

STAFF REPORT: Financial & Information Services



REPORT TO: Council
MEETING DATE: July 13, 2009
REPORT NO.: FIS.09.44
SUBJECT: Lora Bay Development Charges Background Study - Amendments
PREPARED BY: Darcy Chapman, Capital Accountant

A. Recommendations

THAT Council receive Staff Report FIS.09.44 "Lora Bay Development Charges Background Study – Amendments" for information purposes;

AND THAT Council authorize staff to present the proposed By-law at the August 10, 2009 regular meeting of Council for adoption;

AND FURTHER THAT Council replace and rescind By-law 2009-23.

B. Background

The Lora Bay Development Charges Background Study and By-law were completed in early March 2009. A mandatory public meeting was held on March 23, 2009 and brought forward for Council adoption in April under by-law 2009-23.

After reviewing the background study for correctness, Staff found errors relating to both the water and sewer charges that significantly changed the Development Charge for all three sub service areas.

The attached Development Charges Background Study has been corrected and now reflects the proper charges for the three service areas within Lora Bay. The following chart illustrates the changes to the effective development charges;

Sewer Development Charge	Service Area 1	Service Area2	Service Area 3
Original April By-law	\$ 11,509	\$ 14,461	\$ 8,644
Revised June By-law	\$ 11,550	\$ 13,334	\$ 13,397
Change \$	\$ 41	(\$ -1,127)	\$ 4,753

Water Development Charge	Service Area 1	Service Area2	Service Area 3
Original April By-law	\$ 9,180	\$ 2,611	\$ 1,460
Revised June By-law	\$ 9,221	\$ 1,467	\$ 1,460
Change \$	\$ 41	(\$ -1,144)	\$ -

After fully reviewing the document to ensure correctness, it is Staff's recommendation that the existing by-law be rescinded and a new by-law passed setting the proposed fees as illustrated above.

C. The Blue Mountains' Strategic Plan

Providing a strong, well managed municipal government, and addressing the Town's municipal infrastructure needs.

D. Environmental Impacts

NA

E. Budget Impact

By passing the newly finished background study, the Town will ensure it is collecting adequate Development Charges for the Lora Bay Service Area. This revised rate will ensure that the Lora Bay Corporation will receive full repayment of up-fronted dollars for capital works. It will also make certain that future scheduled works can be completed by utilizing development charge reserves or ensuring annual development charges collected will fully fund long term debt from the construction of future works.

F. Attached

1. Lora Bay Development Charges Background Study and By-law

Respectfully submitted,

Signature

For more information, please contact:

Darcy Chapman
dchapman@thebluemoountains.ca
519-599-3131 ext 274

LORA BAY SERVICE AREA DEVELOPMENT CHARGES BACKGROUND STUDY

Town of The Blue Mountains

HEMSON Consulting Ltd.

June 2009

EXECUTIVE SUMMARY

The following summarizes the findings of the development charges study.

- This study calculates area-specific development charges for the Lora Bay Service Area in The Blue Mountains, for the provision of the water and sewer systems, in compliance with the provisions of the *Development Charges Act, 1997* and its related regulation (Ontario Regulation 82/98).
- This study considers one area-specific service area in The Blue Mountains; Lora Bay. This study proposes to repeal By-law 2005-29 by removing the existing charges that relate to the provision of water and sewer services in Lora Bay and to replace them with three distinct charges for the service areas as delineated in the Lora Bay area map.
- Area-specific development charges are calculated for the provision of water and sewer services in the Lora Bay Service Area. The area-specific approach more closely aligns costs and benefits for services where benefits are more localized and can be identified. As such, three distinct charges for the Lora Bay area have been calculated.
- The growth forecast for the Lora Bay Service Area projects an increase of 1,126 new units over the build-out planning period, an existing 415 units and 250 units that have been registered. Of these units, 90 per cent are found within Service Area 1.
- The capital program for the provision of water services in Lora Bay is comprised mainly of the Lora Bay Reservoir and the Water Booster Pumping Station. Other water-related infrastructure includes Phases 1A, 1B and 2 watermains. The total cost of these works equals \$9.2 million.
- The capital program for the provision of sewer services in Lora Bay is comprised of pumping stations and forcemains, Phases 1A, 1B and 2 of the sanitary sewer trunks and the Lora Bay share of the Thornbury sanitary sewer trunks. The cost of the sewer-related infrastructure totals to \$11.0 million.

- Based on the revised growth forecast and capital program contained in this study, the proposed area-specific development charge rate for the Lora Bay Service Area for residential development are:

	Service Area 1	Service Area 2	Service Area 3
Lora Bay Water	\$5,334	\$1,467	\$1,460
Lora Bay Sewer	\$5,552	\$7,336	\$7,399
Total Charge	\$10,886	\$8,803	\$8,859

- It is recommended that The Blue Mountains should repeal the existing Development Charge By-law 2005-29 and implement a new Lora Bay area-specific By-law with the newly calculated rates to fully recover the updated costs of the Lora Bay water and sewer infrastructure.
- The following map represents the geographic boundaries of the Lora Bay Service Area for water and sewer servicing.

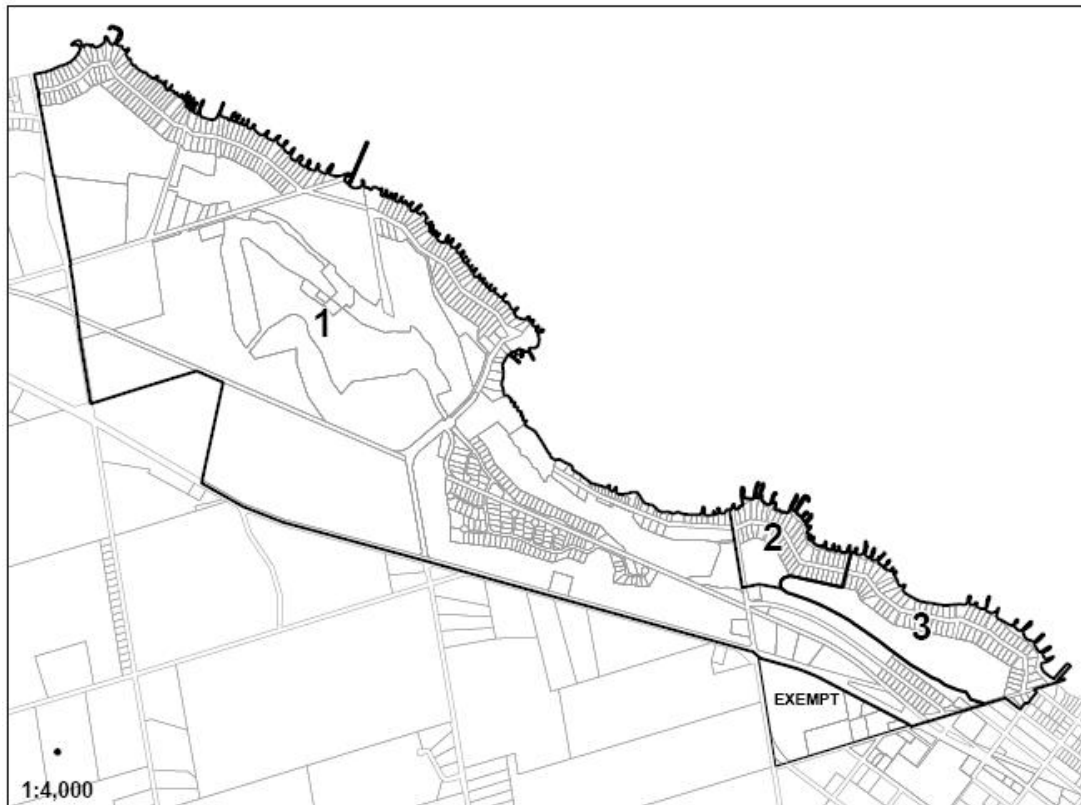


TABLE OF CONTENTS

	<i>Page</i>
EXECUTIVE SUMMARY	i
I INTRODUCTION AND BACKGROUND	1
II REVISED GROWTH FORECAST	2
III REVISED LORA BAY GROWTH-RELATED CAPITAL FORECAST	4
A. Lora Bay Water-related Infrastructure Costs	4
B. Lora Bay Sewer-related Infrastructure Costs	7
IV REVISED DEVELOPMENT CHARGES ARE CALCULATED IN ACCORDANCE WITH THE DCA	11
A. Calculated Water Development Charges	11
B. Calculated Sewer Development Charges	13
C. Operating Cost Impacts	14
D. Current vs. Calculated Rates	14

I INTRODUCTION AND BACKGROUND

In 2005, the Council of The Blue Mountains passed an area specific Development Charges By-law, By-law 2005-29, for the recovery of net growth-related capital costs for water and sewer services in the Lora Bay area of the Town. The By-law was based on a Development Charges Background Study completed for the Town in March 2005 by Hemson Consulting Ltd. Within the 2005 Study, growth related-capital costs were identified for the Lora Bay Service Area. Since the passage of By-law 2005-29, The Blue Mountains has received updated construction costs for the Lora Bay reservoir, booster pumping station, watermains, and also increased costs for sewer trunks, pumping stations and forcemains.

The Blue Mountains retained Hemson Consulting Ltd. to complete a Development Charges Background Study to recover the revised growth-related capital costs associated with the provision of water and sewer services in the Lora Bay Service Area.

The main objective of the study is to calculate area-specific development charge rates for the Lora Bay water and sewer systems, within The Blue Mountains, in compliance with the provisions of the *Development Charges Act, 1997 (DCA)* and its regulation (Ontario Regulation 82/98). Following the completion of the background study and the legislated public consultation, Council may pass a new area-specific development charges By-law to enact the calculated development charge rates.

Section II outlines the revised growth forecast on which the development charges are based. Section III summarizes the future growth-related capital costs associated with the Lora Bay water and sewer supply system. Section IV details the proposed new development charge rates for the Lora Bay Service Area.

It is noted that none of the other Town's development charges rates (Town-wide or area-specific) are proposed to be changed as part of this study.

