

4

PLANNING APPLICATION FEE UPDATE

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated September 14 2011, from the Acting Commissioner of Planning and Development Services.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council approve amendments to Schedule 'A' of By-law # 2010-15, as outlined in *Table 2* of this report.
2. The Regional Clerk circulate this report to the local municipalities within York Region and BILD for information.

2. PURPOSE

This report recommends an amendment to Schedule 'A' of By-law # 2010-15 as it pertains to planning and development related applications. The proposed amendment is based on a review of the time associated with processing applications and fees, and a comparison of charges imposed by other municipalities for similar applications in the GTA.

3. BACKGROUND

The Region collects fees for planning applications pursuant to S. 69 of the *Planning Act*

Pursuant to Section 69 of the *Planning Act*, the Regional Planning and Development Services Department collects fees for a number of planning related applications including, amongst others: Regional Official Plan Amendments, Regionally Significant Local Official Plan Amendments, Routine Official Plan Amendments, Plans of Subdivision and Plans of Condominium. The amount of the fees collected represent the average anticipated costs associated with an application.

As changes to the *Planning Act*, Provincial policy documents and plans, Regional processes and Regional interests are introduced over time, the costs associated with planning applications change. Accordingly, as these changes occur it is important for staff to periodically review the fees charged and make adjustments to those fees as required.

In 2005 staff provided a detailed review of planning application fees

In December 2005, Regional staff provided Council with a comprehensive review of the Regional planning application process and recommendations for a planning fee increase. The purpose of this report was to inform Council of the changes to the review process as a result of organization changes at the Region and new legislative and policy changes.

Planning fees were last updated in 2007 as a result of amendments to the Planning Act and increased staff time

On December 13, 2007 Regional Council adopted Clause 5 of Report 10 of the Planning and Economic Development Committee that established a fee schedule for planning applications from 2007 to 2010. The 2007 fee increase accounted for additional staff time spent on evaluating conformity of local and Regional Official Plan Amendments to Provincial Legislation and Plans, and new costs for administrative procedures required by Bill 51. In addition to the increase, the charges were also subject to annual price adjustments in accordance with the annual Consumer Price Index.

In 2010, By-law # 2010-15 consolidated all Regional fees and charges, including those charged for planning applications

On February 18, 2010, Regional Council enacted By-law # 2010-15, being a by-law to impose fees and charges for services and activities provided by the Region. This by-law consolidated all fees and charges for Regional services into one by-law, including fees associated with the processing of planning applications. By-law # 2010-15 also established that an annual indexing of fees shall occur on January 1 of each year in accordance with the annual Consumer Price Index (CPI). Prior to the enactment of By-law # 2010-15, and outside of the annual CPI adjustment, Regional Planning staff reviewed and proposed changes to the fee structure every three years, the last time being 2007.

4. ANALYSIS AND OPTIONS

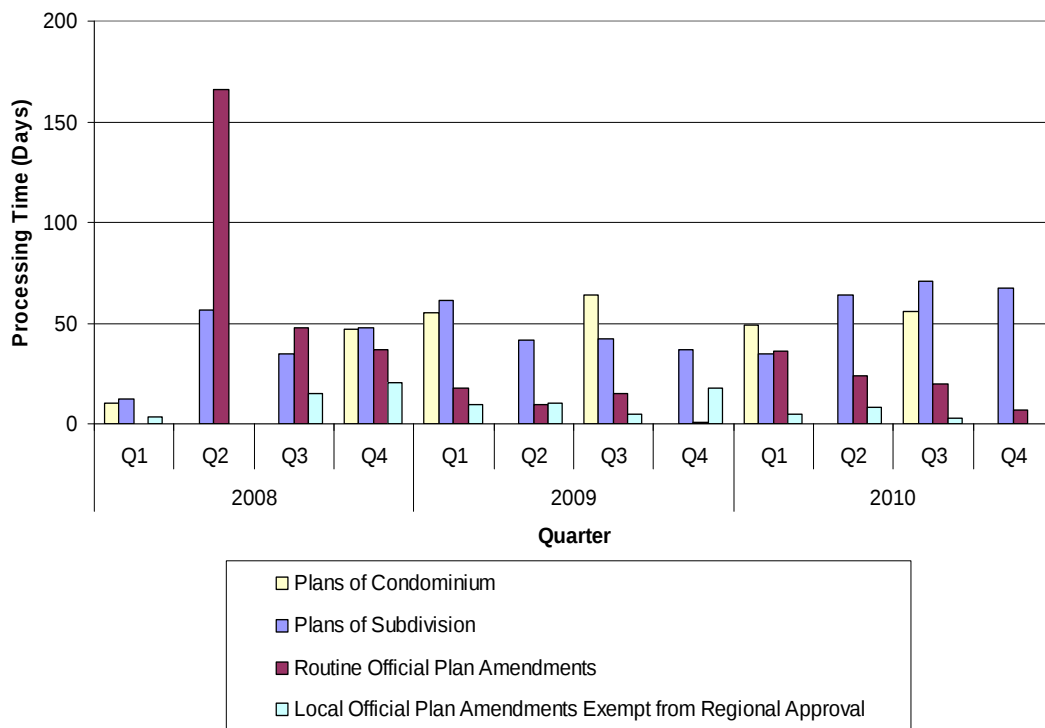
As part of this review staff have examined the time associated with processing applications, changes to the Region's development review structure, the current Regional planning structure and a comparison of rates charged by other Regional Municipalities.

