

7. Update to Inner Greenbelt Stormwater Management Drainage System Area C-1

Mise à jour sur le système de drainage et de gestion des eaux pluviales à l'intérieur de la Ceinture de verdure (secteur C-1)

Committee recommendations

That Council:

- 1. approve a by-law to amend the Inner Greenbelt Ponds (Area C-1) Area Specific Stormwater Development Charges By-law (By-law 2019-161) to adjust the rates as shown on Document 1.**
- 2. endorse a modification of By-law 2019-161 by the Local Planning Appeal Tribunal for the period from May 22, 2019 to December 11, 2019 to retroactively apply the non-residential rate in Document 1 to those who have obtained non-residential building permits in the subject area since the enactment of the previous By-law.**

Recommandations du Comité

Que le Conseil :

- 1. approuve un règlement municipal afin de modifier le Règlement sur les redevances d'aménagement spécifiques à un secteur pour la gestion des eaux pluviales 2019-161 – bassins à l'intérieur de la Ceinture de verdure (secteur C-1), comme l'indique le document 1.**
- 2. appuie une modification du *Règlement 2019-161* par le Tribunal d'appel de l'aménagement local pour la période commençant le 22 mai 2019 et se terminant le 11 décembre 2019 afin d'appliquer rétroactivement le coût des permis de construction pour les zones non résidentielles, qui figure dans le document 1, aux permis de construction pour les zones non résidentielles, obtenus pour la zone en question depuis l'adoption du règlement précédent.**

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated November 18, 2019 (ACS2019-PIE-EDP-0049)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 18 novembre 2019 (ACS2019-PIE-EDP-0049)

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
November 28, 2019 / 28 novembre 2019**

**and Council / et au Conseil
December 11, 2019 / 11 décembre 2019**

**Submitted on November 18, 2019
Soumis le 18 novembre 2019**

**Submitted by
Soumis par:
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-PIE-EDP-0049

**SUBJECT: Update to Inner Greenbelt Stormwater Management Drainage System
Area C-1**

**OBJET: Mise à jour sur le système de drainage et de gestion des eaux
pluviales à l'intérieur de la Ceinture de verdure (secteur C-1)**

REPORT RECOMMENDATIONS

That the Planning Committee recommend Council:

1. Approve a by-law to amend the Inner Greenbelt Ponds (Area C-1) Area Specific Stormwater Development Charges By-law (By-law 2019-161) to adjust the rates as shown on Document 1.
2. Endorse seeking a modification of By-law 2019-161 by the Local Planning Appeal Tribunal for the period from May 22, 2019 to December 11, 2019 to retroactively apply the non-residential rate in Document 1 to those who have obtained non-residential building permits in the subject area since the enactment of the previous By-law.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil :

3. d'approuver un règlement municipal afin de modifier le Règlement sur les redevances d'aménagement spécifiques à un secteur pour la gestion des eaux pluviales 2019-161 – bassins à l'intérieur de la Ceinture de verdure (secteur C-1), comme l'indique le document 1.
4. d'appuyer une modification du *Règlement 2019-161* par le Tribunal d'appel de l'aménagement local pour la période commençant le 22 mai 2019 et se terminant le 11 décembre 2019 afin d'appliquer rétroactivement le coût des permis de construction pour les zones non résidentielles, qui figure dans le document 1, aux permis de construction pour les zones non résidentielles, obtenus pour la zone en question depuis l'adoption du règlement précédent.

BACKGROUND

There are several key steps required in calculating any development charge rate. One of the requirements is to designate an area within which the charge will be imposed. Section 2(1) of the *Development Charges Act* (DCA) allows for Council of a municipality to impose development charges against land to pay for the increased capital costs required to meet the need for services arising from development of an area.

In 2004, the City implemented an area-specific approach for allocating development charges to fund stormwater management (SWM) infrastructure where the costs are more localized and do not provide a benefit external to the drainage area. This site-specific stormwater drainage methodology continues to be used. Existing area-specific charges recover outstanding costs for capital projects undertaken, in most cases, through agreements with various landowners. In addition to aligning benefits and costs, this approach supports front-ending arrangements since the facilities are highly localized and easily identifiable.

This specific report deals with the Stormwater Management Inner Greenbelt Ponds (Area C-1). Following the enactment of the various 2019 SWM By-laws as part of the [SWM Background Study dated March 15, 2019](#), comments from stakeholders were received in relation to the enacted rates for Area C-1. Upon further review by Hemson, the City's development charges consultant, and City staff, it was determined that adjustments to the rates were warranted.

This review process has resulted in two proposed updates to the underlying assumptions concerning the apportionment of growth-related costs. One adjustment is to the attribution of costs to types of development, residential versus non-residential, and the other update is to the development forecast, which has resulted in changes to the overall cost allocations. All other inputs into the calculation, such as the capital cost estimates, remain the same with this update. The approach used to calculate the Area C-1 rates is compatible with previous studies whereby the residential and non-residential cost allocations are based on the remaining net developable land.

In addition, the assignment of costs between the various residential unit types are based on the total amount of unbuilt hectares and the related run-off coefficient. Consistent with the approach employed in the previous studies, the non-residential charge is calculated on a uniform basis per square foot of gross floor area. The methodology presented in the revised Area C-1 SWM Background Study is also in accordance with the requirements of the DCA and is posted on the City's website.