II REVISED GROWTH FORECAST

A residential growth forecast for the Lora Bay Service Area was prepared by the planning department of The Blue Mountains. As Table 1 illustrates, a total of 1,126 new units are anticipated to require sewer and water servicing within the Lora Bay Service Area from the present until the build-out of the designated area.

An additional 415 existing units have been identified that will receive benefit from the sewer and water servicing. Units associated with the Lora Bay Corporation have registered 250 units, and as such, they will be using existing credits for works previously completed. These 415 existing units to receive sewer and water servicing have been deemed as “benefit to existing” and their proportionate share has been netted out of the development charge calculation. The Town will use other mechanisms, such as a charge under s. 391 of *The Municipal Act* to recover the share of the costs associated with the existing units.

The growth and non-growth units in Lora Bay has been segregated into three distinct servicing areas; Service Areas 1, 2 and 3 as illustrated in Table 1. As such, three area-specific charges for water and sewer have been calculated for each service area. This area-specific method of calculating the development charge closely aligns the capital costs of the water and sewer infrastructure to the benefiting units.

TABLE 1

THE BLUE MOUNTAINS
LORA BAY AREA-SPECIFIC DEVELOPMENT CHARGES BACKGROUND STUDY
LORA BAY GROWTH FORECAST BY SERVICE AREA

	Service Area 1			Service Area 2			Service Area 3			Total		
	Growth	Non-Growth	Registered	Growth	Non-Growth	Registered	Growth	Non-Growth	Registered	Growth	Non-Growth	Registered
Thornbury Direct		8									8	
Thornbury Indirect		14									14	
Peel Street Direct						4					4	
Trailwoods	48			12		53				113		
Cameron East								72			72	
Cameron West					46						46	
Lake Drive		37									37	
Lake Drive Growth	4									4		
Lora Bay Direct		4									4	
Lora Bay Indirect		1									1	
Lora Bay Corporation	775		250							775		250
Lora Bay Direct Growth	137									137		
Lora Bay Indirect Growth	30									30		
Sunset 1B		77									77	
Sunset Phase 2		116									116	
Sunset Phase 2 Growth	67									67		
39th Sideroad		36									36	
Total Units	1,061	293	250	12	46	-	53	76	-	1,126	415	250

Allocation of Benefiting Units

89.56%

3.24%

7.20%

100.00%

III REVISED LORA BAY GROWTH-RELATED CAPITAL FORECAST

Since the passage of By-law No. 2005-29, which recovers capital costs for water and sewer systems in the Lora Bay service area, The Blue Mountains has received revised costs and planning information, specific to these works. The revised information was significant enough to warrant a review of the current By-law, and thus the main objective of this study is to calculate area-specific development charges for the Lora Bay service area in compliance with the provisions of the *Development Charges Act, 1997* and its related regulation (*Ontario Regulation 82/98*), and to provide the Town with a Development Charges Background Study and associated By-law.

This section will examine the two components of this particular area-specific charge. Part A will describe the revised growth-related water infrastructure costs, while Part B will detail the revised growth-related sewer infrastructure costs.

A. LORA BAY WATER-RELATED INFRASTRUCTURE COSTS

The main components relating to the cost of the water distribution and storage is the construction of a reservoir, including a water booster pumping station and water mains, in the Lora Bay service area. Works relating to the Lora Bay water infrastructure are anticipated to cost \$9.2 million. This cost is allocated by the benefiting units in each service area as seen in Table 2. Table 2 illustrates that the works do not benefit all of the units in Lora Bay, and as such, the costs of the works will only be allocated to the units receiving benefit from each individual project.

The projects that benefit all of the units in Lora Bay are the Peel Street water main, the Lora Bay Reservoir and the Development Charges Background Study. The growth-related units in Service Area 1 will fully recover the remaining projects; Phase 1A and 1B water mains, the Phase 2 water mains including Lake Drive, Sunset Boulevard West, 39th Sideroad, Christie Beach Road and the Lora Bay Water Booster Pumping Station. See Table 2 for the cost allocation for water-related infrastructure.

The total estimated cost for water distribution and storage in the Lora Bay area amounts to \$9.2 million. Of this amount, Service Area 1 will recover \$8.9 million, Service Area 2 will recover \$98,432 and Service Area 3 will recover \$218,925.

As part of the study process, The Blue Mountains performed a thorough count of each property in the Lora Bay service area. This exercise revealed that there are 415 existing units that will connect to the water and sewer systems and thus, are deemed as “benefit to the existing share”. The proportion of the identified existing and registered units in Service Areas 1,2 and 3 have been netted off of the development charges calculations as the “benefit to existing share”. The benefit to existing share is approximately \$1.8 million and the Town will use other mechanisms, such as s. 391 of *The Municipal Act*, to recover these costs against the benefiting land owners.

B. LORA BAY SEWER-RELATED INFRASTRUCTURE COSTS

The costs associated with sewer servicing in the Lora Bay service area are comprised of four components; sanitary sewer trunks, pumping stations and forcemains, the Lora Bay share of the Thornbury sanitary sewer trunks and the cost of the Development Charges Background Study.

The total anticipated project costs for the sewer-related infrastructure is \$11.0 million. Similar to the water-related infrastructure costs, the cost of the sewer-related infrastructure is allocated to the three service areas according to the benefiting units as illustrated in Table 3. The projects in Phase 1A, 1B and the 10th Line sanitary sewer trunk are allocated to Service Areas 1 and 2. Cameron and Peel Street sanitary sewer trunks only benefit the units in Service Area 3, and as such, the cost associated with the sewer trunks are allocated only to the units in Service Area 3. The units in Service Area 1 will recover for the pumping stations, forcemains and the sanitary sewer trunks on Lake Drive, Sunset Boulevard West and 39th Sideroad.

Part of the \$11.0 million in sewer-related infrastructure relates to sanitary sewer trunks benefiting units in Lora Bay, Thornbury West, Thornbury East and Clarksburg. The total capital cost of the shared works amounts to \$4.6 million, and of this amount, \$2.7 million has been allocated to Lora Bay, based on the shares of existing and future unit potential. This \$2.7 million has been deemed to benefit all units within the three service areas of Lora Bay and therefore the costs have been allocated to each of the service areas. The cost allocation of the shared works is presented in Table 4.

Under the provisions of the *Development Charges Act*, a municipality may recover the cost of a Development Charges Background Study. An additional \$5,000 is added to the development charge calculation for the Background Study. The cost of the Development Charges Background Study has also been allocated to all three service areas according to shares of benefiting units.

The total estimated cost for sewage collection and treatment in the Lora Bay area amounts to \$11.0 million. Of this amount, Service Area 1 will recover \$9.6 million, Service Area 2 will recover \$454,231 and Service Area 3 will recover \$1.0 million.

As part of the study process, The Blue Mountains performed a thorough count of each property in the Lora Bay service area. This exercise revealed that there are 415 existing units that will connect to the water and sewer systems and thus, are deemed as “benefit

TABLE 4

THE BLUE MOUNTAINS
LORA BAY AREA-SPECIFIC DEVELOPMENT CHARGES BACKGROUND STUDY
SUMMARY OF COST ALLOCATION FOR SHARED WORKS

Cost Component	Cost Allocation ¹				Total Capital Cost
	Lora Bay	Thornbury West	Thornbury East	Clarksburg	
Huron Street	\$ 617,691	\$ 294,420	\$ -	\$ -	\$ 912,112
Thornbury Works Sewage Pumping Station	\$ 723,831	\$ 361,714	\$ 88,715	\$ 156,057	\$ 1,330,316
Duplicate Forcemain	\$ 423,066	\$ 207,270	\$ 50,835	\$ 89,424	\$ 770,595
Thornbury Works Siphon and Easement	\$ 947,441	\$ 460,626	\$ -	\$ 198,731	\$ 1,606,798
Total	\$ 2,712,029	\$ 1,324,029	\$ 139,550	\$ 444,213	\$ 4,619,821

1) Based on residential unit
development potential of:

Existing Units	197	44	23	-	264
Future Units	1,598	853	197	387	3,035
Total Units	1,795	897	220	387	3,299

to the existing share”. The proportion of the identified existing and registered units have been netted off of the development charges calculations as the “benefit to existing share”. The benefit to existing share is approximately \$2.7 million and the Town will use other mechanisms, such as s. 391 of *The Municipal Act* , to recover these costs against the benefiting land owners.

The next section of the report provides the calculations of the proposed Lora Bay water and sewer area-specific development charges.

IV REVISED DEVELOPMENT CHARGES ARE CALCULATED IN ACCORDANCE WITH THE *DCA*

The proposed Lora Bay water and sewer development charges reflect the updated capital program the Town has received since the 2005 Development Charges Background Study.

A. CALCULATED WATER DEVELOPMENT CHARGES

The calculation of development charges rates is derived by dividing the total net capital program by the number of new units forecast over the study period. The net capital program is calculated by removing the non-growth share of the works as seen on the calculation tables in Appendix A.

The table below illustrates the total net capital costs recoverable through development charges, by service area.

Table 5
Net DC Recoverable for Water-Related Infrastructure

	Total Project Cost	Non-Growth Share	Recovery of Prepaid Credits	Available Reserve Funds	Net DC Recoverable
Service Area 1	\$ 8,868,195	\$ 1,619,120	\$ 1,333,597	\$ 255,695	\$ 5,659,783
Service Area 2	\$ 98,432	\$ 77,938	\$ 0	\$ 2,892	\$ 17,602
Service Area 3	\$ 218,925	\$ 128,767	\$ 0	\$ 12,773	\$ 77,385
Total	\$ 9,185,552	\$ 1,825,825	\$ 1,333,597	\$ 271,360	\$ 5,754,770

The \$1.3 million in the fourth column of Table 5 denotes the credit amount that the Lora Bay Corporation is entitled to for financing works completed in the past. This portion will be removed from the development charges calculation as Lora Bay Corporation will be using development charge credits. The recovery of prepaid credits pertains only to Service Area 1 as the 250 registered units lie within the servicing boundary.

