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June 12th, 2023

Jordan Lambie | Senior Urban Design Planner
City of Barrie
70 Collier Street
Barrie, ON L4M 4T5

Dear Mr. Lambie:

**RE: Draft New Community Benefits Charges By-law & Draft Development Charges By-law
Update – 10-24 Grove Street West
OUR FILE 2199A**

On behalf of our Client, Skydevco Inc., please find enclosed comments regarding the City of Barrie's Community Benefits Charges (CBCs) By-law and Development Charges (DCs) By-law update as they relate to our Client's lands municipally addressed as 10-24 Grove Street West (the "Subject Lands").

Hemson Consulting Ltd. has been retained by the City to complete a DC Background Study and CBC Background Study to inform an updated DC By-law and a new CBC By-law. It is our understanding that City staff intend to present Hemson Consulting's findings at the upcoming June 14, 2023, General Committee meeting and anticipate passing the updated DCs By-law and new CBCs By-law at the June 21, 2023, Council meeting. Below are some excerpts pulled from the Development Charges Background Study dated April 21, 2023:

- *"DC rates will be phased in over 5 years. This will begin with 80% of the total being introduced later this year and then DCs will be increased each following year until they reach a 100% total in 2028.*
- *The DC By-laws will now expire every 10 years instead of every 5 years, but studies can be completed before the 10-year mark;*
- *CBCs are capped at 4% of the land value the day before a building permit is issued. Developers are required to provide appraisals to the City to assist with establishing land value and any disputes about land value are regulated by the Planning Act; and,*
- *The City must establish a "special account" (i.e. reserve fund) for CBCs. In each calendar year, the City must spend or allocate at least 60% of the monies that are in the special account at the beginning of the year."*

The Subject Lands are currently zoned the Apartment Dwelling Second Density 2 with Special Provision 553 (RA2-2 (SP-553) Zone under the City of Barrie Zoning By-law 2009-141. It is noted that a Holding (H) provision was previously applied to the Subject Lands and was removed on May 19, 2023. The previous H provision required the following to be completed prior to the H provision being removed:

1. A land appraisal and determination of Community Benefits;
2. A parking study illustrating that a parking ratio of 1 parking stall per 1 residential unit can be accommodated internally to the site without creating spillover impacts on adjacent streets; and,
3. That the owner provides/grants an easement to the benefit/in favour of the property owners having frontage on Bayfield Street, adjacent to the subject lands, that provides above and below-grade vehicular access and use to the properties fronting onto Bayfield Street, to be constructed by the owner of the subject lands, where such access to the lands under easement shall have access from a municipal right of way.

Regarding Item No. 1 noted above, a Section 37 Agreement was previously entered into with the City of Barrie and this condition of the H provision was cleared via By-law 2018-116. Since a Section 37 Agreement was previously entered into, our understanding is that this Agreement would continue to apply and not the proposed new CBCs By-law.

In consideration of the above, we request confirmation from City staff on how the CBCs By-law transition will function for the Subject Lands given the previous Section 37 Agreement.

Additionally, we note that the Subject Lands have an active Site Plan Control application (City File No. D11-021-2021), which was deemed complete by City staff on September 23, 2021. Below is an excerpt from the City's draft DCs By-law:

"Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under section 7 shall be calculated on the rates set out in Schedule B on the date of the planning application, including interest. Where both planning applications apply, development charges under section 7 shall be calculated on the rates in effect on the day of the later planning application, including interest."

It is our understanding that based on the date that the Site Plan Control was deemed complete, the development for the Subject Lands would be locked in at the 2021 Development Charges amounts as long as building permits are issued within two years of the date of the final site plan agreement.

In consideration of the above, we also request confirmation from City staff that the proposed development for the Subject Lands would be subject to the 2021 DCs amounts as long as building permits are issued within two years of the date of the final site plan agreement.

We look forward to hearing from City staff on these matters; however, should you have any questions or concerns, please do not hesitate to contact the undersigned.

Yours truly,

MHBC



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cc. *Greg Jones / Skydevco Inc.*
Sarah Reeve / Skydevco Inc.