



THE MUNICIPALITY OF
LAMBTON SHORES

Finance

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Development Charges Amendment Report By-law 1 of 2018 Amendment

Report Date: October 20, 2022

Public Meeting: November 29, 2022
7:00 pm at Legacy Recreation Centre

Council Review and Approval: December 20, 2022
7:00 pm at Legacy Recreation Centre

THE MUNICIPALITY OF LAMBTON SHORES

Report TR-22-2022

Date: October 20, 2022

TO: Mayor Weber and Members of Council
FROM: Janet Ferguson, Director of Financial Services
RE: Development Charges By-law 1 of 2018 Amendment

RECOMMENDATION:

THAT By-law 1 of 2018 Section 10.1 be Amended to say “this by-law will expire 5 years from the date it comes in to force”.

SUMMARY

This report serves as the Background Study as required under the *Development Charges Act, 1997* for a Development Charges By-law 1 of 2018 amendment. The amendment is to change the expiry date only.

BACKGROUND

Lambton Shores has had a development charge (DC) since 2006 with the most recent background study completed in 2017.

The Development Charges Act stipulates that a DC by-law can only be in effect for 5 years from the date of acceptance of the background study. The current by-law came into effect on January 16, 2018 and has an expiry date of December 31, 2022.

Staff have been working with consultants from DFA Infrastructure International Inc to complete a new background study which will be available for review shortly.

Staff are recommending that the existing by-law be changed from expiring on December 31, 2022 to expiring 5 years from the effective date which would be January 15, 2023.

This change would allow additional time for the new Council to review the draft study before acceptance with no interruption of charges. This amendment is for the expiry date only and does not modify the current fee.

ALTERNATIVES TO CONSIDER

Council could choose to leave the expiry date of By-law 1 of 2018 at December 31, 2022; however, staff would not recommend that. Changing the date allows the new Council more time to review the new study before implementing a new by-law.

RECOMMENDED ACTIONS

THAT By-law 1 of 2018 Section 10.1 be Amended to say “this by-law will expire 5 years from the date it comes in to force”.

FINANCIAL IMPACT

If Council chooses to change the expiry date of the current DC by-law, there should be no interruption of DC charges prior to a new by-law being approved.

If Council chooses to not change the expiry date of the current DC by-law, staff could not collect DC charges between December 31, 2022 and January 10, 2023 when the new by-law is proposed to be accepted.

CONSULTATION

Steve McAuley, CAO
DFA Infrastructure International Inc

Attachment: Draft proposed By-law

THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES

BY-LAW NUMBER XX of 2022

**BEING A BY-LAW TO AMMEND BY-LAW 01 OF 2018 WHICH IS FOR THE
IMPOSITION OF DEVELOPMENT CHARGES**

WHEREAS the Municipality of Lambton Shores will experience growth through development and re-development;

AND WHEREAS development and re-development require the provision of physical and social services by the Municipality of Lambton Shores;

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

AND WHEREAS subsection 2(1) of the *Development Charges Act, 1997 c. 27* (hereinafter called "the Act") provides that the Council the Municipality of Lambton Shores may impose development charges against land to pay for increased capital costs required because of increased needs for services;

AND WHEREAS the Council of the Corporation of the Municipality of Lambton Shores has given Notice on November 2, 2022 according to *section 12 of the Development Charges Act, 1997*, of its intention to amend a by-law passed under Section 2 of the said Act;

AND WHEREAS the Council of the Municipality of Lambton Shores has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on November 29, 2022 and subsequently at a Council Meeting on December 20, 2022;

AND WHEREAS the Council of the Municipality of Lambton Shores had before it a Development Charges Background Study report Development Charges Amendment Report (By-law 1 of 2018 Amendment) dated October 20, 2022 wherein it is indicated that the expiry date noted in By-law 01 of 2018 is required to be amended;

AND WHEREAS the Council of the Municipality of Lambton Shores on December 20, 2022 approved the above noted Development Charge Background Study report prepared pursuant to the *Development Charges Act, 1997*;

AND WHEREAS the Council of the Municipality of Lambton Shores on December 20, 2022, determined that no additional public meeting was required to be held as part of the approval process;

AND WHEREAS the Council of the Municipality of Lambton Shores enacted By-law Number 01 of 2018;

AND WHEREAS the Council of the Municipality of Lambton Shores determined that the expiry date of By-law Number 01 of 2018 should be changed;

AND WHEREAS the Council of the Municipality of Lambton Shores has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on November 29, 2022 and subsequently at a Council Meeting on December 20, 2022.

THEREFORE the Council of the Municipality of Lambton Shores enacts as follows:

THAT Section 10.1 of By-law Number 01 of 2018 be replaced with:

This By-law will expire 5 years from the date it comes into force.

READ A FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED this 20th day of December 2022.

MAYOR – Bill Weber

CLERK – Stephanie Troyer-Boyd