The values in the Net DC Recoverable column have been brought forward to the development charges calculations and are recovered against the potential units of future growth in each service area.

The residential charge per equivalent unit for water servicing is summarized in Table 6. See Appendix A for the development charge calculation for water-related infrastructure.

Table 6
Calculated Water Charge
per Equivalent Unit

	Net DC Recoverable	Growth Units	Calculated Charge
Service Area 1	\$ 5,659,783	1,061	\$ 5,334
Service Area 2	\$ 17,602	12	\$ 1,467
Service Area 3	\$ 77,385	53	\$ 1,460

B. CALCULATED SEWER DEVELOPMENT CHARGES

The development charge calculation for sewer services in the Lora Bay area is done in a similar method to the calculation of the water charge. The development charge is calculated by dividing the total net capital program by the number of new units forecast over the study period.

The table below illustrates the total net capital costs recoverable through development charges, by service area.

Table 7
Net DC Recoverable for Sewer-Related Infrastructure

	Total Project Cost	Non-Growth Share	Recovery of Prepaid Credits	Available Reserve Funds	Net DC Recoverable
Service Area 1	\$ 9,561,214	\$ 1,745,713	\$ 1,387,946	\$ 537,110	\$ 5,890,445
Service Area 2	\$ 454,231	\$ 360,124	\$ 0	\$ 6,075	\$ 88,032
Service Area 3	\$ 1,019,247	\$ 600,274	\$ 0	\$ 26,830	\$ 392,142
Total	\$11,034,692	\$ 2,706,111	\$ 1,387,946	\$ 570,015	\$ 6,370,620

The \$1.4 million in the fourth column of Table 7 denotes the credit amount that the Lora Bay Corporation is entitled to for financing works completed in the past. This portion will be removed from the development charges calculation as Lora Bay Corporation will be using development charge credits. The recovery of prepaid credits pertains only to Service Area 1 as the 250 registered units lie within the servicing boundary.

The values in the Net DC Recoverable column have been brought forward to the development charges calculations and are recovered against the potential units of future growth in each service area.

The residential charge per equivalent unit for water servicing is summarized in Table 8. See Appendix B for the development charge calculation for sewer-related infrastructure.

Table 8
Calculated Sewer Charge
per Equivalent Unit

	Net DC Recoverable	Growth Units	Calculated Charge
Service Area 1	\$ 5,890,445	1,061	\$ 5,552
Service Area 2	\$ 88,032	12	\$ 7,336
Service Area 3	\$ 392,142	53	\$ 7,399

C. OPERATING COST IMPACTS

The DCA requires that a background study estimates the future tax supported operating cost implications of the growth-related capital program contained in the study. The entire capital program contained in this background study relates to the Lora Bay water and sewer supply system. The funds required for operating the water and sewer system are obtained through the utility rates, a user fee system. Since the Lora Bay water and sewer system is part of a full cost recovery water and sewer rate system, any additional operating costs as a result of the capital program will be included in the water and sewer rates. No additional operating costs associated with the capital costs are anticipated to be borne by the property tax base.

D. CURRENT VS. CALCULATED RATES

The Lora Bay water and sewer capital program in the 2005 Development Charges Background Study contained the same projects, however as construction progressed, incoming tenders increased the projects costs, resulting in the revised calculated development charges.

Table 9 displays a comparison of the current area-specific development charges for the Lora Bay service area to the newly calculation rates.

It should be noted that development in Lora Bay will continue to be subject to the Town's Town-wide development charges By-law, By-law No. 2005-27, that include components for water supply and sewage treatment costs not recovered under these area-specific charges.

TABLE 9

**THE BLUE MOUNTAINS
LORA BAY AREA-SPECIFIC DEVELOPMENT CHARGES BACKGROUND STUDY
COMPARISON OF CURRENT AND CALCULATED AREA-SPECIFIC DEVELOPMENT CHARGES**

	Calculated Charge	Current Charge	Difference		
			\$	%	
Service Area 1					
Water	\$ 5,334	\$ 4,257	\$ 1,077	25.30%	
Sewer	\$ <u>5,552</u>	\$ <u>3,330</u>	\$ <u>2,222</u>	66.73%	
Total Charge	\$ 10,886	\$ 7,587	\$ 3,299	43.48%	
Service Area 2					
Water	\$ 1,467	\$ 4,257	\$ (2,790)	-65.54%	
Sewer	\$ <u>7,336</u>	\$ <u>3,330</u>	\$ <u>4,006</u>	120.30%	
Total Charge	\$ 8,803	\$ 7,587	\$ 1,216	16.03%	
Service Area 3					
Water	\$ 1,460	\$ 4,257	\$ (2,797)	-65.70%	
Sewer	\$ <u>7,399</u>	\$ <u>3,330</u>	\$ <u>4,069</u>	122.19%	
Total Charge	\$ 8,859	\$ 7,587	\$ 1,272	16.77%	

APPENDIX A

***WATER-RELATED
DEVELOPMENT CHARGE
CALCULATIONS***

**APPENDIX A
TABLE 1
THE BLUE MOUNTAINS
WATER GROWTH-RELATED CAPITAL PROGRAM
LORA BAY WATER SERVICING 2008 TO BUILD-OUT
SERVICE AREA 1**

Service Area 1 Unit Growth	Growth 1,061	Non-Growth 293	Registered 250	Total Units 1,604	Growth Share 81.7%	Non-Growth Share 18.3%	Year	Studies	Admin Co/A, Adv. Misc.	Engineering	Construction	Contingencies	Shared Works	Internal Engineering Fee	Sub-Total	Available Reserve Fund Balance	Non-Growth Share	Recovery of Prepaid Credits	Total DC Recoverable			
																				Year	Studies	Admin Co/A, Adv. Misc.
Lora Bay Water Distribution & Storage*																						
Water Mains																						
	2005	\$ -	\$ 7,350	\$ 240,317	\$ 1,541,295	\$ 112,271									\$ -	\$ 1,901,233	\$ 255,695	\$ 347,295	\$ 247,567	\$ 1,050,676		
	2008	\$ -	\$ 1,097	\$ 82,809	\$ 457,629	\$ 19,900									\$ -	\$ 561,436	\$ -	\$ 102,557	\$ 87,506	\$ 371,373		
Phase 1A including Arthur, Victoria, High Bluff Lane & Related Eng.																						
Phase 1B including Sunset Blvd East & Related Engineering																						
Phase 2 including:																						
	2009	\$ -	\$ 4,000	\$ 27,799	\$ 369,129	\$ 19,417									\$ 8,407	\$ 428,752	\$ -	\$ 78,319	\$ 66,825	\$ 283,608		
	2018	\$ -	\$ 5,000	\$ 55,000	\$ 571,000	\$ 55,000									\$ 13,720	\$ 699,720	\$ -	\$ 127,817	\$ 109,059	\$ 462,844		
	2018	\$ -	\$ 4,000	\$ 37,500	\$ 361,000	\$ 37,500									\$ 8,600	\$ 448,800	\$ -	\$ 81,982	\$ 69,950	\$ 295,868		
	2018	\$ -	\$ 4,000	\$ 26,000	\$ 258,400	\$ 26,000									\$ 6,288	\$ 320,688	\$ -	\$ 58,580	\$ 49,983	\$ 212,125		
	2010	\$ -	\$ 2,239	\$ 17,912	\$ 123,143	\$ 13,434									\$ 3,135	\$ 159,863	\$ -	\$ 29,202	\$ 24,916	\$ 105,745		
Storage and Pump Stations																						
	2011	\$ -	\$ 13,434	\$ 246,287	\$ 2,068,811	\$ 179,118									\$ 50,153	\$ 2,557,802	\$ -	\$ 467,229	\$ 398,660	\$ 1,691,913		
	2005	\$ -	\$ 11,098	\$ 389,826	\$ 1,384,500	\$ -									\$ -	\$ 1,785,423	\$ -	\$ 328,140	\$ 278,277	\$ 1,181,006		
	2008	\$ 4,478	\$ -	\$ -	\$ -	\$ -									\$ -	\$ 4,478	\$ -	\$ -	\$ 854	\$ 3,624		
Development Charge Amendment Study																						
Total Lora Bay Water Distribution & Storage																	\$ 8,888,195	\$ 255,695	\$ 1,619,120	\$ 1,333,597	\$ 5,659,782	
Residential Charge per Equivalent Unit for Water Servicing																						
																	\$	\$	\$	\$	\$	\$

* All these works to be recovered by a Lora Bay Area Specific Development Charges By-law which will be levied in addition to the Town-wide By-law



APPENDIX A
TABLE 3
THE BLUE MOUNTAINS
WATER GROWTH-RELATED CAPITAL PROGRAM
LORA BAY WATER SERVICING 2008 TO BUILD-OUT
SERVICE AREA 3

Service Area 3 Unit Growth	Growth		Non-Growth		Registered	Total Units	Growth Share		Non-Growth Share		Shared Works	Internal Engineering Fee	Sub-Total	Available Reserve Fund Balance	Non-Growth Share	Total DC Recoverable
	53	76	129	41.1%			58.9%									
Year	Studies	Admin Legal Co/A, Adv. Misc.	Engineering	Construction	Contingencies	Engineering	Construction	Contingencies	Engineering Fee	Sub-Total	Available Reserve Fund Balance	Non-Growth Share	Total DC Recoverable			
Lora Bay Water Distribution & Storage*																
Water Mains																
Phase 2 including: Peel Street (275m of 400mm)	2010	\$ -	180	\$ 1,441	\$ 9,904	\$ 1,080	\$ 9,904	\$ 1,080	\$ -	\$ 252	\$ 12,857	\$ 5,282	\$ 7,575	\$ 0		
Storage and Pump Stations Lora Bay Reservoir (2800 m ³)	2011	\$ -	1,080	\$ 19,807	\$ 166,382	\$ 14,405	\$ 166,382	\$ 14,405	\$ -	\$ 4,034	\$ 205,709	\$ 7,491	\$ 121,193	\$ 77,025		
Development Charge Amendment Study	2008	\$ 360	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 360	\$ -	\$ -	\$ 360		
Total Lora Bay Water Distribution & Storage										\$	\$ 218,925	\$ 12,773	\$ 128,767	\$ 77,386		
Residential Charge per Equivalent Unit for Water Servicing																\$ 1,460.11

* All these works to be recovered by a Lora Bay Area Specific Development Charges By-law which will be levied in addition to the Town-wide By-law.



