue, the Director of Engineering and Operations advised that he will check on the status of the sidewalk repair.

**(l) Garbage cans in the downtown core (Kalailieff)**

In response to an inquiry by Councillor Kalailieff with respect to the expected date for the installation of new garbage cans in the downtown area, the Director of Engineering and Operations advised that the funds were not approved by Council in the 2019 budget.

**(m) Larry Peyton, annual MS Bike Ride (Kalailieff)**

Councillor Kalailieff informed that Larry Peyton, a Port Colborne octogenarian, will be participating again this year in the annual MS Bike Ride on August 18, 2019.

**(n) Lighthouse pins (Kalailieff)**

Councillor Kalailieff displayed her lighthouse pin from the Friends of the Lighthouses group and encouraged people to purchase a pin to support the group. Councillor Kalailieff also complimented the lighthouse tours that are run by the not-for-profit group during Canal Days.

**(o) Special Olympics bocce tournament (Kalailieff)**

Councillor Kalailieff advised that she, several Councillors, and staff attended the Port Colborne Optimist Club's bocce tournament on August 10 to raise funds for Special Olympians.

**14. Consideration of Items Requiring Separate Discussion:****1. Motion by Councillor A. Desmarais Re: Living Wage Employer**

Moved by Councillor A. Desmarais  
Seconded by Councillor D. Kalailieff

Whereas more and more people working for low wages are facing impossible choices such as whether to buy food or heat the house, whether to feed the children or pay the rent. The results can be spiralling debt, constant anxiety and long-term health problems. In many cases the adults in a family are working long hours, often at two or three jobs, just to pay for basic necessities, and

Whereas the living wage is the hourly rate of pay that enables wage earners living in a household to:

- Feed, clothe and provide shelter for their family
- Promote healthy child development
- Participate in activities that are an ordinary element of life in the community
- Avoid the chronic stress of living in poverty, and

Whereas the living wage for the Niagara Region has been calculated to be \$17.99 per hour (The Niagara Poverty Reduction Network – Calculating the Living Wage in the Niagara Region 2018), and

Whereas we, the Corporation of the City of Port Colborne strive to make decisions and take actions that have a positive impact on our community, our staff, and the people we serve.

Therefore Be It Resolved That:

The Corporation of the City of Port Colborne becomes a Living Wage Employer at the Supporter Level immediately; and

That Council directs Chief Administrative Officer Scott Luey to work with responsible departments to achieve Leader Level status at the time of the 2020 budget deliberations.

Moved by Councillor A. Desmarais  
Seconded by Councillor E. Beauregard

That the rules respecting delegations, as outlined under Section 10 of the Procedural By-law, be suspended in order permit members of the public to speak regarding Councillor Desmarais' motion for the City to become a Living Wage Employer.

CARRIED.

Lori Kleinsmith and Anne Coleman answered questions by Council about becoming a Living Wage Employer.

Moved in referral by Councillor G. Bruno  
Seconded by Councillor H. Wells

That consideration of the motion by Councillor Desmarais Re: Living Wage Employer be referred to the Chief Administrative Officer to address the implications and cost of becoming a Living Wage Employer;  
and

That the Chief Administrative Officer report back with recommendations before the 2020 budget process.

CARRIED.

**2. Engineering and Operations Department, Engineering Division, Report 2019-124, Subject: Clarence Street Crosswalk, Investigation Regarding Safety Concerns**

Moved by Councillor M. Bagu  
Seconded by Councillor D. Kalailieff

That staff be directed to implement Option "A", the temporary installation of median delineators on Clarence Street, east and west of Catharine Street and to install additional signage stating "Stop for Pedestrians", at an estimated installation price of \$3,000, the funds to cover the cost of this works be taken from G/L # 0-500-74210-3215.

CARRIED.

**3. Chief Administrative Officer, Report 2019-126, Subject: Transit Update**

Moved by Councillor A. Desmarais  
Seconded by Councillor E. Beauregard

That Chief Administrative Officer Report 2019-126, Subject: Transit Update, be received for information.

CARRIED.

**6. Planning and Development Department, Planning Division, Report 2019-127, Subject: Proposed Development Agreements for Lawrence Barnai, 1628 Minor Road**

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Moved by Councillor M. Bgu  
Seconded by Councillor H. Wells.

That two development agreements be entered into with Lawrence Barnai for 1628 Minor Road and that the Mayor and Clerk be authorized to sign and execute said agreements.

CARRIED.

**9. Rankin Construction Inc. Re: Peer Review for Port Colborne Quarries Site Alteration Permit**

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Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

That the correspondence received from Tom Rankin, P. Eng., CEO Rankin Construction Inc. Re: Peer Review for Port Colborne Quarries Site Alteration Permit, be received for information.

CARRIED.

**10. Vance Badawey, Member of Parliament, Niagara Centre Re: SME Project Stream of the Climate Action Incentive Fund for Small and Medium Sized Businesses**

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Moved by Councillor G. Bruno  
Seconded by Councillor E. Beauregard

That the correspondence received from Vance Badawey, Member of Parliament Niagara Centre Re: SME Project Stream of the Climate Action Incentive Fund for Small and Medium Sized Businesses, be received for information.

CARRIED.

**13. Town of Fort Erie Re: Whistleblowing Policy**

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Moved by Councillor A. Desmarais  
Seconded by Councillor M. Bagu

That the resolution received from the Town of Fort Erie Re: Whistleblowing Policy, be received for information.

CARRIED.

15. **Notice of Motion:**

Nil.

16. **Adjournment:**

Moved by Councillor F. Danch

Seconded by Councillor E. Beauregard

That the Committee of the Whole meeting be adjourned at approximately  
8:08 p.m.

CARRIED.

AL/cm





## MAYOR'S REPORT – AUGUST 12, 2019

### **CANAL DAYS**

Last weekend Mother Nature cooperated with magnificent weather for our concerts, boat cruises, fishing tournament, fireworks, car and kite shows, Museum activities and more at our 41<sup>st</sup> Annual Canal Days.

I want to extend our appreciation to staff, volunteers and sponsors who came through once again and made Canal Days a resounding success.

A special thank you to their families who give up their parents, grandparents, sons and daughters for the weekend while they worked behind and in front of the scenes to help us showcase our city.

It all comes together with a great team.

As we look ahead to next year, I would ask you to check out our website and complete the Canal Days survey before Thursday. It only takes about 5 minutes and your opinion is important to us.

### **GOVERNANCE**

Last Tuesday we had a meeting of the regional mayors to discuss governance and the week prior Envirionics brought the results of their survey and poll to Regional Council – they are going to bring the same presentation to our council at an upcoming meeting.

I will be sending council an email enclosing the following:

- A report for “One City” prepared by a business group mainly from north Niagara
- A report for “Four cities” prepared by the City of Niagara Falls
- A copy of the Envirionics Survey
- Notes from the Mayor’s meeting

Going forward now that we have this information together, I think we need to formulate our unity and how we want to see things moving forward.

So please review all of this information and we can have staff bring back a report to consider. The CAOs are also meeting on the governance issue. If you have any questions, please contact myself or the CAO.

