



Committee of Whole

Meeting Date: March 14, 2023
Submitted by: Durk Vanderwerff, Director of Planning and Development
Subject: Planning Approval Authority Fee Review

BACKGROUND:

The County is the delegated Approval Authority for local official plans, official plan amendments, plans of subdivision, plans of condominium, and part lot control by-laws. Fees are collected from applicants during the processing of these files to, in part, offset the County's costs. Fees are not collected from local municipalities for municipally initiated applications.

Section 69 of the Planning Act provides that Council by by-law "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 ... in respect of the processing of each type of application provided for in the tariff". The Planning Act allows Council to reduce or waive the established fees if it would be "...unreasonable to require payment in accordance with the tariff". The Planning Act also provides an applicant the opportunity to appeal the amount of any such fee to the Ontario Land Tribunal (OLT) if the applicant believes that the fee is unreasonable.

The County's Planning fees have remained unchanged since 2018 and therefore are due for an update to address inflationary increases in costs and the different scale and complexity of development that increasingly occurs within the County. This report recommends that updated Planning fees be put in place for May 1st, 2023. It is noted that this report does not address the local Planning Act applications (such as consents or zoning by-law amendments) for which municipalities set and collect fees.

ANALYSIS:

As noted above, the Planning Act provides that Council may establish fees for the processing of planning applications. The County has traditionally taken the position that Approval Authority fees should recover certain costs but also should not be so high as to discourage development. To-date an applicant has never requested a reduction or waiver of the County's fees and there have been no appeals of the fees to the OLT. Typically, planning fees are a relatively small component of the overall cost of development.

To examine the County's costs, calculations have been undertaken to estimate the anticipated amount of time and costs taken for a 'typical' application. While some applications are more complex and therefore take more time and expense, others are less complex and take less time and expense – you 'win' on some files and you 'lose' on other files.

The existing and proposed fees are summarized in Schedule A to this report. Based on a review of the fees charged by surrounding Counties and the City of London, the proposed fees are not out of line with those comparators. It is however noted that it is not easy to draw direct comparisons between fees charged by different jurisdictions as the included services and processes can be significantly different. It is also noted that within two-tier systems some local municipalities (typically those experiencing the larger amounts of growth) charge a local processing fee for their review of certain Approval Authority files. Finally, it is noted that much of the development industry within the County is centred in the City of London and it is therefore felt that a comparison with London's fees is the most useful. Based on a review of London's fee schedule, the proposed fees would be less than those within the City of London.

If Council determines that the proposed changes to the Approval Authority fees are appropriate, following the passing of the By-law, staff would update the County's webpage and application forms, and would send a letter to applicants that commonly undertake development within the County informing them of the changes.

In summary, as noted above, the Planning Act provides that Council may establish fees for the processing of Approval Authority applications. The County's Approval Authority fees have remained unchanged since 2018 and therefore are due for an update to address inflationary increases in costs and the different scale and complexity of development that increasingly occurs within the County. This report recommends that updated Approval Authority fees be put in place for May 1st, 2023 as outlined in the attached Schedule.

FINANCIAL IMPLICATIONS:

It is estimated that the average annual Approval Authority fee revenue would increase approximately \$20,000 under the proposed fee schedule.

ALIGNMENT WITH STRATEGIC FOCUS:

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
Promoting Service Excellence	Innovate and transform municipal service delivery	<ul style="list-style-type: none"> • Anticipate and align municipal service delivery to emerging needs and expectations • Build organizational capacity and capabilities

RECOMMENDATION:

THAT the By-law necessary to adopt the Planning Act Tariff of Fees attached as Schedule A to this report be prepared and introduced at the March 28, 2023 meeting of Council.

Attachment

SCHEDULE 'A': SUBJECT APPLICATIONS AND TARIFF OF FEES

Subject Application	Current Fee	Proposed Fee
Amendment to County Official Plan	\$5,000	\$5,000
Adopted Municipally Initiated Amendment to Local Official Plan	\$0	\$0
Adopted Privately Initiated Amendment to Local Official Plan	\$1,300	\$1,500
Plan of Subdivision / Condominium Application	1-20 lots/units \$4,000 21-50 lots/units \$5,000 51+ lots/units \$6,000	1-20 lots/units \$5,000 21-50 lots/units \$6,000 51+ lots/units \$7,000
Plan of Condominium Exemption, Conversion, Amalgamation, or Amendment to a Final Approved Plan	\$2,500	\$3,000
Change to Plan of Subdivision / Condominium Conditions (Red-Line Amendment)	\$1,000	\$1,500
Minor Change to Plan of Subdivision / Condominium Conditions (Minor Red-Line Amendment)	\$300	\$500
Extension of Draft Approval Plan of Subdivision / Condominium	\$300	\$500
Plan of Subdivision / Condominium Final Plan Approval	\$300	\$500
Exemption from Part Lot Control	\$100	\$200
The applicant shall be required to reimburse the County for the fees and expenses, if any, of the County's peer review professionals related to technical studies / reports determined necessary by the Director of Planning and Development. Technical studies / reports include but are not limited to: address planning matters such as a planning justification report, relating to environmental and natural matters such as a development assessment report or a hydrogeology study, to address transportation matters such as a traffic impact assessment, to address servicing and infrastructure matters such as a functional servicing report, and to address nuisance and hazard matters such as a noise assessment study.		
The applicant shall be responsible for all actual costs incurred by the County in relation to any Ontario Land Tribunal activities unless the activities are as a result of an appeal by the applicant.		
It is noted that the local municipality and the conservation authority may also collect fees associated with their review of applications. It is the applicant's responsibility to pay any such fees.		

Where a plan of subdivision / condominium application includes future development blocks, the lots/units for the development shall be equivalent to the anticipated future development yield for those blocks.