APPENDIX B

***SEWER-RELATED
DEVELOPMENT CHARGE
CALCULATIONS***

APPENDIX B
TABLE 1

THE BLUE MOUNTAINS
SEWER GROWTH-RELATED CAPITAL PROGRAM
LORA BAY SEWER SERVICING 2008 TO BUILD-OUT
SERVICE AREA 1

Service Area 1 Unit Growth		Growth	Non-Growth	Registered	Total Units	Growth Share	Non-Growth Share								
		1,061	293	250	1,604	81.7%	18.3%								
Year	Studies	Admin Legal CofA, Adv. Misc.	Engineering	Construction	Contingencies	Shared Works	Internal Engineering Fee	Sub-Total	Available Reserve Fund Balance	Non-Growth Share	Recovery of Prepaid Credits	Total DC Recoverable			
Lora Bay Sewerage Collection*															
Sanitary Sewer Trunks															
2005	Phase 1A including Arthur, Victoria, High Bluff Lane & Related Eng.	\$ -	\$ 23,935	\$ 224,073	\$ 1,914,353	\$ 150,803	\$ -	\$ 2,313,163	\$ 537,110	\$ 422,542	\$ 258,107	\$ 1,095,404			
2005	Phase 1B including Sunset Blvd East & Related Engineering	\$ -	\$ -	\$ 42,437	\$ 654,728	\$ 42,131	\$ -	\$ 739,296	\$ -	\$ 135,046	\$ 115,227	\$ 489,023			
Phase 2 including:															
2009	Lake Drive (67m of 75mm & 50mm LPF)	\$ -	\$ 3,000	\$ 29,571	\$ 392,656	\$ 20,655	\$ -	\$ 8,918	\$ -	\$ 83,077	\$ 70,885	\$ 300,837			
2013	10th Line (342m of 75mm LPF)	\$ -	\$ 2,413	\$ 10,825	\$ 143,741	\$ 7,561	\$ -	\$ 3,291	\$ -	\$ 30,857	\$ 26,158	\$ 111,015			
2018	Sunset Blvd West (1715m of 200mm)	\$ -	\$ 7,500	\$ 77,500	\$ 780,750	\$ 77,500	\$ -	\$ 18,865	\$ -	\$ 175,748	\$ 149,956	\$ 636,411			
2018	39th Sideroad (1100m of 200mm)	\$ -	\$ 5,000	\$ 50,000	\$ 500,000	\$ 50,000	\$ -	\$ 12,100	\$ -	\$ 112,725	\$ 96,181	\$ 408,194			
Pumping Stations and Forcemains															
2005	Sewage Pump Station and Forcemain Sunset East 73 l/s	\$ -	\$ 32,471	\$ 80,457	\$ 983,400	\$ -	\$ -	\$ 1,096,328	\$ -	\$ 200,264	\$ 170,874	\$ 725,190			
2018	Sewage Pump Station and Forcemain Sunset West 11.5 l/s	\$ -	\$ 24,350	\$ 44,650	\$ 643,000	\$ 50,000	\$ -	\$ 15,240	\$ -	\$ 141,977	\$ 121,141	\$ 514,122			
Sanitary Sewer Trunks															
2009	Lora Bay Share of Thornbury works Huron Street (500m of 600mm)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,847	\$ 553,198	\$ -	\$ 101,052	\$ 86,222	\$ 365,924			
2005	Lora Bay Share of Thornbury works Sewage Pumping Station	\$ -	\$ -	\$ -	\$ -	\$ 648,255	\$ -	\$ 648,255	\$ -	\$ 118,416	\$ 101,037	\$ 428,802			
2009	Lora Bay Share of Thornbury works Duplicate Forcemain (1100m of 300mm)	\$ -	\$ -	\$ -	\$ -	\$ 371,464	\$ 7,429	\$ 378,893	\$ -	\$ 69,212	\$ 59,054	\$ 250,628			
2005	Lora Bay Share of Thornbury works Siphon and easement	\$ -	\$ -	\$ -	\$ -	\$ 848,518	\$ -	\$ 848,518	\$ -	\$ 154,997	\$ 132,250	\$ 561,270			
2008	Development Charge Amendment Study	\$ -	\$ 4,478	\$ -	\$ -	\$ -	\$ -	\$ 4,478	\$ -	\$ -	\$ 854	\$ 3,624			
Total Lora Bay Sewerage Collection												\$ 5,890,445			
Residential Charge per Equivalent Unit for Sewer Servicing												\$ 5,551.79			

* All these works to be recovered by a Lora Bay Area Specific Development Charge By-law which will be levied in addition to the Town-wide By-l



APPENDIX B
TABLE 2

THE BLUE MOUNTAINS
SEWER GROWTH-RELATED CAPITAL PROGRAM
LORA BAY SEWER SERVICING 2008 TO BUILD-OUT
SERVICE AREA 2

Year	Growth	Non-Growth	Registered	Total Units	Growth Share	Non-Growth Share
	12	46	-	58	20.7%	79.3%

Service Area 2 Unit Growth

Year	Studies	Admin Legal CofA, Adv. Misc.	Engineering	Construction	Contingencies	Shared Works	Internal Engineering Fee	Sub-Total	Available Reserve Fund Balance	Non-Growth Share	Total DC Recoverable
Lora Bay Sewage Collection*											
Sanitary Sewer Trunks											
2005	\$ -	\$ 865	\$ 8,102	\$ 69,222	\$ 5,453	\$ -	\$ -	\$ 83,643	\$ 6,075	\$ 66,338	\$ 11,231
2005	\$ -	\$ -	\$ 1,535	\$ 23,675	\$ 1,523	\$ -	\$ -	\$ 26,733	\$ -	\$ 21,202	\$ 5,531
Phase 2 including:											
2013	\$ -	\$ 3,000	\$ 34,000	\$ 192,900	\$ 15,000	\$ -	\$ 4,888	\$ 249,798	\$ -	\$ 198,116	\$ 51,682
2013	\$ -	\$ 87	\$ 391	\$ 5,198	\$ 273	\$ -	\$ 119	\$ 6,069	\$ -	\$ 4,813	\$ 1,256
Sanitary Sewer Trunks											
2009	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 19,611	\$ 392	\$ 20,003	\$ -	\$ 15,865	\$ 4,139
2005	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,441	\$ -	\$ 23,441	\$ -	\$ 18,591	\$ 4,850
2009	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,432	\$ 269	\$ 13,701	\$ -	\$ 10,866	\$ 2,835
2005	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,682	\$ -	\$ 30,682	\$ -	\$ 24,334	\$ 6,348
2008	\$ 162	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 162	\$ -	\$ -	\$ 162
Total Lora Bay Sewage Collection									\$ 6,075	\$ 360,124	\$ 88,032
Residential Charge per Equivalent Unit for Sewer Servicing											\$ 7,336.04

* All these works to be recovered by a Lora Bay Area Specific Development Charges By-law which will be levied in addition to the Town-wide By-law.

APPENDIX B
TABLE 3

THE BLUE MOUNTAINS
SEWER GROWTH-RELATED CAPITAL PROGRAM
LORA BAY SEWER SERVICING 2008 TO BUILD-OUT
SERVICE AREA 3

Service Area 3 Unit Growth		Growth	53	Non-Growth	76	Registered	Total Units	129	Growth Share	41.1%	Non-Growth Share	58.9%
Year	Studies	Admin Legal CofA, Adv. Misc.	Engineering	Construction	Contingencies	Shared Works	Internal Engineering Fee	Sub-Total	Available Reserve Fund Balance	Non-Growth Share	Total DC Recoverable	
Lora Bay Sewage Collection*												
Sanitary Sewer Trunks												
Phase 2 including:												
2010	Peel Street (375m of 200mm)	- \$	2,500 \$	17,500 \$	168,750 \$	- \$	4,125 \$	210,375 \$	26,830 \$	123,942 \$	59,603	
2013	Cameron Street East (1093m of 200mm)	- \$	5,000 \$	50,000 \$	496,150 \$	- \$	12,023 \$	613,173 \$	- \$	361,249 \$	251,924	
Sanitary Sewer Trunks												
2009	Lora Bay Share of Thornbury works Huron Street (500m of 600mm)	- \$	- \$	- \$	- \$	43,618 \$	872 \$	44,490 \$	- \$	26,211 \$	18,279	
2005	Lora Bay Share of Thornbury works Sewage Pumping Station	- \$	- \$	- \$	- \$	52,135 \$	- \$	52,135 \$	- \$	30,715 \$	21,420	
2009	Lora Bay Share of Thornbury works Duplicate Forcemain (1100m of 300mm)	- \$	- \$	- \$	- \$	29,875 \$	597 \$	30,472 \$	- \$	17,953 \$	12,520	
2005	Lora Bay Share of Thornbury works Siphon and easement	- \$	- \$	- \$	- \$	68,241 \$	- \$	68,241 \$	- \$	40,204 \$	28,037	
2008	Development Charge Amendment Study	360 \$	- \$	- \$	- \$	- \$	- \$	360 \$	- \$	- \$	360	
Total Lora Bay Sewage Collection									\$ 1,019,247 \$	26,830 \$	600,274 \$	392,142
Residential Charge per Equivalent Unit for Sewer Servicing											\$ 7,398.91	

* All these works to be recovered by a Lora Bay Area Specific Development Charges By-law which will be levied in addition to the Town-wide By-law.