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**City of Port Colborne  
Regular Meeting of Council 25-19  
Monday, August 26, 2019  
following Committee of the Whole Meeting  
Council Chambers, 3<sup>rd</sup> Floor, 66 Charlotte Street**

**Agenda**

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
  - (a) Regular meeting of Council 22-19, held on August 12, 2019
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Consideration of Items Requiring Separate Discussion:**
9. **Proclamations:**

Nil.
10. **Minutes of Boards, Commissions & Committees:**
  - (a) Minutes of the Port Colborne Public Library Board Meeting of June 4, 2019
11. **Consideration of By-laws:**
12. **Adjournment:**

## Council Items:

Notes	Item	Description / Recommendation
WCS MB EB RB GB FD AD DK HW	1.	<p><b><u>Planning and Development Department, Report 2019-128, Subject: Planning and Development Department Fees</u></b></p> <p>That Planning and Development Department Report 2019-128, Subject: Planning and Development Department Fees, be received for information.</p>
WCS MB EB RB GB FD AD DK HW	2.	<p><b><u>Planning and Development Department, Planning Division, Report 2019-129, Subject: Proposed Development Agreement for David Luckasavitch and Mary Ventresca, 534 Pleasant Beach Road</u></b></p> <p>That a development agreement be entered into with David Luckasavitch and Mary Ventresca for 534 Pleasant Beach Road and that the Mayor and Clerk be authorized to sign and execute the agreement.</p>
WCS MB EB RB GB FD AD DK HW	3.	<p><b><u>Corporate Services Department, Clerks Division, Report 2019-130, Subject: Shopping Cart By-law</u></b></p> <p>That Appendix A to Corporate Services Department, Clerks Division Report 2019-130, Subject: Shopping Cart By-law, be supported; and</p> <p>That the Shopping Cart By-law and an amendment to the Fees and Charges By-law be brought forward for approval.</p>
<b>Miscellaneous Correspondence</b>		
WCS MB EB RB GB FD AD DK HW	4.	<p><b><u>Region of Niagara Re: Niagara Peninsula Conservation Authority (NPCA) Board Appointments (PDS-C 15-2019)</u></b></p> <p>That the correspondence received from the Region of Niagara Re: Niagara Peninsula Conservation Authority (NPCA) Board Appointments, be received for information.</p>
WCS MB EB RB GB FD AD DK HW	5.	<p><b><u>Region of Niagara Re: Bill 108 – Transition Regulations to the Planning Act and Development Charges Act (PDS 28-2019)</u></b></p> <p>That the correspondence received from the Region of Niagara Re: Bill 108 – Transition Regulations to the Planning Act and Development Charges Act, be received for information.</p>

WCS	MB	EB	6.	<p><b>Memorandum from Carrie McIntosh, Deputy Clerk Re: Port Colborne Harvest Festival</b></p> <hr/> <p>That the Council of The Corporation of the City of Port Colborne hereby deems the 2019 Harvest Festival as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for Special Occasion Permit.</p>
RB	GB	FD		
AD	DK	HW		
<b>Outside Resolutions – Requests for Endorsement</b>				
Nil.				
<b>Responses to City of Port Colborne Resolutions</b>				
Nil.				

**Consideration of By-laws  
(Council Agenda Item 11)**

By-law No.	Title
6713/77/19	Being a By-law Authorizing The Corporation of the City of Port Colborne to Enter into a Mutual Assistance Agreement between the Twelve Local area Municipalities and the Niagara Region
6714/78/19	Being a By-law to Authorize Entering into a Development Agreement with David Luckasavitch and Mary Ventresca regarding 534 Pleasant Beach Road
6715/79/19	Being a By-law to Prevent and Control the Abandonment of Shopping Carts on Public lands in the City of Port Colborne
6716/80/19	Being a By-law to Amend By-law No. 6638/02/19, Being a By-law to Establish Fees and Charges for Various Services and to Repeal and/or amend Various By-laws
6717/81/19	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special and Regular Meetings of August 26, 2019

The Corporation of the City of Port Colborne

By-Law No. 6713/77/19

Being a by-law authorizing The Corporation of the City of Port Colborne to enter into a Mutual Assistance Agreement between the twelve local area municipalities and the Niagara Region

Whereas Sub-section 13(3) of the *Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9, as amended*, (the "Act"), provides that the Council of a municipality may make an agreement with the Council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency; and

Whereas the twelve local municipalities and the Niagara Region wish to provide mutual assistance to each other through the provision of any personnel, service, equipment or material during an emergency within the meaning of the Act; and

Whereas at its meeting on the 24th day of June, 2019, Council approved entering into the Mutual Assistance Agreement; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That the Mutual Assistance Agreement (Appendix "A") be signed and forwarded to the Niagara Region's Clerk.
2. That By-law No. 5881/135/12 be hereby repealed in its entirety.
3. That this by-law shall come into force and effect on the day it is passed.

Enacted and passed this 26th day of August, 2019.

\_\_\_\_\_  
William Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

**MUTUAL ASSISTANCE AGREEMENT**

B E T W E E N:

THE CORPORATION OF THE TOWN OF FORT ERIE  
and  
THE CORPORATION OF THE TOWN OF GRIMSBY  
and  
THE CORPORATION OF THE TOWN OF LINCOLN  
and  
THE CORPORATION OF THE CITY OF NIAGARA FALLS  
and  
THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE  
and  
THE CORPORATION OF THE TOWN OF PELHAM  
and  
THE CORPORATION OF THE CITY OF PORT COLBORNE  
and  
THE CORPORATION OF THE CITY OF THOROLD  
and  
THE CORPORATION OF THE CITY OF ST. CATHARINES  
and  
THE CORPORATION OF THE TOWNSHIP OF WAINFLEET  
and  
THE CORPORATION OF THE CITY OF WELLAND  
and  
THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN  
and  
THE REGIONAL MUNICIPALITY OF NIAGARA

the "Parties"

**WHEREAS** Subsection 13(3) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9, as amended (the "Act") provides that the council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency;



**AND WHEREAS** the Parties wish to provide for mutual aid and assistance to each other through the provision of personnel, services, equipment or material to one or the other within the meaning of the Act;

**AND WHEREAS** each of the Parties has a current Emergency Plan pursuant to the Act;

**NOW THEREFORE** in consideration of the mutual covenants herein contained, the Parties agree as follows:

## **1. Definitions**

1.1 In this Agreement,

1.1.1 "Act" means the *Emergency Management and Civil Protection Act*, as may be amended, and all regulations thereto;

1.1.2 "Assisted Municipality" means the municipality receiving aid or assistance pursuant to this Agreement;

1.1.3 "Assisting Municipality" means the municipality providing aid or assistance pursuant to this Agreement;

1.1.4 "Emergency", "Emergency Area" and "Emergency Plan" shall have the same meanings as in the Act;

1.1.5 "Mutual Assistance Agreement" means this Agreement and the attached Schedule(s) which embody the entire Agreement between the Parties;

1.1.6 "Parties" means those municipalities that have fully executed and delivered this Mutual Assistance Agreement

1.1.7 "Requesting Party" means the municipality asking for aid, assistance or both pursuant to this Agreement; and

1.1.8 "Municipal Emergency Control Group" means the organizational entity responsible for directing and controlling the Assisted Municipality's response to an Emergency.

## **2. Role of the Solicitor General**

2.1 The Parties acknowledge that pursuant to the Act, the Solicitor General for the Province of Ontario is responsible for the administration of the Act and is the principal contact for all Emergencies.

2.2 The Parties further agree that the Solicitor General shall be notified in writing of any request made under this Agreement. The Requesting Party agrees to notify as soon as reasonably practicable, Office of the Fire Marshall and Emergency Management (OFMEM), Ministry of Community

Safety and Correctional Services and any other person required to be notified pursuant to the Act, on the matter of any request for assistance made under this Agreement.