Time required to review new subdivision applications has increased approximately 30%

York Region is the approval authority for Regional Official Plan Amendments, local Official Plans and local Official Plan Amendments. In addition, Regional Planning and Development staff provide comments and conditions to the Local municipalities on Plans of Subdivision and Plans of Condominium. Figure 1, below, shows the average

processing for time for plan of subdivision and condominium, “Routine” and “Exempt” Official Plan Amendment applications, for which we can track response times, over the past three years. In 2010, on average regional staff spent 30% more time reviewing a new plan of subdivision than in 2009. Processing times for plans of condominium have generally remained the same over the past three years. Processing times for Regional Official Plan Amendments and “Regionally Significant” local Official Plan Amendments, although not presented below, have remained unchanged over time and are processed within the legislated timeframes.

Figure 1
Average Application Processing Times for Plans of Subdivision and
Condominium, “Routine” and “Exempt” Official Plan Amendments



Provincial conformity exercises add complexity to the planning process

The current municipal planning context in York Region adds additional complexity to the review and approval process for planning and development applications. Currently, York Region has an in-effect York Region Official Plan (1994, as amended) and a Minister approved York Region Official Plan (2010) which has been appealed to the Ontario Municipal Board (OMB). The approved York Region Official Plan (2010) represents a new vision and policy direction to help guide and manage growth and development within the Region over the next 20 years. The transition and full implementation of this

plan, requires staff to evaluate new planning and development applications against a policy regime previously not contemplated under the in-effect plan.

In addition, the Local municipalities are in various stages of their own Official Plan conformity exercises; ensuring that their Official Plan policies conform to the York Region Official Plan (2010), the Provincial Growth Plan and the Greenbelt Plan. This environment adds complexity to the review of new planning applications and often requires additional staff time and meetings with local municipal staff and applicants.

Additional Regional interests have been incorporated into development review

Since 2007, additional Regional interests have been incorporated into the Region's planning application review process and include responsibilities of the Water Resources branch of the Environmental Services Department and York Region Rapid Transit Corporation. The staff time and expertise these authorities provide to the review process help to ensure the Region's sustainability, economic vitality and healthy community objectives are met. The additional interests in the review process have led to further draft plan approval conditions and the submission of related studies that must be considered prior to rendering a decision.

Fees charged for subdivisions, condominiums and Routine amendments are generally below average

Staff undertook a review the planning application fees charged by other Regional municipalities within the Greater Golden Horseshoe. The results are shown in *Table 1*, below. The results of this assessment indicate that York Region's review fees for Plans of Subdivision, Plans of Condominium and "Routine" Local Official Plan Amendments are below the average fees charged by other Regional municipalities, excluding the City of Toronto.

Fees charged by York Region for Regional Official Plan Amendments and "Regionally Significant" Official Plan Amendments are above the GTA average. Generally, other Regional municipalities do not differentiate between "Regionally Significant" and "Routine" local Official Plan Amendments. In addition to York Region, Niagara Region is the only other Regional municipality to charge a fee for exemption from Regional approval. The "Exempt" and "Routine" Local Official Plan Amendment process provides a substantial savings to proponents compared to the fees charged for a "Regionally Significant" Local Official Plan Amendment.

