

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PLAN2018-017

Date: March 20, 2018
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Subject: Revision to Consolidated Fees By-Law

Author Name and Title: Richard Holy, Manager of Planning

Recommendations:

RESOLVED THAT Report PLAN2018-017, Revised Consolidated Fees By-Law, be received;

THAT By-Law 2016-206 be amended to remove the following fees from Schedule E - Planning in the Consolidated Fees By-Law as follows;

E – 1 Planning Fees		
Service Description	Unit	Fees Effective January 1, 2018
OMB Appeal Processing Fee		
OMB Appeal Processing Fee	each	
Consent or Minor Variance Applications		\$150.00
All other Planning Act Applications		\$300.00

THAT By-law 2016-206 be amended to include the following new fees in Schedule E – Planning in the Consolidated Fees By-Law as follows;

E – 1 Planning Fees		
Service Description	Unit	Fees Effective January 1, 2018
Administration		

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Prescreening Application to Open a Road Allowance	each	\$200.00
Deeming By-law or Repeal of Deeming By-law		
Deeming Application where required as a condition of consent	each	\$385.00
Minor Variance		
Minor Variance for Approval of Accessibility Structures	each	\$550.00 plus \$220.00 advertising fee
Preparation of Development Agreement		
Where required to facilitate the merger of one or more properties	each	\$1,500.00

THAT the fee amendments contained in Report PLAN2018-017 be approved;
and,

THAT the attached By-Law be forwarded to Council for adoption.

Background:

The City of Kawartha Lakes charges fees for a number of services it provides. By-Law 2016-206, A By-Law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in the City of Kawartha Lakes, contains all fees established and charged by the City of Kawartha Lakes. Amendments to the Fees By-law were approved by Council on October 24, 2017.

Schedule E – Planning Fee Removals

The By-law established a number of new fees for the Planning Division to deal with current fees gaps with our fee structure. One of the fee categories that was approved by Council was processing fees for all OMB appeals. Processing of OMB appeals takes quite a bit of staff time so the fee was designed to help cover these costs. So as to not dissuade appeals related to Committee of Adjustment matters, a \$150.00 appeal processing was established for consent or minor variance application and a \$300 appeal processing fee for all other Planning Act applications. Staff had researched fees by-laws in the area and found that a number of municipalities had implemented these fees. When the By-law was being considered by Council for approval, the Planning Division received an inquiry from an interested party as to the validity of the OMB appeal processing fee suggesting that it was not legal. A further review of this matter with the City's solicitor has suggested that while we could implement the fee, we must fulfill the legislated timeframes for submission of appeal packages to the OMB. If a person doesn't pay the fee, then collection of the fee will become an issue. As a result, we are recommending that the fee be removed from the Planning Department list of fees. Staff will however be conducting a review of our costs associated with the preparation of OMB appeal packages and making further fee revision recommendations in the future.

Schedule E – Planning Fee Additions

The Planning Division has assessed our current planning service fee gaps and are proposing the following new fees and fee reductions on this basis.

1. A fee of \$200.00 is being proposed to implement a prescreening process for landowners that own property that doesn't have frontage on an open and maintained road. We have numerous existing lots of record in both urban and rural areas where development would be possible if road access were available. Staff are developing a screening process to assist our customers with understanding the process and technical standards that need to be fulfilled to construct a new road or road extension. This proposed fee would cover staff costs.
2. When consent applications are approved by the Director or by the Committee of Adjustment, deeming by-laws may be necessary to implement a lot line adjustment or severance where these applications are within registered plans of subdivision. Where a deeming by-law is required by staff as a condition of approval, we are proposing to reduce the fee for

this application in half from \$770.00 to \$385.00. Council already approved a similar approach when rezoning applications are required as a condition of approval for a consent application. This helps to provide a consistent approach in our fee structure.

3. The City has an administrative policy whereby fees for the addition of an accessibility structure, such as an accessibility ramp to accommodate a person with a disability residing in the home, is reduced based on income. Rather than requiring the disclosure of personal financial information, staff are proposing to rescind this policy and reduce the application fee in half from \$1,100.00 to \$550.00. While the advertising fee of \$220 would remain applicable, this option would be available to any property owner whether it be residential commercial, industrial, or institutional. There may be other unrelated variances required to accommodate development on a property. Staff would also allow these unrelated requests to be captured under the reduced rate as a way to encourage property owners to make properties and buildings more accessible.
4. We have a number of situations where approvals are being granted for severances where properties may be on opposite sides of a road. Situations also arise where a property owner in a subdivision that is less than 8 years old (Planning Act timeframe) cannot expand their lot through a deeming by-law process. The only way to facilitate this type of activity is to register a merger agreement on title that binds two parcels of land together. We are proposing a fee of \$1,500.00 to cover the drafting, legal research, arranging postponements, and agreement registration.

Rationale:

Staff recommends that the fee removals and additions contained in Report PLAN2017-028 be approved and that By-Law 2016-206 be amended accordingly.

Other Alternatives Considered:

Council could choose to not approve the changes. This would result in a statement of claim against the City for implementing the OMB appeals fees which are not legislatively permitted. Should Council choose not to implement the fee additions, the fee savings and new processes described above would not be implemented.

Financial/Operation Impacts:

Revenue generated is included in our division's budget.

Relationship of Recommendations To The 2016-2019 Strategic Plan:

The adoption of the Staff report contributes to the Council Adopted Strategic Plan by ensuring a fiscally responsible service delivery and ensuring the efficient allocation of government resources.

Consultations:

City Solicitor
Director of Development Services

Attachments:

The following attached documents may include scanned images of Appendices, maps, and photographs. If you require an alternative format, please contact Richard Holy, Manager of Planning at 705.324.9411 x 1246.

Appendix 'A' – Proposed Fees By-law



Appendix A -
Proposed Fees By-law

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall, Director of Development Services

Department File: F22