### **3. Authorization to Request/Offer Assistance**

- 3.1 Each Party hereby authorizes its Chief Administrative Officer, City Manager, Town Manager or such other senior administrative officer of the Party as the Chief Administrative Officer has designated (hereinafter "CAO") to request assistance or offer to provide assistance pursuant to this Agreement on behalf of that Party.

### **4. Requests for Assistance**

- 4.1 The Parties agree that in an Emergency, a Requesting Party may request assistance in the form of qualified personnel, services, equipment, or material from another Party.
- 4.2 The request for assistance shall be made by the CAO of the Requesting Party to the CAO of the other Party. The CAO of the Requesting Party may make the initial request for assistance orally, however, a written request using the form set out in Schedule "A", and in accordance with Section 17, should follow as soon as reasonably practicable.
- 4.3 The written request shall set out in detail the specific personnel, services, equipment and/or material that has been requested as assistance. A Party may request such reasonable additional information as it considers necessary to confirm the existence of the Emergency and to assess the type, scope, nature and amount of assistance to be provided.
- 4.4 The Party which has received a request from a Requesting Party shall respond to the request within one (1) day, and may in its sole discretion determine the type and scope, nature and amount of assistance it will provide. The Assisting Municipality may respond to the request orally, however, shall respond in writing as soon as reasonably practicable using the form set out in Schedule "A" attached hereto. The CAO of the Requesting Party shall complete, sign and forward the form to the CAO of the Assisting Municipality, who shall then return a signed copy. The written confirmation shall set out in detail the specific personnel, services, equipment or material that has been requested as assistance and which the Assisting Municipality has agreed to provide.
- 4.5 The Assisting Municipality and the Assisted Municipality may by mutual agreement at any time as necessary, amend the scope, type, nature or amount of assistance to be provided to the Assisted Municipality under this Agreement. Amendments shall be confirmed in writing by the Parties using the form set out in Schedule "A" attached hereto within three (3) days of being agreed upon or as soon as reasonably practicable.

## 5. Limitations on Assistance Provided

- 5.1 Nothing in this Agreement shall require or obligate or be construed to require or obligate a Party to provide assistance. Each Party shall retain the right to refuse the request to provide assistance, and the right to offer alternatives to the assistance that has been requested.
- 5.2 No liability shall arise against the Party who was being asked for assistance if it fails, for any reason whatsoever, to respond to a request for assistance made under this Agreement.
- 5.3 When assistance has been offered or provided by the Assisting Municipality, the Assisting Municipality shall not be obligated to provide any further assistance or to do anything or take any action beyond that which is specifically agreed to by the acceptance of the request for assistance.
- 5.4 Nothing in this Agreement shall prevent the Assisting Municipality, in its sole discretion, from withdrawing any or all assistance it had agreed to provide to the Assisted Municipality. Any withdrawal of assistance by the Assisting Municipality shall be made only upon at least forty-eight (48) hours' notice to the Assisted Municipality, unless the Assisting Municipality is responding to an actual or pending Emergency within its own geographical boundaries, in which case it may withdraw assistance from the Assisted Municipality immediately upon notice.
- 5.5 The Assisted Municipality may determine in its sole discretion, subject to any required approval by governmental authorities, that its requirement for assistance has ceased and shall notify the Assisting Municipality of this in writing.

## 6. Term and Termination

- 6.1 The Mutual Assistance Agreement shall be in effect for each Party from the date on which each Party signs the Agreement.
- 6.2 Despite any other section of this Agreement, any Municipality may terminate this Agreement upon at least sixty (60) days' written notice to all the other Parties. It is understood that the Agreement shall continue in force as between the other Parties.

## 7. Costs

- 7.1 Unless otherwise agreed upon, any and all direct and indirect costs of the Assisting Municipality in providing assistance are to be paid by the Assisted Municipality. The Assisted Municipality shall be required to reimburse any and all actual costs incurred by or attributable to the Assisting Municipality in providing the assistance. Such costs shall include, but are not limited to, any and all supplies, equipment materials, fuel, repairs, parts, lodging, wages, salaries, overtime, shift premium charges, and similar charges and

expenses incurred in or attributable to providing the assistance including those wages, salaries, overtime and shift premium charges incurred resulting from staffing requirements in its home jurisdiction during the period of the assistance, providing all such costs are reasonable in the circumstances.

- 7.2 The Assisting Municipality shall remain responsible for making all statutorily required deductions, contributions, payments and costs of employment benefits which includes for the purposes of this Agreement, Canada Pension Plan, Employment Insurance, OMERS contributions, and/or contributions made to life insurance, health, dental, and/or disability plans or policies.
- 7.3 The Assisted Municipality shall be responsible for the cost of replacing equipment or material furnished by the Assisting Municipality if damaged beyond reasonable repair while providing assistance.
- 7.4 The Assisting Municipality shall provide to the Assisted Municipality, if practical and available, an estimate of the cost of providing the assistance.

## **8. Payment**

- 8.1 Payment by the Assisted Municipality for costs incurred for the assistance provided shall be made to the Assisting Municipality within the time frame referenced in section 8.3 following delivery receipt of an invoice from the Assisting Municipality. Such invoice shall set out in sufficient detail the costs actually incurred by or attributed to the provision of assistance by the Assisting Municipality pursuant to this Agreement, and where practically available, receipts for disbursements shall be forwarded in support of the invoice.
- 8.2 Any discrepancy relating to an invoice shall be discussed between the Parties involved and additional documentation shall be provided. The Parties shall attempt in good faith to reach resolution as expeditiously and amicably as possible. The Parties may agree on a method of third party resolution, if necessary, and shall share the costs of same equally.
- 8.3 The Assisted Municipality shall remit payment of the amount owing for the assistance provided within thirty (30) days of the receipt of the Assisting Municipality's invoice.
- 8.4 Any amount remaining unpaid and outstanding after the thirty (30) day period referred to in subsection 8.3 of this Agreement shall bear interest at the rate stipulated in the Assisting Municipality's invoice, which rate shall not exceed the Bank of Canada bank rate at the date of the invoice plus two (2) per cent per annum until paid.

## **9. Employment Relationship**

- 9.1 Despite that the employees, contractors, servants and agents (collectively “the workers”) of the Assisting Municipality may be assigned to perform duties for the Assisted Municipality, and that for the duration of the Emergency, the Assisted Municipality shall reimburse the Assisting Municipality for the costs of the wages, salaries and expenses of the workers, the workers of the Assisting Municipality shall retain their employment or contractual relationship with the Assisting Municipality. The Parties acknowledge and agree that the Assisted Municipality is not to be deemed the employer or contractor of the Assisting Municipality’s employees, agents, contractors or servants, under any circumstances or for any purpose whatsoever.

## 10. Records

- 10.1 Any personal (or health) information collected, used or disclosed by an Assisting Municipality while assisting an Assisted Municipality pursuant to this Agreement is subject to the rights, responsibilities and safeguards provided for in the *Municipal Freedom of Information and Protection of Privacy Act* and the *Personal Health Information Protection Act, 2004*. The Parties hereby state their intention that the Assisting Municipality and its employees, contractors, servants and agents are acting as agents of the Assisted Municipality in the collection, use or disclosure of any personal (or health) information, which is at all times the intellectual property of and under the care, custody and control of the Assisted Municipality. The Assisted Municipality may direct the Assisting Municipality how to safeguard and deal with the information to meet the purposes of this Agreement and the Assisting Municipality shall protect and treat the personal (or health) information according to the standards of the applicable legislation and in accordance with the directions of the Assisted Municipality, acting reasonably.

