

2 March 2012



## City Council Committee Report

**To: Mayor Canfield & Members of Council**

**Fr: Tara Rickaby**

**Re: Tariff of fees – Planning – Addition of a) Technical Consent b) Costs for appeals to OMB and c) Amendment of fee for Application to Amend Zoning By-law d) Release of site plan agreement d) Amendment of site plan agreement**

### **Recommendation:**

That Council gives three readings to a by-law to amend the Tariff of Fees & Charges By-law Number 147-2007 to provide for the following:

Planning	Technical consent	\$350.00	
Planning	Application for Zoning By-law Amendment	\$1100.00	+Professional fees, where applicable
Planning	Costs in respect to appeals to the Ontario Municipal Board		Cost recovery
Planning	Processing appeals to the Ontario Municipal Board	\$150	
Planning	Release of site plan agreement from title	\$100	+Professional fees, where applicable
Planning	Amendment of site plan agreement	\$100	+Professional fees, where applicable

That public notice is hereby given that Council intends to adopt the amending by-law at its March 19, 2012 meeting at which time the applicable fee will come into effect on a forward basis.

### **Background:**

Section 69 of the Planning Act authorizes a municipal council to prescribe a tariff of fees for the processing of application made in respect of planning matters.

The City of Kenora amended the Tariff of Fees By-law, for planning services, in June of 2011. At that time, the fee for a **technical consent** (where conditional consent has been given but the applicant failed to meet the conditions within the time period of 365 days) was neglected. This situation arises approximately once a year. It was included in the tariff of fees before June of 2011.

Planning	Technical consent	\$350.00	
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The City of Kenora gives notice of applications for a **zoning by-law amendment** by advertising in the newspaper. The advertising costs have risen over the last year. There are required to be a minimum of two advertisements: a) notice of complete application and statutory public meeting and b) notice of decision (of Council). Each

advertisement costs in excess of \$300 (depending on the photograph detail and the size of the ad). Each application requires in excess of 8 hours of staff time to process.

Planning	Application for Zoning By-law Amendment	\$1100.00	+Professional fees, where applicable
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The City of Kenora currently includes an "agreement for costs" as part of any planning application. That agreement indicates that any costs over and above the base price (ie. Minor Variance is \$325) are to be paid by the property owner/applicant. This is to include **costs associated with OMB appeals**. The tariff of fees by-law needs to also indicate that the property owner/applicant, in addition to the application fees set out the tariff of fees by-law, shall be responsible for any costs incurred by the municipality, in which the municipality is in support of any application before the Ontario Municipal Board, excluding the time of the City of Kenora staff.

Planning	Costs in respect to appeals to the Ontario Municipal Board		Cost recovery
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When an **appeal to the OMB** is received by the City, the Planning Act requires that a record of the file be prepared (by the City) and provided to the OMB. This task takes approximately 2-5 hours of staff time.

Planning	Processing appeals to the Ontario Municipal Board	\$150	
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When a property is built out, in accordance with an existing **site plan agreement** the property owner may apply to have the agreement released from title. Staff would be required to confirm that the terms of the agreement have been met before recommending release. The Municipal Solicitor would arrange for the release from title.

From time to time, an **amendment to a site plan** is required; this would involve staff time for review and comments and, in some cases, registration of the amendment on title.

Planning	Release of site plan agreement from title	\$100	+Professional fees, where applicable
Planning	Amendment of site plan agreement	\$100	+Professional fees, where applicable

**Budget:** N/A

**Communication:** Per Notice By-law 144-2007 – Agenda of Property and Planning Committee, Council and City portal, Building Department, Notices associated with applications made under the Planning Act