As shown in Document 1, the revised calculated development charges for residential dwelling units amounts to \$483 per single and semi-detached unit, \$318 per row/town unit and \$129 per stacked row/apartment. These residential rates represent an increase from the current 2019 Area C-1 rates. For example, the proposed rate of \$483 per single and semi-detached unit represents an increase of \$445 over the current enacted

rate of \$38 per unit, however, when compared to the rates implemented in 2014, the calculated residential rate has decreased by \$719.

The non-residential rate continues to be calculated on a uniform basis at \$0.55 per square foot. The proposed rate represents a substantial decrease of \$6.12 from the current calculated rate and, when compared to 2014, a decrease of \$0.83 (see Document 2). The City will also provide refunds as a result of the reduction to the non-residential development charge rate in accordance with the requirements of the DCA dating back to the adoption of the current 2019 DC By-law.

No changes are proposed to the current definitions and policies included in the City's existing DC By-law for Area C-1 (see Document 3).

IMPLEMENTATION

By-law 2019-161 has been appealed to the Local Planning Appeal Tribunal. The Tribunal has the authority to modify a development charge rate retroactive to the date of enactment in respect of lowering the rate. The Tribunal does not, however, have the authority to increase a development charge rate.

As outlined above, Document 1 proposes a decrease in the non-residential rate and an increase in the residential rate. Therefore, to provide effective relief to those who have obtain non-residential building permits in the subject area since the enactment of By-law 2019-161 it is proposed to seek a modification from the Tribunal to the by-law which would be retroactive to May 22, 2019. In addition, it is proposed to enact an amending by-law on December 11, 2019 which would give effect immediately to both the revised rates in respect of any building permits issued moving forward from that date.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Before passing a Development Charges By-law, Council is required to hold at least one public meeting to review the study, Council report, and proposed by-law. A notice to inform the public of this process was placed in newspapers on November 8, 2019, and the Background Study was made available on September 14, 2019.

The public meeting will be held at the November 28 meeting of Planning Committee.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal impediments to the adoptions of the recommendations in this report. As outlined in the disposition, should the recommendations be adopted, Legal Services will seek a modification to By-law 2019-161 for the period May 22, 2019 to December 11, 2019.

RISK MANAGEMENT IMPLICATIONS

There is a 40-day appeal period during which the Development Charges By-law is appealable to the Local Planning Appeals Tribunal. By working with our consultant, staff have taken steps to avoid an appeal.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

The revised Inner Greenbelt Ponds (Area C-1) Area Specific Stormwater Development Charge rates, as identified in Document 1, reflect the adjustment in the allocation of costs between residential and non-residential rates. The allocation of costs was revised based on the remaining net developable land and were calculated based on the same approach used in previous studies. This resulted in an increase in the residential rate and a decrease to the non-residential rate, however there is no change to the overall capital costs.

The updated rates would be retroactive to May 22, 2019. This would require issuing refunds on non-residential permits that have been issued since May 22, 2019. The Tribunal's order cannot increase fees, therefore there will be no retro-active collection of additional fees on residential permits.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

Not applicable

SUPPORTING DOCUMENTATION

Document 1 Revised calculated residential and non-residential Area C-1 Stormwater Management rates by development type

Document 2 Comparison of Proposed and Previous Development Charges

Document 3 Location Map of Inner Greenbelt Stormwater Management Drainage System Area C-1

DISPOSITION

Planning, Infrastructure and Economic Development Department will make the change to the City of Ottawa Area-Specific Development Charges Background Study as a result of the direction of Planning Committee and Council and will also subsequently issue the required refunds.

Legal Services will list an amending by-law on the agenda of Council. Legal Services will seek from the Local Planning Appeal Tribunal a modification to By-law 2019-161 for the period from May 22, 2019 to December 11, 2019 in respect of the non-residential rate.

**Document 1 – Revised calculated residential and non-residential Area C-1
Stormwater Management rates by development type**

Area	Residential Rates \$/Unit			Non-Residential Rates \$/Sq.ft.
	Single and Semi-Detached	Row/Town	Stacked Row/Apartment	
Area C-1	\$483	\$318	\$129	\$0.55

Document 2 – Comparison of Proposed and Previous Development Charges

Residential \$/unit	Proposed 2019 Rates (A)	Current 2019 Rates (B)	Difference (\$) (A - B)	2014 Rates (Indexed to 2019\$) (C)	Difference (\$) (A - C)
Single & Semi	\$483	\$38	\$445	\$1,202	(\$757)
Row/Town	\$318	\$25	\$293	\$791	(\$498)
Apartment & Stacked Row	\$129	\$10	\$119	\$320	(\$201)

Non-Residential \$/sq.ft.	Proposed 2019 Rates (A)	Current 2019 Rates (B)	Difference (\$) (A - B)	2014 Rates (Indexed to 2019\$) (C)	Difference (\$) (A - B)
Non-Residential \$/sq.ft.	\$0.55	\$6.67	(\$6.12)	\$1.38	(\$7.50)

Note: the 2014 rates are based on the SWM rates in force prior to the enactment of the Area C-1 SWM By-law in May 2019

Document 3 – Location Map of Inner Greenbelt Stormwater Management Drainage System Area C-1