## 11. Indemnity

- 11.1 The Assisted Municipality shall defend, indemnify and save harmless the Assisting Municipality, its officers, employees, contractors, servants and agents from any and all claims, costs, all manner of action or actions, cause and causes of action, accounts, covenants, contracts, demands or other proceedings of every kind or nature whatsoever at law or in equity arising out of this Agreement and out of assistance provided pursuant to this Agreement. The indemnity herein provided shall include all costs, including but not limited to duties, dues, accounts, demands, penalties, fines and fees.

## 12. Insurance

- 12.1 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, general liability insurance issued by an insurance company authorized by law to carry on business in the Province of Ontario, providing

for, without limitation, coverage for personal injury, public liability and property damage. Such policy shall:

- 12.1.1 have inclusive limits of not less than Five Million Dollars (\$5,000,000) for injury, loss or damage resulting from any one occurrence;
  - 12.1.2 contain a cross-liability clause endorsement and severability of interests clause of standard wording;
  - 12.1.3 name the other Parties as additional insureds with respect to any claim arising out of the Assisted Municipality's obligations under this Agreement or the Assisting Municipality's provision of personnel, services, equipment or material pursuant to this Agreement; and
  - 12.1.4 include a Non-Owned Automobile endorsement.
- 12.2 During the term of this Agreement, each Party shall obtain and maintain in full force and effect, automobile liability insurance in the amount of Two Million Dollars (\$2,000,000.00) for injury, loss or damage resulting from anyone occurrence.
- 12.3 Upon the request of the other Party, each Party shall provide proof of insurance in a form satisfactory to the requesting Party's CAO.
- 12.4 In the case of any conflict between the provisions of this document and any other provisions speaking to contractual indemnity or insurance clauses, the provisions of this Agreement will govern.

### **13. Collective Agreements**

- 13.1 Each Party agrees to review the provisions of this Agreement with its appropriate local bargaining units for the purpose of seeking amendments to local agreements, if required to facilitate participation within the terms of this Agreement. Each Party further agrees to advise the other Parties as soon as practically possible if it becomes aware of any impediments or obstacles imposed by local agreements to meeting its obligations under this Agreement.

### **14. Liaison and Supervision**

- 14.1 The Assisting Municipality shall have the right, to be exercised in its sole discretion, to assign an employee or agent (the "Liaison Officer") of the Assisting Municipality to the Municipal Emergency Control Group of the Assisted Municipality. The Liaison Officer shall provide a liaison between the Assisting Municipality and the Municipal Emergency Control Group of the Assisted Municipality. The parties acknowledge that the purpose of the Liaison Officer shall be to permit communication between the Assisted and Assisting Municipalities. Subject to the *Municipal Freedom of Information and*

*Protection of Privacy Act*, the Liaison Officer shall be permitted to inform the Assisting Municipality on the status of the Emergency and the actions taken by the Assisted Municipality. The Liaison Officer shall have the right to obtain information about the Emergency and the use of the assistance provided in order to report to the Assisting Municipality during and after the duration of the assistance provided and the Emergency. The Assisting Municipality shall keep confidential and not disclose any information concerning the Emergency or the assistance provided without the prior consent of the Assisted Municipality, except as may be legally required.

- 14.2 The Assisting Municipality shall assign its personnel to perform tasks as directed by the Municipal Emergency Control Group of the Assisted Municipality. The Assisting Municipality shall have the right to assign supervisory personnel to operate or supervise the operation of any of the Assisting Municipality's personnel and or equipment furnished as assistance to the Assisted Municipality. Such supervision shall be in accordance with the instructions of the Municipal Emergency Control Group.

## **15. Information Sharing**

- 15.1 If requested and subject to the *Municipal Freedom of Information and Protection of Privacy Act*, each Party shall respond to the other Party's request for information regarding specified types of personnel, services, equipment or material in the possession of each party that may be used in the provision of assistance under this Agreement. All such information shall be provided without any warranty of any kind as to its accuracy, reliability, usefulness or other characteristics.

## **16. Food and Lodging**

- 16.1 For the duration of the assistance provided under this Agreement, the Assisted Municipality shall be responsible for providing all food, lodging and accommodation as required and appropriate for the personnel furnished pursuant to this Agreement. Where food and lodging cannot be provided in-kind, the Assisted Municipality shall pay a reasonable *per diem* to personnel for any food and lodging purchased by personnel of the Assisting Municipality. The *per diem* shall be no less than the Assisted Municipality pays to its own employees as a matter of policy or agreement.

## **17. Notice**

- 17.1 Any notice, direction, request or document required or permitted to be given by either Party to the other in writing shall be deemed to have been sufficiently and effectually given if delivered by hand or by prepaid registered mail at the addresses provided for below during normal business hours, or sent by facsimile transmission or electronic mail to the number shown below.

The Corporation of the Town of Fort Erie at:

1 Municipal Centre Drive, Fort Erie, ON L2A 2S6  
Attention: Chief Administrative Officer  
Fax: 905-871-4022

The Corporation of the Town of Grimsby at:  
160 Livingston Avenue, Grimsby, ON L3M 4G3  
Attention: Chief Administrative Officer  
Fax: 905-945-5010

The Corporation of the Town of Lincoln at:  
4800 South Service Road, Beamsville, ON L0R 1B1  
Attention: Chief Administrative Officer  
Fax: 905-563-6566

The Corporation of the City of Niagara Falls at:  
4310 Queen Street, Niagara Falls, ON L2E 6X5  
Attention: Chief Administrative Officer  
Fax: 905-374-3357

The Corporation of the Town of Niagara-on-the-Lake at:  
1593 Four Mile Creek Road, P.O. Box 100, Virgil, ON L0S 1T0  
Attention: Chief Administrative Officer  
Fax: 905-468-2959

The Corporation of the Town of Pelham at:  
20 Pelham Town Square, P.O. Box 400, Fonthill, ON L0S 1E0  
Attention: Chief Administrative Officer  
Fax: 905-892-5055

The Corporation of the City of Port Colborne at:  
66 Charlotte Street, Port Colborne, ON L3K 3C8  
Attention: Chief Administrative Officer  
Fax: 905-835-2969

The Corporation of the City of Thorold at:  
3540 Schmon Parkway, P.O. Box 1044, Thorold, ON L2V 4A7  
Attention: Chief Administrative Officer  
Fax: 905-227-5590

The Corporation of the City of St. Catharines at:  
PO Box 3012, 50 Church Street, St. Catharines, ON L2R 7C2  
Attention: Chief Administrative Officer  
Fax: 905-688-5955



The Corporation of the Township of Wainfleet at:  
31940 Highway 3, P.O. Box 40, Wainfleet, ON L0S 1V0  
Attention: Chief Administrative Officer  
Fax: 905-899-2340

The Corporation of the City of Welland at:  
60 East Main Street, Welland, ON L3B 3X4  
Attention: Chief Administrative Officer  
Fax: 905-735-1543

The Corporation of the Township of West Lincoln at:  
318 Canborough Street, Box 400, Smithville, ON L0R 2A0  
Attention: Chief Administrative Officer  
Fax: 905-957-3219

The Regional Municipality of Niagara at:  
1815 Sir Isaac Brock Way, P.O. Box 1042 Thorold, ON L2V 4T7  
Attention: Chief Administrative Officer  
Fax: 905-685-6243

or to such other address of a Party as it shall specify to the other Parties by written notice given in the manner aforesaid.