Table 1
Planning Application Fees by Regional Municipalities
(Current as of August 2011)

Municipality	Regional Official Plan Amendment	Regionally Significant Local Official Plan Amendment	Routine Local Official Plan Amendment	Local Official Plan Amendment Exempt from Regional Approval	Plan of Subdivision (100 units)	Plan of Condominium (100 units)
Durham Region	\$5,000 - \$12,000	\$4,300	\$4,300	n/a	\$3,000 - \$9,500 ⁽¹⁾	\$1,200
Halton Region	\$8,514	\$7,195	\$7,195	n/a	\$8,754	\$2,530
Niagara Region	\$15,000	\$5,000	\$5,000	\$3,500	\$3,000 ⁽²⁾	\$1,000
Peel Region	\$10,000	\$6,500	\$6,500	n/a	\$15,000	\$3,000
Simcoe County	\$8,000 ⁽³⁾	\$1,500	\$1,500	n/a	\$6,000	\$6,000
City of Toronto	\$15,413	\$15,413	\$15,413	n/a	\$74,493	\$20,555
York Region Current	\$13,600	\$8,300	\$2,300	\$2,200	\$2,600	\$1,600
Average (excluding York and Toronto)	\$11,171	\$4,899	\$4,899	\$3,500	\$9,918	\$2,746
York Region Proposed	\$13,600	\$8,300	\$3,000	\$2,200	\$3,400	\$1,600

All application fees containing cent values were rounded accordingly.

(1) Includes additional charge of \$100/unit in excess of 50 units

(2) \$3,000 base fee + \$300/acre to max. of \$18,000

(3) Includes a \$3,000 Contingency Fee

Staff have identified that the fees charged for “Routine” Official Plan Amendments and Plans of Subdivision should be increased

Given the above analysis, staff have identified two areas for which increases to the fees charged are recommended. The two areas are: “Routine” Official Plan Amendments (OPAs) and Plans of Subdivision. A detailed discussion on the review process for both types of applications is described below.

Fees charged for Regional Official Plan Amendments and “Regionally Significant” local Official Plan Amendments have not been considered for an increase as additional Regional interests and responsibilities are more applicable to development related applications at the implementation stage. Further, the timeline for approval of these applications has remained unchanged and the fees are higher than the average charged by other Regional municipalities.

In addition, fees charged for Plans of Condominium have not been considered for an increase as the time required to review an application has remained relatively stable over time, and much of the detailed review work is completed at the site plan application stage; not at the time of approval of the plan of condominium.

Plans of Subdivision

Local municipalities are the approval authorities for plans of subdivision. The Region's role in the plan of subdivision is to review and provide comments and conditions of draft plan approval to help protect and implement the Region's interests in accordance with the Regional Official Plan.

Considering the above analysis, staff are recommending that the fees charged for plans of subdivision be increased by 30% to \$3,381.30 and rounded to \$3,400.00 as per By-law # 2010-15. This increase is supported by an approximate 30% increase in processing time, increased complexity in the planning environment, additional staff resources required to review applications and to better align our fees with other Regional municipalities. In addition, new regional interests have resulted in the inclusion of new conditions of draft plan approval to protect for transit infrastructure, dewatering, source water protection, energy and water conservation, pedestrian and cycling facilities, Travel Demand Management and TTC requirements.

“Routine” Official Plan Amendments are minor in nature and do not require circulation to external agencies or a report to Regional Council

“Routine” Official Plan Amendments are amendments which have been adopted by the local municipal Council, that are minor in nature and that do not require circulation to external agencies or a report to Regional Council. Typically, the Region is involved with the proposed OPA throughout the preliminary stages of the process (prior to adoption of the OPA by the local municipal Council). Often staff's time and involvement with the review of preliminary OPAs helps to expedite the “Routine” OPA approval process, such that since 2007 the Region's timeframes for approval of Routine applications has decreased. As staff time spent on the review of preliminary OPAs is not tracked, it would be erroneous to evaluate the quantitative results of processing times associated with “Routine” OPAs as it is not representative of the “true” time associated with the processing of a “Routine” application. It should also be noted that the Region does not charge a fee for review of preliminary OPAs.

Since 2007, Regional staff have generally observed that they have been spending an increased amount of time reviewing preliminary OPAs, which may or may not be adopted by the local municipal Council. The increase in staff time can be attributed to new legislation such as the Lake Simcoe Protection Plan, consideration of both the in-effect York Region Official Plan (1994, as amended) and the York Region Official Plan (MMAH approved, 2010) and the in the context of the on-going local municipal conformity exercises. Further, as the Region becomes increasingly urban in nature, new applications for high-density, mixed-use and transit-supportive developments become more common place. These complex applications require increased staff time and involvement to ensure that the Region's interests, such as transportation and environmental interests are protected. Accordingly, staff recommend a 30% increase of the Region's “Routine” OPA to \$2,996.80 and rounded to \$3,000.00 as per By-law #

2010-15. This proposed increase considers additional Regional involvement in the review process, cost recovery of time spent on preliminary review of applications, the complexity of the current planning environment and to better align our fees to those charged by other Regional municipalities.

Relationship to Vision 2026

Guiding principles for Vision 2026 include provisions for customer centred service that is fair, equitable and cost efficient. The proposed increases represent a fair and equitable increase reflective of the costs associated with processing these types of applications within the context of an increasingly complex planning environment.

