

Memorandum

To: Kristen Van Alphen, Manager of Legislative Services
From: Sabine Robart, Manager of Planning & Heritage
Date: May 10, 2023
Subject: Planning & Heritage -Fees and Charges

The Ontario Planning Act is the legislative authority relating to planning matters. It describes how land may be controlled and the process relating to that control. It defines the approach to planning and assigns or provides the roles of key participants. Section 69 of the Act provides for the collection of fees under the Act:

Tariff of fees

69 (1) *The council of a municipality, by by-law, and a planning board, by resolution, may establish a tariff of fees for the processing of applications made in respect of planning matters, which tariff shall be designed to meet only the anticipated cost to the municipality or to a committee of adjustment or land division committee constituted by the council of the municipality or to the planning board in respect of the processing of each type of application provided for in the tariff. R.S.O. 1990, c. P.13, s. 69 (1); 1996, c. 4, s. 35 (1).*

Reduction or waiver of fees

(2) *Despite a tariff of fees established under subsection (1), the council of a municipality, a planning board, a committee of adjustment or a land division committee in processing an application may reduce the amount of or waive the requirement for the payment of a fee in respect of the application where the council, planning board or committee is satisfied that it would be unreasonable to require payment in accordance with the tariff. R.S.O. 1990, c. P.13, s. 69 (2); 1996, c. 4, s. 35 (2).*

In the two previous years, the fees received through planning application processing were:

| | |
|------|------------|
| 2022 | \$136, 206 |
| 2021 | \$267, 312 |

The 2023 budget anticipated fees of \$175,000. The fees from development offset the cost of providing Planning and Heritage services to the community thereby ensuring that development helps pay for development-related costs. The development engineer's salary is included in the Planning & Heritage Division costs.

The proposed update to the Planning Division's fees and charges is the first comprehensive update in recent memory. In recommending the updates staff have considered:

- Newly prescribed timelines under the Planning Act that mandate refunds if the timelines are not met in making a decision (see Attachment 1);
- A comparison of what other communities are charging (see Attachment 2). With Bill 23, many communities are currently undertaking a review of fees relating to Planning Act applications. Grey County is among those currently reviewing fees. Staff will continue to monitor fees in other municipalities;
- An analysis of the City staff costs relating to processing the applications.

In 2022 and 2023 strict timelines have been imposed relating to processing Planning Act applications by the provincial government. On July 1, 2023 if these timelines are not achieved a percentage of the application be must refunded:

| Type of Application | Time to make a decision | If approved within mandated time period | When 50% of application fees to be refunded | When 75% of application fees to be refunded | When 100% application fees to be refunded |
|---|--------------------------------|--|--|--|--|
| Zoning By-law Amendment submitted with an Official Plan Amendment | 120 days | No refund | No decision by Council by day 121-180 | No decision by Council by day 181 – 240 | No decision by Council by day 241+ |
| Zoning By-law Amendment Only | 90 days | No refund | No decision by Council by day 91-150 | No decision by Council by day 151-210 | No decision by Council by day 211+ |
| Site Plan Application | 60 days | No refund | Application not approved by day 61 – 90 | Application not approved by day 91 – 120 | Application not approved by 121+ |

Application fees must consider the impact of this change.

In certain cases the increase in fees has been split to reflect minor and major applications with larger and more complex developments paying a higher fee as the time to review and process an application is greater with these. This is a new addition to Official Plan and Zoning Amendments fees.

A joint fee for a combination of an Official Plan Amendment and Zoning Amendment is also new as there are some efficiencies in terms of reviewing studies and reports and preparing public meeting presentations and reports relating to a joint application.

The scale and complexity of subdivision applications within the City have increased considerably in the past five years. In order for a draft approved subdivision to proceed to final approval including the subdivision agreement, the City often incurs legal review fees and needs to invest significant staff time in the review of conditions and achievement of technical clearance from external agencies. The fees relating to finalizing the conditions of draft plan approval have been increased to reflect staff time and resources required in the process.

A new fee has been added to address staff time required to submit an appeal to the Ontario Land Tribunal (OLT). The appeal of planning decisions to OLT is an infrequent event however when a decision is appealed, submitting the appeal to OLT requires substantial staff time and resources and the cost of staff time and resources should not be borne by the taxpayers.

Respectfully submitted,

Sabine Robart, Manager of Planning & Heritage