- 17.2 If hand delivered, the notice is effective on the date of delivery; if sent by facsimile transmission or electronic mail before 3:00 p.m., the notice is effective on the date and time the fax is sent; if sent by facsimile transmission or electronic mail after 3:00 p.m., the notice is effective on the following day; and if mailed, the notice is deemed to be effective on the fifth business day following the day of mailing.
- 17.3 Any notice given shall be sufficiently given if signed by the CAO or by a person authorized by or acting under the direction or control of the CAO.

## **18. General**

- 18.1 Nothing contained in this Agreement shall be construed as restricting or preventing either Party from relying on any right or remedy otherwise available to it under this Agreement, at law or in equity in the event of any breach of this Agreement.
- 18.2 This Agreement shall enure to the benefit of, and be binding upon the Parties and their respective successors, administrators and assigns.
- 18.3 This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties, and no third party shall have any right of action arising in any way or manner under this Agreement for any cause whatsoever.

- 18.4 This Agreement and the attached Schedule "A" embody the entire Agreement and supersede any other understanding or agreement, collateral, oral or otherwise, existing between the parties prior to or at the date of execution.
- 18.5 Sections 2, 5.2, 7, 8, 9, 11, 12, 17, and 18 of this Agreement shall survive termination of this Agreement.
- 18.6 The Parties agree to be governed by the laws of the Province of Ontario and Canada.
- 18.7 The Parties herein agree that in the event of any dispute arising under or pursuant to this Agreement, which dispute cannot be resolved by the mutual agreement of the Parties' C.A.O.s, the C.A.O.s shall refer the dispute to the respective Chairs/Mayors of the Parties for resolution. In the event that the Chairs/Mayors cannot resolve the dispute, either Party may, on providing ninety (90) days' written notice to the other, refer the dispute to a third party arbitrator of their mutual choice for resolution. Such arbitration shall be conducted pursuant to the *Arbitration Act, 1991*, S.O. 1991 c. 17, as amended.
- 18.8 This Agreement may be executed and delivered in any number of separate counter-parts, each of which when executed and delivered is an original but all of which taken together constitutes one and the same instrument. Any Party may deliver an executed copy of this Agreement by facsimile transmission.
- 18.9 This agreement is intended to be binding in accordance with its terms on and between all municipalities that execute the Agreement and the failure of a municipality referenced on page one or the execution pages of this document shall not prevent the applicability of the Agreement to the Parties who execute the Agreement.

**IN WITNESS WHEREOF** the Parties have, by their authorized signing officer(s), executed this Agreement.

**THE CORPORATION OF THE TOWN OF FORT ERIE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF GRIMSBY**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF LINCOLN**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF NIAGARA FALLS**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWN OF PELHAM**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF PORT COLBORNE**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF THOROLD**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF ST. CATHARINES**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWNSHIP OF WAINFLEET**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE CITY OF WELLAND**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

**THE REGIONAL MUNICIPALITY OF NIAGARA**

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:  
I/We have the authority to bind the Corporation.

\_\_\_\_\_  
Date

SCHEDULE "A"

**Sample Mutual Assistance Agreement**  
(see attached page)

# Mutual Assistance Agreement

I, \_\_\_\_\_, Chief Administrative Officer / Designated Official  
of \_\_\_\_\_, duly authorized to do so by the Council  
of \_\_\_\_\_, do hereby confirm my  
request of \_\_\_\_\_, to provide  
assistance in the form of

- \_\_\_ PERSONNEL
- \_\_\_ SERVICES
- \_\_\_ EQUIPMENT
- \_\_\_ MATERIAL

AS IS MORE PARTICULARLY SET OUT IN DETAIL AS FOLLOWS:

FOR THE DURATION  
OF: \_\_\_\_\_

The above confirms the assistance verbally requested on \_\_\_\_\_,  
and which assistance \_\_\_\_\_ has agreed to provide.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisted Municipality)

Confirmed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
(Assisting Municipality)



The Corporation of the City of Port Colborne

By-law No. 6714/78/19

Being a by-law to authorize entering into a development agreement with David Luckasavitch and Mary Ventresca regarding 534 Pleasant Beach Road

Whereas the Council of The Corporation of the City of Port Colborne is desirous of entering into a development agreement with David Luckasavitch and Mary Ventresca regarding the property legally known as Concession 1 Part of Lot 3 in the City of Port Colborne in the Regional Municipality of Niagara; municipally known as 534 Pleasant Beach Road.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enters into a Development Agreement with David Luckasavitch and Mary Ventresca, which development agreement is attached hereto as Schedule "A" and Schedule "B";
2. That the Mayor and the Clerk are hereby authorized and directed to sign the said development agreements and the Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 26th day of August, 2019.

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

THIS DEVELOPMENT AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 2019.

BETWEEN:

DAVID LUCKASAVITCH and MARY VENTRESCA  
hereinafter referred to as the "OWNER";

and

THE CORPORATION OF THE CITY OF PORT COLBORNE  
hereinafter referred to as the "CITY";

**WHEREAS** the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "Lands");

**AND WHEREAS** on June 11, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B12-19-PC);

**AND WHEREAS** the Regional Municipality of Niagara (hereinafter referred to as the "Region") requires a Development Agreement between the Owner and the City regarding specific conditions and processes to be followed during development of the Lands;

**NOW THEREFORE** the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City, as the case may be, entering into this Development Agreement.
4. The Owner shall undertake or implement all requirements in Paragraphs 5 and 6, of this agreement prior to construction or site alteration to the satisfaction of the Regional Municipality of Niagara.
5. Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry of Tourism, Culture and Sport and owner's archaeological consultant shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Tourism, Culture and Sport and owner's archaeological consultant.
6. Development on Part 1 will require the installation of a N-I by CAN-BNQ 3860-600 system at the approximate location shown in Figure 7 of the Hydrogeological Assessment (dated April 18, 2019, prepared by Terra-Dynamics Consulting Inc.), and that a cistern provide the water supply for any development on Part 1.