APPENDIX C

***PROPOSED
LORA BAY BY-LAW***

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

Being a By-law to establish area-specific development charges for the Town of The Blue Mountains, Service Area 6 Lora Bay

WHEREAS Subsection 2(1) of the *Development Charges Act, 1997* provides that the Council of a municipality may by By-law impose development charges against land to pay for increased capital costs required because of increased needs for services arising from the development of the area to which the By-law applies;

AND WHEREAS Council has before it a report entitled “Lora Bay Service Area Development Charges Background Study, Town of The Blue Mountains”, dated June 2009, prepared by Hemson Consulting Ltd. (the “Study”).

AND WHEREAS Council gave notice to the public and held a public meeting pursuant to Section 12 of the Act on XXXX XX, 2009, prior to which the Study and the proposed area-specific development charges By-law were made available to the public and Council heard comments and representations from all persons who applied to be heard (the “Public Meeting”);

AND WHEREAS following the Public Meeting, Council afforded the public an additional period of time for the submission of further written representations;

AND WHEREAS Council has further considered the Study and the By-law in light of the further written representations received;

AND WHEREAS Council has provided notice of intent to enact the proposed area-specific development charges By-law;

AND WHEREAS by Resolution has adopted by Council on XXXX XX, 2009, Council has indicated that it intends to ensure that the increase in the need for services attributable to the anticipated development will be met and further that Council has approved the Capital Programs contained in the Study;

AND WHEREAS by Resolution adopted by Council on XXXX XX, 2009, Council has expressed its intention that excess capacity identified in the Study shall be paid for by development charges or other similar charges;

AND WHEREAS by Resolution adopted by Council on XXXX XX, 2009, Council approved the Study and determined that no further public meetings were required under Section 12 of the Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ENACTS AS FOLLOWS:

Definitions

1. In this By-law,

“Act” means the *Development Charges Act, 1997*, S.O. 1997, c.27;

“agricultural use” means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, designed or intended to be used for the purpose of a bona fide farming operation including, but not limited to, animal husbandry, bee keeping, dairying, fallow, field crops, fish farming, forestry, fruit farming, horticulture, livestock, market gardening,

pasturage, poultry keeping, the growing, raising, packing, treating, storing, and sale of produce produced on the premises, and other activities customarily carried on in the field of agriculture;

“air-supported structure” means an air supported structure as defined in the *Building Code Act*;

“board” means a board of education, public school board, secondary school board, Catholic school board, Protestant school board, or a board as defined in Subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E.2, as amended;

“building or structure” means a structure occupying an area greater than ten square metres consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof including an air-supported structure, excluding a farm building;

“Building Code Act” means the *Building Code Act*, S.O. 1992, c.23, as amended, and all Regulations thereto including the Ontario Building Code, 1997, as amended;

“commercial conference centre meeting space use” means land, buildings or structures used, designed or intended to be used for commercial meetings such as civic, educational, political, religious and social functions including convention centre and facility meeting space;

“commercial maintenance facility use” means ski lift facilities, service and maintenance facility related to a ski resort or service and maintenance facility related to a golf course;

“commercial recreational facility use” means land, buildings or structures used, designed or intended to be used for commercial indoor recreational use excluding institutional public hall use;

“commercial restaurant use” means land, buildings or structures used, designed or intended to be used for the purpose of offering food or beverages for sale to the public for consumption and includes such uses as a restaurant, drive-in restaurant, drive-thru restaurant, take-out restaurant, dining room, lunch room, bake shop, cafeteria, coffee shop, ice cream parlour, snack bar, or tavern including related storage;

“commercial other use” means land, buildings or structures used, designed, or intended to be used for the purpose of an office, buying, selling, leasing and renting articles, commodities, goods, merchandise, substances or wares, including related storage or the supplying of services as distinguished from such uses as manufacturing or assembling of goods including all non-residential uses not otherwise defined and excluding commercial conference centre meeting space use, commercial maintenance facility use, and commercial restaurant use;

“commercial resort unit” means one room or a group of rooms in a building used or designed or intended to be used by one or more persons, as a single commercial accommodation unit within a commercial resort unit complex (i) in which food preparation and sanitary facilities are provided for the exclusive use of such person or persons; (ii) which has a private entrance from a common hallway or entrance either inside or outside the building; (iii) which is part of a rental or lease management program which consists of a minimum of ten such units in one building or group of buildings; (iv) which is not used or designated as a principal residence; and (v) which has been established to provide accommodation for gain or profit;

but does not mean or include a residential dwelling unit, a hotel unit, a motel unit, an inn unit, a lodge unit, a dormitory unit, or a hostel unit;

“commercial resort unit with separate designated lock off unit” means a commercial resort unit having a single adjacent room or suite with a shared door in the common wall between the main part of the unit and the adjacent room or suite, with a private entrance from the common hallway or entrance either inside or outside the building for each of the main part of the unit and the adjacent room or suite, with each of the main part of the unit and the adjacent room or suite designated as separate condominium units in accordance with a declaration and description, and where the gross floor area of the adjacent room or suite does not exceed 46.5 square metres;

“Council” means the Council of the Corporation of the Town of The Blue Mountains;

“development” means any use or proposed use in respect of land that requires one or more of the actions referred to in Section 7 of this By-law, including 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 or usability thereof, and includes redevelopment;

“development charge” means a charge imposed pursuant to this By-law;

“dwelling unit” means one or more habitable rooms designed or intended to be used together as a single and separate housekeeping unit by one or more persons, containing its own culinary facilities, or facilities for the installation of cooking equipment, and sanitary facilities;

“farm building” means a farm building as defined in the *Building Code Act*;

“Fire Services” includes, but is not limited to, rescue services and emergency services;

“floor” includes a paved, concrete, wooden, gravel, or dirt floor;

“grade” means the average level of proposed or finished ground adjoining a building or structure at all exterior walls;

“gross floor area” means the sum total of the total areas of all floors in a building or structure, whether at, above, or below-grade, measured between the exterior faces of the exterior walls of the building or structure or from the centre line of a common wall separating two uses, or from the outside edge of a floor where the outside edge of the floor does not meet an exterior or common wall, and:

- (a) includes the floor area of a mezzanine and air-supported structure and the space occupied by interior walls partitions;
- (b) excludes any parts of the building or structure used for the parking and loading of vehicles;
- (c) excludes the floor area of a hallway directly adjacent to a Commercial Resort Unit, a hotel unit or a motel unit; and
- (d) where a building or structure does not have any walls, the gross floor area of the building or structure shall be the total of the area of all floors, including the ground floor, that are directly beneath the roof of the building or structure;

“hotel unit” means one or more habitable rooms used, designed or intended to be used as a sleeping accommodation unit by one or more

persons, and may be used by the travelling or vacationing public or for recreational purposes, but not containing its own culinary facilities;

“industrial other use” shall have the same meaning as the term “existing industrial building” in *Ont. Reg. 82/98* made under the Act excluding intensive industrial use;

“institutional church use” means land, buildings or structures used, designed, or intended to be used for a place of worship or for the purpose of a cemetery or burial ground and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;

“institutional public hall use” means land, buildings or structures used, designed or intended to be used for a non-commercial meetings and recreation including arena or community centre;

“institutional other use” means land, buildings or structures used, designed or intended to be used for a non-commercial purpose by any organization, group, or association for religious, charitable, education, health or welfare purposes excluding institutional public hall use and institutional church use;

“intensive industrial use” shall have the same meaning as the term “existing industrial building” in *Ont. Reg. 82/98* made under the Act where the use, due to the nature of its operation or materials used therein, would be considered obnoxious by reason of or emissions such as smoke, noise, dust, fumes, odours, or vibrations;

“local board” means municipal service board, municipal business corporation, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any general or special act with respect to the affairs or purposes of the Town, but excluding a board, a conservation authority, any municipal business corporation not deemed to be a local board under *O. Reg. 168/03* made under the *Municipal Act, 2001*, S. O. 2001, c.25, and any corporation created under the *Electricity Act, 1998*, S. O. 1998, c. 15, Sch. “A”;

“mezzanine” means a mezzanine as defined in the *Building Code Act*;

“motel unit” means one or more habitable rooms used, designed or intended to be used as a sleeping accommodation unit by one or more persons, and may be used by the travelling or vacationing public or for recreational purposes, but not containing its own culinary facilities;

“non-residential use” means land, buildings or structures or portions thereof used, designed or intended to be used for a purpose other than for residential use;

“owner” means the owner of land or any person authorized by such owner to make one or more applications described in Section 7 of this By-law for the development of such land;

“other residential buildings” mean residential buildings not including single detached dwellings, semi-detached dwellings or row dwellings;

“private ski club lodge use” means base lodge associated with a private ski club resort that does not provide night skiing;

“protracted” means in relation to a temporary building or structure the

persistence of its construction, erection, placement on land, alteration or of an addition to it for a continuous period exceeding eight months;

“Public Works” includes, but is not limited to, lands, buildings, structures, equipment and fleet;

“redevelopment” means the construction, erection or placing of one or more buildings or structures on land where all or part of a building or structure has previously been demolished on such land, changing the use of a building or structure from residential to non-residential or from non-residential to residential or changing a building or structure from one type of residential development to another or from one type of non-residential development to another;

“residential use” means land, buildings or structures or portions thereof used, designed or intended to be used for human habitation as a home, residence or living accommodation for one or more individuals;

“Roads & Related Services” include, but are not limited to, land, bridges, culverts, structures, drainage ditches, highways, roadways, sidewalks, signal lights, storm sewers and street lights;

“Sanitary Sewage System Lora Bay” means all land, buildings, structures, works, facilities and things related to sanitary sewer services including, but not limited to, all works for the collection, transmission, treatment, and disposal of sewage in Service Area 6 Lora Bay;

“semi-detached dwellings or row dwellings” mean residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings;

“services” means services designated in this By-law including Schedule B to this By-law or in agreement under Section 44 of the Act, or both;

“Service Area” means lands in one of Service Areas 1 to 10 as shown on Schedule “A” to this By-law being service area 1 Craigleith, 2 Camperdown, 3 Castle Glen, 4 Swiss Meadows, 5 Reserved, 6 Lora Bay, 7 Clarksburg, 8 Osler, 9 Thornbury East, 10 Thornbury West and Service Area 11;

“Service Area 11” means all lands in the geographic area of the Town of The Blue Mountains that are not located in Service Area 1 to 10 inclusive as shown on Schedule “A” to this By-law;

“single detached dwellings” mean residential buildings, each of which contain a single dwelling unit, that are not attached to other buildings;

“temporary building or structure” means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight months, or an addition or alteration to a building or structure that has the effect of increasing the gross floor area thereof for a continuous period not exceeding eight months;

“Town” means the Corporation of the Town of The Blue Mountains, including the former Town of Thornbury and the former Township of Collingwood; and,

“Waterworks System Lora Bay” means all land, buildings, structures, works, facilities and things related to water services including, but not limited to, all works for the collection, production, treatment, storage,

supply, transmission and distribution of water in Service Area 6 Lora Bay.