5. FINANCIAL IMPLICATIONS

Revenue generated from development application fees totalled \$232,001, \$205,765 and \$258,410 for 2008, 2009 and 2010 respectively. The number of applications may decline marginally in the next couple of years compared to previous years as applicants await the outcomes of the local municipal conformity exercises and the approval of the Regional Official Plan (2010) by the Ontario Municipal Board.

Based on a review of the number of applications processed in previous years, staff estimate that the proposed fee increase will result in an approximate \$30,000.00 increase in total revenue generated from planning and development applications in 2012.

6. LOCAL MUNICIPAL IMPACT

There is no direct impact on the local municipalities within York Region as a result of the proposed increase.

7. CONCLUSION

The report recommends a 30% increase to fees charged by the Planning and Development Services Department for “Routine” local Official Plan Amendments and plan of subdivision applications. The proposed increase is a reflection of additional staff time and expertise required to review applications in the context of an increasingly urban and complex planning environment. All other planning related processing fees remain unchanged, however, all fees are subject to an annual indexing based on CPI and rounding as per By-law # 2010-15. The proposed increase shall take effect January 1, 2012. *Table 2*, below, summarizes the changes described in this report. The full list of planning fees and charges is provided in *Attachment 1* to this report.

Table 2
Summary of Changes to Planning and Development Application Fees

Category	Current Fee (as per By-law # 2010-15)	Proposed Changes to By-Law # 2010-15 (to be effective January 1, 2012)	Percent Increase
	Total Fee Rounded (as per By-law # 2010- 15)	Total Fee Rounded (as per By-law # 2010-15)	
5. Regional approval of an area municipal official plan amendment, excluding official plan amendments initiated by the area municipality for policy changes or clarifications to OP, that does not require circulation to external agencies or a report to Regional Council.	\$2,300.00	\$3,000.00 ⁽¹⁾	30%
8. To review an application to an area municipality for approval of a draft plan of subdivision.	\$2,600.00	\$3,400.00 ⁽²⁾	30%

(1) This amount has been rounded pursuant to By-Law # 2010-15 from an actual figure of \$2,996.80

(2) This amount has been rounded pursuant to By-Law # 2010-15 from an actual figure of \$3,381.30

Notification of the proposed increases to the application fees will be sent to the local municipalities, BILD and posted at the front counter of the Regional Planning Department.

For more information on this report, please contact Josh Reis, Planner at 905-830-4444 Ext. 1515, or Heather Konefat, Director of Community Planning at Ext. 1502.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

Table 3
Planning and Development Application Fees

Category	Current Fee (as per By-law # 2010-15)	Proposed Changes to By-Law # 2010-15 (to be effective January 1, 2012)	Percent Increase
	Total Fee Rounded (as per By-law # 2010-15)	Total Fee Rounded (as per By-law # 2010-15)	
1. Regional Official Plan Amendment. Regional Official Plan Amendment.	\$13,600.00		
2. Notice and Public Meeting of a Regional Official Plan Amendment.	\$8,200.00 or actual cost		
3. Notice of Receipt of Application to Amend Regional Official Plan.	\$8,200.00 or actual cost		
4. Regional approval of a major area municipal official plan amendment, excluding amendments initiated by the area municipality for policy changes or clarifications to OP.	\$8,300.00		
5. Regional approval of an area municipal official plan amendment, excluding official plan amendments initiated by the area municipality for policy changes or clarifications to OP, that does not require circulation to external agencies or a report to Regional Council.	\$2,300.00	\$3,000.00 ⁽¹⁾	30%
6. Comment to the area municipality on a request for exemption from Regional approval of a locally significant official plan amendment.	\$2,200.00		
7. Regional approval of a second and subsequent phase of a subdivision where approval of a final plan is phased.	\$1,100.00		
8. To review an application to an area municipality for approval of a draft plan of subdivision.	\$2,600.00	\$3,400.00 ⁽²⁾	30%
9. To review a revised application to an area municipality for draft plan approval.	\$1,400.00		
10. To review an application to an area municipality to change the conditions of approval of a draft plan of subdivision.	\$1,200.00		
11. Clearing Regional conditions for second and subsequent phases of a plan of subdivision.	\$1,000.00		
12. To revise an application to an area municipality for approval of a draft plan of condominium.	\$1,600.00		
13. To review a revised application to an area municipality for approval of a draft plan of condominium.	\$1,200.00		

(1) This amount has been rounded pursuant to By-Law # 2010-15 from an actual figure of \$2,996.80

(2) This amount has been rounded pursuant to By-Law # 2010-15 from an actual figure of \$3,381.30