7. The Owner agrees and acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City and the Region.

**SIGNED, SEALED & DELIVERED  
IN THE PRESENCE OF:**

**OWNER**

\_\_\_\_\_  
David Luckasavitch

\_\_\_\_\_  
Mary Ventresca

**THE CORPORATION OF THE CITY  
OF PORT COLBORNE**

\_\_\_\_\_  
William C Steele, Mayor

\_\_\_\_\_  
Amber LaPointe, Clerk

**SCHEDULE "A" – THE LANDS**

Con 1 PT Lot 3  
On the West Side of Pleasant Beach Road  
In the City of Port Colborne  
In the Regional Municipality of Niagara

The Corporation of the City of Port Colborne

By-Law no. 6715/79/19

Being a by-law to prevent and control  
the abandonment of shopping carts on  
public lands in the City of Port Colborne

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, The Corporation of the City of Port Colborne has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas under Section 11(1) of the Municipal Act, 2001, The Council of The Corporation of the City of Port Colborne may provide any service or thing that it considers necessary or desirable for the public; and

Whereas under Section 128(1) of the Municipal Act, 2001, The Council of The Corporation of the City of Port Colborne may prohibit and regulate with respect to matters that in the opinion of Council are or could become a public nuisance; and

Whereas shopping carts that are disposed of or abandoned on or near highways and on City property constitute a public nuisance; and

Whereas under Section 63 of the Municipal Act, 2001, The Council of The Corporation of the City of Port Colborne has the authority to prohibit the abandonment or disposal of an object on or near a highway; and

Whereas under Section 391 of the Municipal Act, 2001, The Council of The Corporation of the City of Port Colborne has the authority to impose fees or charges on persons for services or activities provided by the municipality;

Now therefore, the Council of The Corporation of the City of Port Colborne as follows:

Section 1 – Short Title

1.1 This By-law shall be known as the "Shopping Cart By-law".

Section 2 – Definitions

2.1 For the purposes of this By-law;

"abandon" means to place, leave, park, stand or deposit a shopping cart, unattended, on any public or private property outside of the premises of the business that owns or uses the shopping cart;

"Director" means the Director of Engineering and Operations Department;

"highway" means a common and public highway, street, road, avenue, parkway, lane, driveway, boulevard, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons and includes the area between the lateral property lines of any highway or road allowance including any curbs, gutters, culverts and retaining walls;

"owner" means a person or business who owns or provides shopping carts to its customers, and for the purposes of the retrieval of an impounded shopping cart(s) owner shall include an agent authorized in writing by the owner;

"parking area" means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;

"person" shall include a corporation;

"premises" means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, "premises" shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;

"shopping cart" means a non-motorized basket which is mounted on wheels, or a similar device, which includes anything that is attached thereon, generally used by a customer of a business for the purpose of transporting goods on the business premises;

"Shopping Cart Retrieval Fee" means the fee that must be paid to the City by an owner of an impounded shopping cart prior to the release of the shopping cart, in the amount set in the City's Fee and Charges By-law.

### Section 3 – Removal or Abandonment Prohibited

- 3.1 No owner shall allow or otherwise permit a shopping cart owned or used by the business to be removed from the premises of the business.
- 3.2 No person shall remove a shopping cart from the premises of the business that owns or uses the shopping cart.
- 3.3 No owner shall abandon a shopping cart on or near any highway or on any City property.
- 3.4 No owner shall allow or otherwise permit a shopping cart owned or used by the business to be abandoned on or near any highway or on any City property.
- 3.5 No person shall abandon any shopping cart on or near any highway or on any City property.
- 3.6 Subsections 3.1 and 3.2 of this By-law shall not apply to an owner, or any person authorized in writing by an owner, where a shopping cart is removed from the premises of a business for the purposes of a transfer to a different location, sale, repair, maintenance or proper disposal.

### Section 4 – Disposal of Abandoned Shopping Carts

- 4.1 City staff may remove and impound any abandoned shopping cart that is found on or near any highway or on any City property. The shopping carts may be impounded in any City storage facility.
- 4.2 If the owner's identity can be determined from a visual inspection of an impounded shopping cart, City staff shall notify the owner by way of a written notice that the City has impounded the owner's shopping cart(s) and provide a reasonable period of time for the owner to retrieve the shopping cart from the storage facility.
- 4.3 For the purposes of subsection 4.2, the written notice may be sent to the owner by facsimile transmission, regular letter mail, e-mail, or by leaving a copy of the notice at the owner's place of business. The City may send the

written notice to any corporate head office or any local business address that may be available for the owner of an impounded shopping cart.

- 4.4 A Shopping Cart Retrieval Fee shall apply to each shopping cart impounded pursuant to this By-law. The fee will be prescribed in conformance with the City's Fees and Charges By-law.
- 4.5 The Shopping Cart Retrieval Fee shall become due and payable by the owner of the shopping cart on the date the shopping cart is impounded.
- 4.6 The City shall release an impounded shopping cart to an owner after the owner has paid the Shopping Cart Retrieval Fee to the City pursuant to subsection 4.4 of this By-law.
- 4.7 If the owner of an impounded shopping cart cannot be determined by City staff through a visual inspection of the shopping cart and the City has not been contacted by the owner of an impounded shopping cart where ownership cannot be determined by City staff, the shopping cart may be disposed of by the City after the passage of a period of 60 days from the date the shopping cart is impounded.
- 4.8 If an impounded shopping cart, for whom the owner has been identified either through a visual inspection by City staff or by contact from the owner, remains unclaimed from the storage facility after the passage of 60 days from the date of the notice as provided for under subsection 4.2 herein, the shopping cart may be disposed of pursuant to the provisions of the Repair and Storage Liens Act, R.S.O. 1990, c.R.25, as amended.

#### Section 5 – Enforcement

- 5.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalties specified in accordance with the Provincial Offences Act, R.S.O. 1990, c.P.33, as amended. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.

#### Section 6 – General

- 6.1 If a Court of competent jurisdiction declares any provision or part of any provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Council for The Corporation of the City of Port Colborne in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its term to the extent possible according to law.
- 6.2 The Director shall prescribe all notices and forms necessary to administer this By-law and may amend such forms from time to time as the Director deems necessary.

Enacted and passed this 26<sup>th</sup> day of August, 2019.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

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The Corporation of the City of Port Colborne

By-law No. 6716/80/19

Being a By-law to Amend By-law  
No. 6638/02/19, Being a By-law to Establish  
Fees and Charges for Various Services  
and to Repeal and/or amend Various By-laws

Whereas on January 28, 2019 the Council of The Corporation of the City of Port Colborne enacted By-law 6638/02/19 which establishes Fees and Charges for Various Services; and

Whereas at its meeting of August 26, 2019 the Council of The Corporation of the City of Port Colborne approved the recommendation of Corporate Services Report No. 2019-130, Shopping Cart By-law.

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That schedule D, Services by Engineering and Operations Division, outlined in By-law 6638/02/19 be updated to include a "Shopping Cart Retrieval Fee" of \$50 for each abandoned shopping cart retrieved by the City; and
2. That this by-law come into force and take effect on the day of passing.

Enacted and passed this 26<sup>th</sup> day of August, 2019.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

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The Corporation of the City of Port Colborne

By-Law no. 6717/81/19

Being a by-law to adopt, ratify and confirm  
the proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Special and Regular Meetings of August 26, 2019

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Special and Regular Meetings of August 26, 2019 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 26th day of August, 2019.

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

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**City of Port Colborne  
Regular Meeting of Council 19-22  
Minutes**

**Date:** August 12, 2019

**Time:** 8:08 p.m.

**Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
E. Beauregard, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

Absent: R. Bodner, Councillor

**Staff Present:** D. Aquilina, Director of Planning and Development  
B. Garrett, Director of Corporate Services  
A. LaPointe, Manager of Legislative Services/City Clerk  
C. Lee, Director of Engineering and Operations  
S. Luey, Chief Administrative Officer  
C. McIntosh, Deputy Clerk (minutes)

Also in attendance were interested citizens, members of the news media and WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

**2. Introduction of Addendum Items:**

Nil.

**3. Confirmation of Agenda:**

**No. 136** Moved by Councillor E. Beauregard  
Seconded by Councillor D. Kalailieff

That the agenda dated August 12, 2019 be confirmed, as  
circulated or as amended.

CARRIED.

**4. Disclosures of Interest:**

Councillor Bruno declared a pecuniary interest regarding item 6 as the lots subject to the requested development agreements about his daughter's and son in law's property. Councillor Bruno refrained from discussing or voting on item 6.