Rules

2. For the purpose of complying with Section 6 of the Act:
 - (a) the area to which this By-law applies shall be the area described in Section 3 of this By-law;
 - (b) the rules developed under paragraph 9 of Subsection 5(1) of the Act for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be as set forth in Sections 4 through 18, inclusive, and Section 28 of this By-law;
 - (c) the exemptions, partial exemptions and credits provided for by such rules shall be the exemptions, partial exemptions and credits set forth in Sections 19 through 26, inclusive, of this By-law, the indexing of charges shall be in accordance with Section 15 of this By-law, and there shall be no phasing in of development charges as provided in Subsection 17(1) of this By-law; and
 - (d) the redevelopment of land shall be in accordance with the rules set forth in Section 23 of this By-law.

Lands Affected

3. (1) Subject to Subsection (2), this By-law applies to all lands in the geographic area of Service Area 6 Lora Bay of the Town, whether or not the land is exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended. In addition to this By-law, lands in the Town may also be subject to Town-wide development charges By-laws.

(2) Buildings or structures located on lands as described in Schedule D are exempt only from the Water Distribution System Lora Bay sub-component and Sanitary Sewage System Lora Bay component of the development charges of this By-law.

Designation of Services

4. It is hereby declared by Council that all development within the area to which this By-law applies will increase the need for services.
5. The development charge applicable to a development as determined under this By-law shall apply without regard to the services required or used by an individual development.
6. Development charges shall be imposed for the following categories of services (refer to Schedule B) to pay for the increased capital costs required because of increased needs for services arising from development:
 - (a) Waterworks System Lora Bay and
 - (b) Sanitary Sewage System Lora Bay.

Approvals for Development

7. Development charges shall be imposed against all lands, buildings or structures within the area to which this By-law applies if the development of such lands, buildings or structures requires any of the following

approvals:

- (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*, R.S.O. 1990, c. C.26, as amended, or Section 9 of the *Condominium Act*, 1998, S. O. 1998, C. 19, as amended, or its predecessor Act;
 - (c) a conveyance of land to which a By-law passed under Subsection 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 permit under the *Building Code Act, 1992* in relation to a building or structure.
8. No more than one development charge for each service designated in Section 6 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in Section 7 are required before the lands, buildings or structures can be developed.
 9. Notwithstanding Section 8 and Section 13, if two or more of the actions described in Section 7 occur at different times, additional development charges shall be imposed in respect of any increased or additional development permitted by that action.
 10. Where a development requires an approval described in Section 7 after the issuance of a building permit and no development charge has been paid, then the development charge shall be paid prior to the granting of the approval required under Section 7.
 11. If a development does not require a building permit but does require one or more of the approvals described in Section 7, then the development charge shall nonetheless be payable in respect of any increased or additional development permitted by such approval required for the increased or additional development being granted.
 12. Nothing in this By-law prevents Council from requiring, as a condition of an agreement under Section 51 or Section 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to a plan of subdivision or within the area to which the plan relates, as Council may require in accordance with the local service policies of the Town in effect at the time, or that the owner pay for local connections to storm drainage facilities installed at the owner's expense, or administrative, processing , or inspection fees.

Basis for Calculation of Development Charges

13. The development charge with respect to the development of any land, buildings or structures shall be calculated as follows:
 - (1) in the case of residential development, or the residential portion of a

- mixed-use development, based upon the number of dwelling units and the Service Area in which the development occurs;
- (2) in the case of commercial resort development, or the commercial resort portion of a mixed-use development, based upon the number of commercial resort units, the number of commercial resort units with separate designated lock off units, plus the gross floor area of the non-unit portion of the development, and the Service Area in which the development occurs;
 - (3) in the case of hotel or motel development, or the hotel or motel portion of a mixed-use development, based upon the number of hotel units or motel units, plus the gross floor area of the non-unit portion of the development, and the Service Area in which the development occurs;
 - (4) in the case of non-residential development, or the non-residential portion of a mixed-use development, based upon the gross floor area of such development, the Service Area in which the development occurs, and the type of development; and,
 - (5) in the case of a type of development not described above, based upon the number of units and/or gross floor area portions of such development and the Service Area in which the development occurs.

Amount of Development Charges

14. The amount of the development charge shall be imposed as follows:

- (1) the development charges described in Schedule C to this By-law shall be imposed on residential development 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 component of the mixed-use building or structure, calculated for each dwelling unit;
- (2) the development charges described in Schedule C to this By-law shall be imposed on each commercial resort unit of any commercial resort development of land, buildings or structures, calculated for each commercial resort unit, except for each commercial resort unit with separate designated lock off unit;
- (3) the development charges described in Schedule C to this By-law multiplied by one and one half times shall be imposed on each commercial resort unit with separate designated lock off unit of any commercial resort development of land, buildings or structures, calculated for each commercial resort unit with separate designated lock off unit;
- (4) the development charges described in Schedule C to this By-law shall be imposed on each hotel or motel unit of any hotel or motel development of land, buildings, or structures, calculated for each hotel unit or motel unit;
- (5) the development charges described in Schedule C to this By-law shall be imposed on the non-residential development of land, buildings, or structures and, in the case of a mixed-use building or structure, on the non-residential portion of the mixed-use building or structure, and calculated on the gross floor area of the non-residential and non-unit use based on the type of development; and,
- (6) in the case of a type of development not described above, the development charges described in Schedule C, as the case may be, shall be imposed on the portions of the development.

Indexing of Development Charges

15. The development charges set out in Schedule C hereto shall be adjusted without amendment to this By-law annually on January 1st in each year, commencing on January 1st, 2010, in accordance with the most recent

twelve month change in the Statistics Canada Quarterly, "Construction Price Statistics".

Special Provisions

16. Removed.

Phasing, Timing of Calculation and Payment

17. (1) The development charges set out in this By-law are not subject to phasing in and are payable in full, subject to the exemptions and credits herein, from the date this By-law comes into force.
- (2) Subject to Subsection (3), Subsection (4), Section 22, and Section 23, the development charge shall be calculated as of and shall be payable on the date the first building permit is issued in relation to a building or structure on land to which the development charge applies.
- (3) Notwithstanding Subsection (2) the Waterworks System Lora Bay and Sanitary Sewage System Lora Bay services components of the development charges for residential development and commercial resort development that require approval of a plan of subdivision under Section 51 of the *Planning Act* or a consent under Section 53 of the *Planning Act* and for which a subdivision agreement or consent agreement is executed by the owner shall be calculated and shall be payable immediately upon the owner executing the agreement, pursuant to Section 26 of the Act. The terms of such agreement shall then prevail over the other provisions of this section.
- (4) Notwithstanding Subsection (2) and Subsection (3), the Town may enter into an agreement, including the provision of security for the owner's obligations under the agreement, with an owner who is required to pay a development charge providing for all or any part of a development charge to be paid before or after it would otherwise be payable, pursuant to Section 27 of the Act. The terms of such agreement shall then prevail over the other provisions of this section.

Payment by Money or the Provision of Services

18. (1) Payment of development charges shall be by cash or by cheque.
- (2) In the alternative to payment by the means provided in Subsection (1), the Town may, by an agreement entered into with the owner under Section 38 of the Act, accept the provision of services in full or partial satisfaction of the development charge otherwise payable provided that:
- (a) if the Town and the owner cannot agree as to the reasonable cost of the work performed, the reasonable cost of the work shall be determined by the Town's Treasurer; and
- (b) if the credit exceeds the amount of the charge for the service to which the work relates,
- (i) the excess amount shall not be credited against the charge for any other service, unless the Town has so agreed in an agreement under Section 38 of the Act; and
- (ii) in no event shall the Town be required to make a cash payment to the credit holder.

- (3) Nothing in this By-law prevents Council from requiring, as a condition of any approval given under the *Planning Act* that the owner, at the owner's expense, install such local services as Council may require in accordance with the local service policies of the Town in effect at the time.

Rules for Exemption Relating to the Creation of Additional Dwelling Units

19. This By-law does not apply with respect to approvals related to the residential development of land, buildings or structures that would have the affect only,
- (1) of permitting the enlargement of an existing dwelling unit;
 - (2) of creating a maximum of two additional dwelling units in an existing single detached dwelling where the total gross floor area of the additional dwelling unit or units is less than or equal to the gross floor area of the dwelling unit already in the building;
 - (3) of creating a maximum of one additional dwelling unit in an existing semi-detached dwelling or row dwelling where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the dwelling unit already in the building; or
 - (4) of creating a maximum of one additional dwelling unit in any existing other residential building where the gross floor area of the additional dwelling unit is less than or equal to the gross floor area of the smallest dwelling unit already in the building.

Rules for Exemption Relating to Industrial Enlargement

20. (1) 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 is the following:
- (a) if the gross floor area is enlarged by 50 per cent or less, the amount of the development charge in respect of the enlargement is zero; and
 - (b) if the gross floor area is enlarged by more than 50 per cent, development charges are payable on the amount by which the enlargement exceeds 50 per cent of the gross floor area before the enlargement.
- (2) For the purpose of this Section only the terms "gross floor area" and "existing industrial building" shall have the same meaning as those terms have in *Ont. Reg 82/98* made under the Act.
- (3) In this Section, for greater certainty in applying the exemption herein:
- (a) the gross floor area of an existing industrial building shall be determined as of the date this By-law comes into force; and
 - (b) the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing building and the enlarged area is attached to existing industrial building and is used for or in connection with an industrial purpose as set out in Subsection 1(1) of *O. Reg. 82/98*. Without limiting the generality of the foregoing, the exemption in this Section shall not apply where the enlarged area is attached to the existing

industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below grade connection such as a service tunnel, foundation, footing or a parking facility.

