



County of Simcoe
Planning Department
1110 Highway 26,
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300
Toll Free (866) 893-9300
Fax (705) 727-4276
simcoe.ca



April 20, 2020

John Ballantine, Manager
Municipal Finance Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street, Suite 425 (13th Floor)
Toronto, ON M7A 2J3
E: john.ballantine@ontario.ca

Dear Sirs:

**RE: County of Simcoe comments on the proposed regulation pertaining to the
Community Benefits authority under the Planning Act
ERO number 019-1406**

The County appreciates the opportunity to provide comments related to Bill 108 *More Homes, More Choices Act, 2019*. The County provided written comments for Schedule 12 of the Act through the Environmental Registry of Ontario on May 29, 2019. The County also provided written comments on the proposed Community Benefits regulations through the Environmental Registry of Ontario on August 21, 2019.

The following comments are being provided to supplement our previous comments on the Community Benefits Charges (CBC). These comments are based on the most recent proposed regulations pertaining to Community Benefits authority under the *Planning Act, Development Charges Act* and the *Building Code Act* that were issued by the Environmental Registry of Ontario on February 28, 2020 as per ERO number 019-1406.

This latest regulation offers the ability for the CBC to complement Development Charges for soft services rather than previously replacing Development Charges. Soft services include libraries, park amenities, recreation facilities, affordable housing and childcare facilities. The CBC would also establish criteria for parkland dedication and density bonus permissions under the *Planning Act*. The intent of the CBC is to provide municipalities with more flexibility to fund growth-related capital infrastructure costs of other community services.

The County supports the following provisions identified within the latest proposed regulations.

A municipality could choose to collect Development charges to fund the development of new park facilities or enhance existing parks such as playgrounds and splash pads. To acquire the land needed to build new parks, a municipality would have the option of using one of the following tools under the *Planning Act*.

1. A municipality could apply the basic parkland dedication rate in which a maximum of either 5% (for example, for a residential development) or 2% (for a commercial or industrial development) of a proposed development is dedicated as parkland or cash-in-lieu is provided.

2. Alternatively, a municipality could establish a CBC by-law to collect funds to acquire land for parks as well as other community services such as affordable housing and childcare. If both a developer and municipality agree, a developer could provide land for parks (rather than a payment). The agreed-upon value attributed to the in-kind parkland contribution would be applied toward the CBC payable.

The County supports the requirement for a CBC Strategy prior to passing a CBC by-law. The County commends the Province for identifying waste diversion and ambulance services as fully recoverable through Development Charges once the *More Homes, More Choices Act, 2019* is proclaimed. It also commends the Province for continuing to identify the following under the *Development Charges Act*:

1. Public libraries, including library materials for circulation, reference or information purposes
2. Long-term care
3. Parks development, such as playgrounds, splash pads, equipment and other park amenities
4. Public health
5. Recreation, such as community recreation centres and arenas

Previously, the CBC regulation had removed these services. Adding childcare services, social housing, airports, and municipal masterplans to the list of eligible services for Development Charges would provide even further assistance to municipalities.

In the latest legislation, 100% of the growth-related capital costs for the above services would be funded by Development Charges. The County supports this change from the previous Community Benefits legislation, which imposed a 10 % discount in the funding for these services.

As noted in our previous correspondence dated August 21, 2019, good financial planning relies on stable and secure funding sources. County staff are concerned that collecting CBC's based on the value of development sites, which can vary from site to site and rise and fall with market conditions, rather than clear unit count and building areas would make municipal financial planning efforts less predictable. Staff are concerned that, based on this model, there could be inequities in the revenue generated and the soft services that could be afforded between municipalities with varying land values unless the range of prescribed percentages can account for differences in land values across the province.

In order to ensure that the CBC formula accounts for varying land values and achieves revenue neutrality, County staff could be supportive of regulations that:

- Establish separate percentages for residential and non-residential development and distinguish between high density residential and other residential built forms.
- Prescribe revenue caps and permit municipalities to impose different charges by types of development provided they do not exceed their cap.
- Where mixed use development is proposed, allowing a municipality to establish rules where land values can be assigned to specific portions of a site based on the type of development.
- Permit municipalities to establish rules to determine the land area to which the charges are to apply and when a CBC is payable.
- Include provisions for monitoring revenues and updating the applicable prescribed percentages.

The County appreciates the change in transition date to establish a CBC, now identified as one year after the date the proposed CBC regulation comes into effect, rather than the previous January 1, 2021 date.

Thank you for the clarity provided in this regulation regarding notice provisions, CBC refunds after successful appeals and applicable revisions to the Building Code to add the CBC authority as Applicable Law.

The above information provides an overview of the comments/concerns that the County of Simcoe has with the proposed regulation related to the new Community benefits authority.

Thank you for the opportunity to provide feedback on the proposed regulations. If you have any questions or require further information with respect to this correspondence, please feel free to contact the undersigned.

Sincerely,

The Corporation of the County of Simcoe



David Parks, MCIP, RPP

Director of Planning, Economic Development and Transit

P: 705-726-9300 x1004

E: david.parks@simcoe.ca

CC: Debbie Korolnek, General Manager, Engineering, Planning and Environment – County of Simcoe