Councillor Beauregard declared a pecuniary interest regarding item 9 as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard refrained from discussing or voting on item 9.

Councillor Danch declared a pecuniary interest regarding item 9 as Rankin Construction Inc. is a customer of his business. Councillor Danch refrained from discussing or voting on item 9.

**5. Adoption of Minutes:**

**No. 137** Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

- (a) That the minutes of the special meeting of Council 20-19, held July 22, 2019, be approved as presented; and
- (b) That the minutes of the regular meeting of Council 21-19, held July 22, 2019, be approved as presented.

CARRIED.

**6. Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 6 and 9.

**7. Approval of Items Not Requiring Separate Discussion:**

**No. 138** Moved by Councillor H. Wells  
Seconded by Councillor M. Bagu

That items 1 to 14 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Motions Arising from Committee of the Whole Delegations:**

**Sandeep Chera, Operations Manager, B.C. Investments Ltd., Operating as Storage Guyz Port Colborne Re: Request Street Name Change of Ramey Road, Port Colborne**

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Council resolved:

That the Chief Administrative Officer be directed to provide a report back to Council with respect to a policy and practice regarding re-naming of City roads.

**Items:****1. Motion by Councillor A. Desmarais Re: Living Wage Employer**

Council resolved:

That consideration of the motion by Councillor Desmarais Re: Living Wage Employer be referred to the Chief Administrative Officer to address the implications and cost of becoming a Living Wage Employer;  
and

That the Chief Administrative Officer report back with recommendations before the 2020 budget process.

**2. Engineering and Operations Department, Engineering Division, Report 2019-124, Subject: Clarence Street Crosswalk, Investigation Regarding Safety Concerns**

Council resolved:

That staff be directed to implement Option "A", the temporary installation of median delineators on Clarence Street, east and west of Catharine Street and to install additional signage stating "Stop for Pedestrians", at an estimated installation price of \$3,000, the funds to cover the cost of this works be taken from G/L # 0-500-74210-3215.

**3. Chief Administrative Officer, Report 2019-126, Subject: Transit Update**

Council resolved:

That Chief Administrative Officer Report 2019-126, Subject: Transit Update, be received for information.

**4. Planning and Development Department, Planning Division, Report 2019-122, Subject: Recommendation Report: Proposed Expansion of the Downtown Central Business District Community Improvement Plan**

Council resolved:

That the expansion of the project area for the Downtown Central Business District Community Improvement to include 176 Elm Street, be approved.

**5. Planning and Development Department, Planning Division, Report 2019-123, Subject: Environmental Advisory Committee Memorandum on the Vale-Community-Based Action Plan**

Council resolved:

That the Director of Planning and Development be directed to send a letter to the Ministry of the Environment, Conservation and Parks

requesting clarification with respect to the safe soil levels of the Port Colborne Community Based Risk Assessment Chemicals of Concern and levels for use in Ontario Regulation 153/04.

**7. Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee**

Council resolved:

That the memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee, be received for information; and

That donation/sponsorship requests be approved for a total of \$10,325 for the second allocation for the year 2019 as follows:

Community Living Port Colborne Wainfleet – to provide financial assistance to the children of Port Colborne who are unable to register for recreation programs due to lack of funds - \$1,700

Friends of Port Colborne Lighthouses – to assist with the cost of insurance to allow tours of the Port Colborne Lighthouses - \$1,400

Friends of Roselawn Centre – to assist with the cost of purchasing a new stove for the Roselawn Centre - \$1,200 (Note: these funds will only be disbursed if the City proceeds with the project)

Niagara Nutrition Partners – to assist with the purchase of food to run the nutrition programs in Port Colborne schools - \$2,500

Port Colborne Fair Trade Town Committee – to purchase a new banner, advertising and printing for the Fair Trade Crawl and a 10 year celebration cake - \$725

Port Colborne Historical & Marine Museum Auxiliary – to assist with renovations to Arabella's Tea Room - \$2,800.

**8. Bryan Elliott, Ice Dogs Game Coordinator Re: Request for Proclamation of Niagara Ice Dogs Day in Port Colborne**

Council resolved:

That Friday, August 30, 2019 be proclaimed as "Niagara Ice Dogs Day" in the City of Port Colborne, in accordance with the request received from Bryan Elliott, Ice Dogs Game Coordinator.

**10. Vance Badawey, Member of Parliament, Niagara Centre Re: SME Project Stream of the Climate Action Incentive Fund for Small and Medium Sized Businesses**

Council resolved:



That the correspondence received from Vance Badawey, Member of Parliament Niagara Centre Re: SME Project Stream of the Climate Action Incentive Fund for Small and Medium Sized Businesses, be received for information.

**11. Niagara Housing Statement Final Summary Report (Report PDS 27-2019)**

Council resolved:

That the correspondence received from the Niagara Housing Statement Final Summary Report, be received for information.

**12. Ministry of Municipal Affairs and Housing Re: Provincial Policy Statement Review – Draft Policies**

Council resolved:

That the correspondence received from Steve Clark, Minister, Ministry of Municipal Affairs and Housing Re: Provincial Policy Statement Review – Draft Policies, be received for information.

**13. Town of Fort Erie Re: Whistleblowing Policy**

Council resolved:

That the resolution received from the Town of Fort Erie Re: Whistleblowing Policy, be received for information.

**14. City of Thorold Re: Bill 115 – Beer Retailing in Ontario**

Council resolved:

That the resolution received from the City of Thorold Re: Bill 115 – Beer Retailing in Ontario, be received for information.

CARRIED.

**8. Consideration of Items Requiring Separate Discussion:**

**6. Planning and Development Department, Planning Division, Report 2019-127, Subject: Proposed Development Agreements for Lawrence Barnai, 1628 Minor Road**

**No. 139** Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

That two development agreements be entered into with Lawrence Barnai for 1628 Minor Road and that the Mayor and Clerk be authorized to sign and execute said agreements.

CARRIED.

9. **Rankin Construction Inc. Re: Peer Review for Port Colborne Quarries Site Alteration Permit**

**No. 140** Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

That the correspondence received from Tom Rankin, P. Eng., CEO Rankin Construction Inc. Re: Peer Review for Port Colborne Quarries Site Alteration Permit, be received for information.

CARRIED.

9. **Proclamations:**

**No. 141** Moved by Councillor A. Desmarais  
Seconded by Councillor D. Kalailieff

(a) **Niagara Ice Dogs Day in Port Colborne**

Whereas Friday, August 30th will be a significant day in the City of Port Colborne, as we will be hosting a hockey game between the Niagara Ice Dogs and the Barrie Colts; and

Whereas this will be the first Major Junior Hockey game in Port Colborne since the late 1960's; and

Whereas the City of Port Colborne in conjunction with the Niagara Ice Dogs will be hosting a Free Concert with the Rock of 80's Band, a Free Skate, a Free Swim and also the chance to learn and to play Sledge Hockey, all located at the Vale Health & Wellness Centre;

Now therefore, I, Mayor William C. Steele, proclaim Friday, August 30, 2019 as "Niagara Ice Dogs Day" in the City of Port Colborne. #PORTicipate!

CARRIED.

10. **Minutes of Boards, Commissions & Committees:**

**No. 142** Moved by Councillor E. Beauregard  
Seconded by Councillor D. Kalailieff

(a) That the minutes of the Grant Policy Committee meeting of February 13, 2019, be received.