- (4) For the purpose of interpreting the definition of “existing industrial building” contained in *O. Reg. 82/98*, regard shall be had for the classification of the lands in question pursuant to the Assessment Act, R. S. O. 1990, c. A.31, as amended, and in particular: whether the lands fall within a tax class such that taxes on the land are payable at an industrial rate; and, whether more than 50% of the gross floor area of the building or structure on the land has an industrial property code for assessment purposes.

Categories of Exempt Uses

21. The following categories of uses are hereby designated as being exempt from the payment of development charges:

- (1) land, buildings or structures owned by and used for the purposes of a municipality and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
- (2) lands, buildings or structures owned by and used for the purposes of a board and exempt from taxation under Section 3 of the *Assessment Act*, R.S.O. 1990, c.A.31;
- (3) buildings or structures used as public hospitals governed by the *Public Hospitals Act*, R.S.O. 1990, c.P.40, as amended;
- (4) land, buildings or structures used for institutional church use and exempt from taxation under the *Assessment Act*, R.S.O. 1990, c.A.31, as amended;
- (5) land, buildings or structures for agricultural use which do not receive municipal sanitary sewer or water supply services; and,
- (6) buildings or structures used for and devoted solely to accommodation of temporary or seasonal agricultural labourers which may contain their own culinary facilities and sanitary facilities and which do not receive municipal sanitary sewer or water supply services.

Temporary Buildings or Structures

22. (1) Subject to Subsections (2) and (3), temporary buildings or structure shall be exempt from the payment of development charges.
- (2) In the event that a temporary building or structure becomes protracted, it shall be deemed not to be nor ever to have been a temporary building or structure, and the development charges required to be paid under this By-law shall become payable on the date the temporary building or structure becomes protracted.
 - (3) Prior to the Town issuing a building permit for a temporary building or structure, the Town may require an owner to enter into an agreement, including the provision of security for the owner's obligation under the agreement, pursuant to Section 27 of the Act providing for all or part of the development charge required by Subsection (2) to be paid after it would otherwise be payable. The terms of such agreement shall then prevail over the provisions of this By-law.

Rules for the Redevelopment of Land

23. (1) Subject to Subsections (2), (3) and (4), where there is a redevelopment of land on which development charges or similar fees (lot levy, impost fee, or connection fee) have been paid in respect of municipal services provided to the land, and there is a conversion of space proposed, or on which there was formerly erected a building or structure that has been demolished, a credit shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law for the portion of the previous building or structure still in existence that is being converted or for the portion of the building or structure that has been demolished, as the case may be, in the amount of the development charges pursuant to this By-law for those services for which previous charges or fees were paid.
- (2) A credit in respect of any demolition under this Section shall not be given unless a building permit has been issued or a subdivision agreement has been entered into with the Town for the development within five years from the date the demolition permit was issued.
- (3) The amount of any credit hereunder shall not exceed, in total, the amount of the development charges otherwise payable with respect to the development.
- (4) For greater certainty, and without limiting the generality of the foregoing, no credit shall be allowed where the building or structure or part thereof prior to the demolition or conversion would have been exempt pursuant to this By-law.

Rules for Partial Exemptions for Residential Development on Existing Lots

24. Where there is a residential development of land on which development charges or similar fees (lot levy, impost fee, or connection fee) have been paid in respect of municipal services provided to the land, a credit in the amount of the development charges pursuant to this By-law for those services for which the previous charges or fees were paid shall be allowed against the development charge otherwise payable by the owner pursuant to this By-law on a service by service basis.

Rules for Partial Exemptions for Non-Residential Development on Existing Lots

25. Where there is a non-residential development on land on which development charges or similar fees (lot levy, impost fee, or connection fee) have been paid for services, a credit in the amount of the previous charges or fees paid for those services shall be allowed against the development charges otherwise payable by the owner pursuant to this By-law.

Rules with Respect to Existing Agreements

26. If there is a conflict between this By-law and an agreement made between the Town and the owner or former owner of land before the coming into force of this By-law and the owner or former owner of the land agreed to pay all or a portion of a charge related to development under the agreement with respect to the land or provided services in lieu of payment, then the provisions of the agreement prevail over the By-law to the extent of the conflict. The extent of the conflict shall be determined on a service by service basis. Notwithstanding the allocation of total development charges within an existing agreement, the development charges may be reallocated by the Town to services set out in this By-law.

Reserve Funds

- 27. (1) Development charge payments received by the Town pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of Subsection 5(1) of the Act.
- (2) Notwithstanding anything herein to the contrary, the Town may borrow money from a reserve fund and repay the amount used plus interest at a rate not less than the Bank of Canada rate updated on the first business day of every January, April, July, and October.

Interest

- 28. The Town shall pay interest on a refund under Subsection 18(3) and Subsection 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

Front Ending Agreements

- 29. The Town may enter into agreements under Section 44 of the Act.

Schedules

- 30. The following Schedules to this By-law form an integral part of this By-law.

- Schedule A Service Area Boundaries
- Schedule B Designated Services
- Schedule C Development Charges
- Schedule D Exempt Lands

By-law Registration

- 31. A certified copy of this By-law may be registered in the By-law register in the Land Registry Office against all land in the Town and may be registered against title to any land to which this By-law applies.

Date By-law Effective

- 32. This By-law comes into force on the date of passage.

Date By-law Expires

- 33. This By-law expires five years after the date on which it comes into force.

Repeal

- 34. By-law No. 2005-29 and any amendments made thereto is hereby repealed.

Headings for Reference Only

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

Severability

36. If, for any reason, any provision, Section, Subsection or paragraph of this By-law is held invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted or amended, in whole or in part or dealt with in any other way.

Read a first and second time this ____ day of XXXX, 2009.

Read a third time and passed this ____ day of XXXX, 2009.