CARRIED.

11. **Consideration of By-laws:**

**No. 143** Moved by Councillor A. Desmarais  
Seconded by Councillor M. Bagu

That the following by-laws be enacted and passed:

- 6710/74/19 Being a By-law to Authorize Entering Into Two Development Agreements with Lawrence Barnai regarding 1628 Minor Road
- 6711/75/19 Being a By-law to Amend By-law 1847/112/86, as Amended, to Permit an Expansion to the Downtown Central Business District Community Improvement Plan Project Area to include 176 Elm Street
- 6712/76/19 Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of August 12, 2019

CARRIED.

12. **Adjournment:**

**No. 144** Moved by Councillor F. Danch  
Seconded by Councillor G. Bruno

That the Council meeting be adjourned at approximately 8:11 p.m.  
CARRIED.

\_\_\_\_\_  
William W. Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

AL/cm

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## Port Colborne Public Library Board

### MINUTES of the 6<sup>th</sup> Regular Board Meeting of 2019

Tuesday, June 4, 2019, 6:15 p.m.

Port Colborne Public Library, Auditorium

310 King St., Port Colborne, ON

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**Present:** Michael Cooper (Chair), Bryan Ingram (Vice-Chair), Councilor Mark Bagu, Brian Beck, Valerie Catton, Harmony Cooper

**Staff:** Brenda Garrett (Treasurer), Susan Therrien (Director of Library Services/Board Secretary), Rachel Tkachuk (Librarian)

**Regrets:** Scott Luey (CEO), Jeanette Frenette, Ann Kennerly, Cheryl MacMillan

**1. Call to Order:**

The Chair called the meeting to order at 6:21 p.m.

**2. Chair's Remarks:**

Mr. Cooper welcomed the Board.

**3. Declaration of Conflict of Interest:**

Nil.

**4. Adoption of the Agenda:**

Moved by H. Cooper  
Seconded by B. Ingram  
19:039 That the agenda be adopted.  
CARRIED.

**5. Approval of the Minutes of the Previous Meeting of June 4, 2019:**

Moved by B. Ingram  
Seconded by B. Beck  
19:040 That the minutes of the May 14, 2019 meeting be adopted as circulated.  
CARRIED.



6. Business Arising from the Minutes:

Nil.

7. Delegations and Presentations:

Nil.

8. Consent Items:

- 8.1. Circulation Report
- 8.2. Financial Statement
- 8.3. Strategic Plan Implementation Report
- 8.4. Public Relations Report
- 8.5. Media Items

Moved by H. Cooper  
Seconded by V. Catton

19:041 That Consent Items 8.1 to 8.5 be received for information purposes.  
CARRIED.

9. Discussion Items:

**9.1. Introduction to the new Library Board Treasurer, Brenda Garrett**

The Board welcomed Brenda Garrett who replaces Peter Senese as Board Treasurer.

**9.2. Governance Training, June 8, 2019, Hamilton Public Library:**

Board members confirmed attendance for the event.

**9.3. Report on Presentation to Council**

The Director and Chair discussed the reports that they presented to Council on May 27, 2019, including the *2018 Port Colborne Public Library Annual Report*, a report on fees and charges, and a report on 2019 programming at the library.



#### **9.4. Interlibrary Loans Service and Resolution Regarding Provincial Funding Cuts**

The Board discussed the current disruption to interlibrary loan service due to provincial funding cuts and reviewed recent communication from Southern Ontario Library Service. The Director reported on the cost to mail interlibrary loans and that there will be a partial reimbursement for postage.

The Board reviewed and approved a resolution based on resolutions from other municipalities (Town of Hanover, Township of Mckellar, and Township of Mulmur). Councilor Bagu will present the resolution to Council seeking Council's support of reinstating funding to Ontario Library Services-North and Southern Ontario Library Service.

Moved by H. Cooper

Seconded by B. Beck

19:042 That the Port Colborne Public Library Board approves the resolution in support of reinstating funding to Ontario Library Service-North and Southern Ontario Library as presented; and,

That Councilor Mark Bagu submit the resolution to the Council of the Corporation of the City of Port Colborne on behalf of the Board.

CARRIED.

#### **9.5. Capital Projects**

The Director updated the Board on the status of the capital projects.

#### **9.6. Patron Comments and Suggestions**

The Board reviewed a suggestion from a patron regarding the accessible washroom.

#### **9.7. Director's Report**

##### **9.7.1. Partnership with the Vale Health and Wellness Centre**

The Director and Librarian R. Tkachuk met with City of Port Colborne Parks and Recreation Manager, Nicole Halasz, and Hometown Real Estate team Carlie and Nicholas Smith to discuss a story time programme at Vale Health and Wellness Centre. The library will supply library materials and conduct story time as part of the new partnership.



9.7.2. Logo and Website

The Director reported that the library will have the opportunity to be included in the City's new website and that a new logo will be created as part of the City's rebranding project.

9.7.3. Confirmation of the Submission of the Annual Survey

The Director confirmed that the Annual Survey was submitted on May 23, 2019.

9.7.4. "Let's Talk About..." Series

Upcoming event topics include human trafficking (June 26, 2019), youth suicide prevention and awareness (September 25, 2019), and a discussion of support services for parents/caregivers of youth with mental health issues and addictions (November 27, 2019). The Director reported receipt of a request from the City's Seniors Advisory Committee that the library organize a "Let's Talk About" session regarding seniors' issues.

9.7.5. Board Training Day: Review

The Board discussed the OnBoard Training event and noted that the event was well organized and that the presentations were of great benefit.

9.7.6. Health and Safety

- Job Hazards Assessments are being completed by library staff.

9.7.7. Staff Development

- *Readers' Advisory: Crime, Mystery & Thrillers*, EBSCO Novelist webinar, May 22, 2019. Attended by all part-time and full-time staff.

9.7.8. Meetings and Workshops

- AMPLO Meeting, June 7, 2019, North York Public Library. Attended by S. Therrien.





- City of Port Colborne Strategic Planning Session, May 6 & 7, 2019. Roselawn Centre. Facilitated by consultant Mark Butler. Attended by S. Therrien and R. Tkachuk (who was part of a team of young leaders selected to assist the consultant in the strategic planning session)
- Library Service with Empathy and Safety Workshop, May 27, 2019, St. Catharines Public Library. Attended by R. Tkachuk and J. Sider

**10. Decision Items:**

**10.1. Policies**

- 10.1.1. Information Services
- 10.1.2. Local History
- 10.1.3. Statement of Authority and Powers of the Board
- 10.1.4. Purposes and Duties of the Board
- 10.1.5. Committees of the Board

Moved by B. Ingram  
Seconded by B. Beck

19:042 That policy items 10.1.1 to 10.1.4 be approved as presented.  
CARRIED

**11. Board Members' Items:**

Nil.

**12. Notices of Motion:**

Nil.

**13. Date of the Next Meeting:**

Tuesday, August 13, 2019 at 6:15 p.m.  
Port Colborne Public Library, Auditorium  
310 King St., Port Colborne, ON



14. Adjournment:

Moved by B. Ingram  
Seconded by V. Catton

19:044 That the meeting be adjourned at 7:45 p.m.  
CARRIED.

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Michael Cooper  
Board Chair  
August 13, 2019

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Susan Therrien, Director of Library Services  
Board Secretary  
August 13, 2019