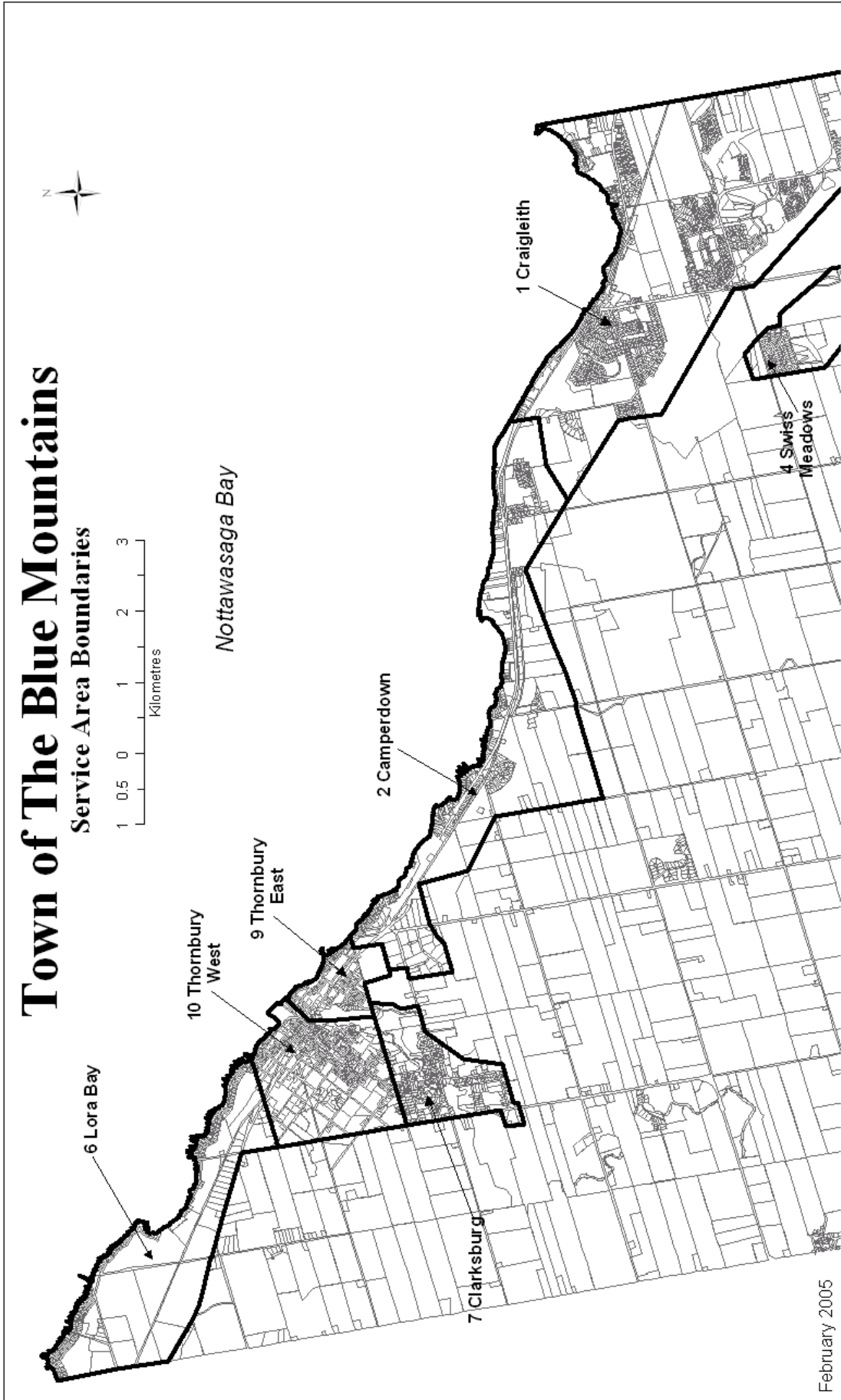
Ellen Anderson, Mayor

Stephen Keast, Clerk

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

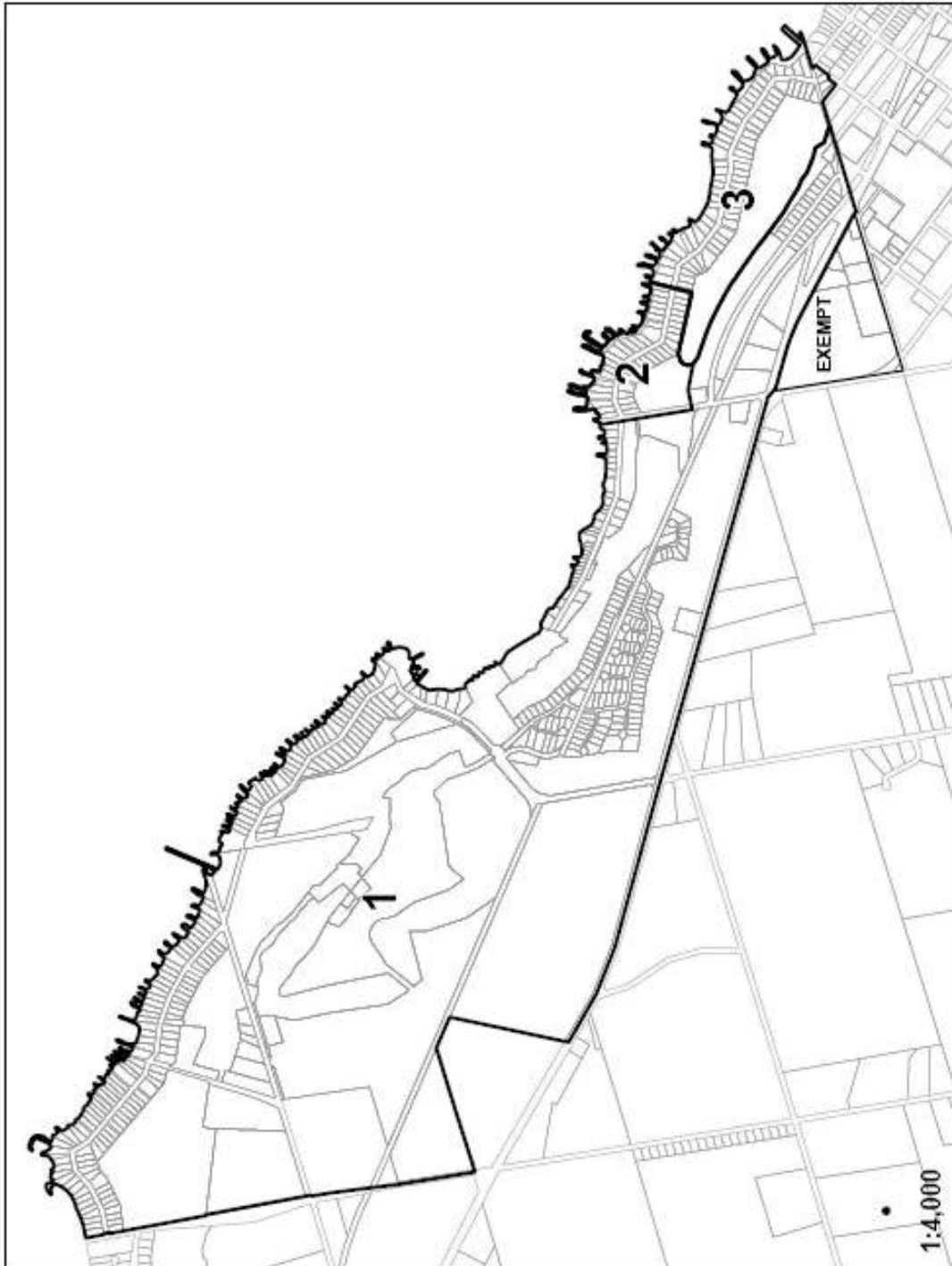
Schedule A - Map 1



THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

Schedule A - Map 2



THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

Schedule B

Designated Services

Categories of Services

1. Waterworks System Lora Bay
2. Sanitary Sewage System Lora Bay

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

Schedule C-1

SERVICE AREA 1			
Development Charge Per:	Sanitary Sewage Collection System	Waterworks System (a)	Total Charge
Residential Dwelling Unit - Charge Per Unit	\$5,552	\$5,334	\$10,886
Commercial Resort Unit - Charge Per Unit	\$5,552	\$5,334	\$10,886
Hotel and Motel Unit - Charge Per Unit	\$2,776	\$2,667	\$5,443
Non-Residential Charge Per Square Metre of Gross Floor Area			
Commercial			
Commercial Restaurant Use	\$34.70	\$33.34	\$68.04
Commercial Use	\$17.35	\$16.67	\$34.02
Commercial Recreational Facility Use	\$17.35	\$16.67	\$34.02
Commercial Maintenance Building Use	\$8.68	\$8.33	\$17.01
Commercial Conference Centre Meeting Space Use	\$8.68	\$8.33	\$17.01
Commercial Other	\$17.35	\$16.67	\$34.02
Private Ski Club Lodge Use	\$23.13	\$22.23	\$45.36
Industrial			
Intensive Industrial Use	\$34.70	\$33.34	\$68.04
Industrial Other Use	\$17.35	\$16.67	\$34.02
Institutional			
Institutional Public Hall or Church Use	\$8.68	\$8.33	\$17.01
Institutional Other Use	\$17.35	\$16.67	\$34.02

Notes:

(a) Waterworks System includes water distribution system sub-component and water reservoir sub-component.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

Schedule C-2

SERVICE AREA 2			
Development Charge Per:	Sanitary Sewage Collection System	Waterworks System (a)	Total Charge
Residential Dwelling Unit - Charge Per Unit	\$7,336	\$1,467	\$8,803
Commercial Resort Unit - Charge Per Unit	\$7,336	\$1,467	\$8,803
Hotel and Motel Unit - Charge Per Unit	\$3,668	\$734	\$4,402
Non-Residential Charge Per Square Metre of Gross Floor Area			
Commercial			
Commercial Restaurant Use	\$34.70	\$33.34	\$68.04
Commercial Use	\$17.35	\$16.67	\$34.02
Commercial Recreational Facility Use	\$17.35	\$16.67	\$34.02
Commercial Maintenance Building Use	\$8.68	\$8.33	\$17.01
Commercial Conference Centre Meeting Space Use	\$8.68	\$8.33	\$17.01
Commercial Other	\$17.35	\$16.67	\$34.02
Private Ski Club Lodge Use	\$23.13	\$22.23	\$45.36
Industrial			
Intensive Industrial Use	\$34.70	\$33.34	\$68.04
Industrial Other Use	\$17.35	\$16.67	\$34.02
Institutional			
Institutional Public Hall or Church Use	\$8.68	\$8.33	\$17.01
Institutional Other Use	\$17.35	\$16.67	\$34.02

Notes:

(a) Waterworks System includes water distribution system sub-component and water reservoir sub-component.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

Schedule C-3

SERVICE AREA 3			
Development Charge Per:	Sanitary Sewage Collection System	Waterworks System (a)	Total Charge
Residential Dwelling Unit - Charge Per Unit	\$7,399	\$1,460	\$8,859
Commercial Resort Unit - Charge Per Unit	\$7,399	\$1,460	\$8,859
Hotel and Motel Unit - Charge Per Unit	\$3,700	\$730	\$4,430
Non-Residential Charge Per Square Metre of Gross Floor Area			
Commercial			
Commercial Restaurant Use	\$34.70	\$33.34	\$68.04
Commercial Use	\$17.35	\$16.67	\$34.02
Commercial Recreational Facility Use	\$17.35	\$16.67	\$34.02
Commercial Maintenance Building Use	\$8.68	\$8.33	\$17.01
Commercial Conference Centre Meeting Space Use	\$8.68	\$8.33	\$17.01
Commercial Other	\$17.35	\$16.67	\$34.02
Private Ski Club Lodge Use	\$23.13	\$22.23	\$45.36
Industrial			
Intensive Industrial Use	\$34.70	\$33.34	\$68.04
Industrial Other Use	\$17.35	\$16.67	\$34.02
Institutional			
Institutional Public Hall or Church Use	\$8.68	\$8.33	\$17.01
Institutional Other Use	\$17.35	\$16.67	\$34.02

Notes:

(a) Waterworks System includes water distribution system sub-component and water reservoir sub-component.

THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS

By-law No. 2009 - XX

Schedule D

Exempt Lands

Pursuant to Subsection 3(2), buildings or structures located on the following lands are exempt only from the Water Distribution System Lora Bay sub-component and Sanitary Sewage System Lora Bay component of the development charge of this By-law as they will require local service extensions to connect directly into the Thornbury Waterworks System and the Thornbury Sanitary Sewage System:

Roll No.	Property Description
42 42 000 015 00100	Conc X Pt Lot 35 RP 16R681 Part 2
42 42 000 015 00101	Conc X Pt Lot 35 RP 16R681 Parts 1 & 3
42 42 000 015 00200	Conc X Pt Lot 35 RP 16R4481 Parts 1 & 3
42 42 000 015 00201	Conc X Pt Lot 35 RP 16R2688 Part 2
42 42 000 015 00202	Conc X Pt Lot 35 RP 16R2688 Part 3
42 42 000 015 00203	Conc X Pt Lot 35 RP 16R4481 Parts 2 & 4
42 42 000 015 00210	Conc X Pt Lot 35 RP 16R1349 Part 1
42 42 000 015 00400	part of lands comprising parts of Lots 35 and 36, Concession X, in the Township of Collingwood (now the Town of The Blue Mountains) being Lots 72 to 125 of Minister's File No. 42T-80006 draft plan of subdivision as amended by the Ontario Municipal Board at a hearing on the 16 th day of April, 2004.
42 42 000 015 00700	
42 42 000 015 03100	