

COMMITTEE OF THE WHOLE JUNE 23, 2009

**AMENDMENT TO PLANNING APPLICATION FEES BY-LAW
CITY OF VAUGHAN - FILE 12.13
WARDS 1- 5**

Recommendation

The Commissioner of Planning recommends:

1. THAT a "Minor" Official Plan Amendment base fee of \$9,475.00 with an applicable surcharge of \$2,845.00 (if the application is approved) be incorporated into the Planning Application Fees By-law.
2. THAT the Planning Application Fees By-law include the following notes to define a "minor" and "major" Official Plan Amendment application:

Minor Amendment

A "Minor" Official Plan amendment is an Official Plan amendment that:

- i) proposes a small-scale/minor exception to a specific Official Plan standard (i.e. minor changes to the number of permitted units; building height; gross floor area; or to add a site-specific use limited in scale);
- ii) proposes a minor change to a specific policy that is limited in scope and typically related to one property;
- iii) maintains the intent and purpose of the Official Plan; and,
- iv) shall have limited impact or policy implications beyond the subject lands.

Major Amendment

A "Major" Official Plan amendment is an Official Plan amendment that:

- i) proposes a redesignation or change in land use for a property(ies);
 - ii) requires many changes to the policies and schedules of the Official Plan;
 - iii) is more significant in scale and scope than a minor Official Plan amendment, and which may have greater impact or policy implications beyond the subject lands. Applications relating to more than one property would normally be in this category;
 - iv) a site-specific application representing a large scale development/redevelopment or a change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category; and,
 - v) an Official Plan amendment within a Heritage Conservation District.
3. THAT an amending Planning Application Fees By-law be brought forward to the Council Meeting of June 30, 2009, for enactment to reflect the revised "minor" and "major" Official Plan amendment fees outlined in this report dated June 23, 2009.
 4. THAT the Planning Application Fees By-law include a fee in the amount of \$3,321.00 for the recirculation of an Official Plan Amendment, Zoning By-law Amendment, Site Development or Draft Plan of Subdivision Application resulting from a substantial change to an application proposal initiated by the applicant, prior to consideration by the Committee of the Whole.
 5. THAT the Site Development Application fee structure be clarified in the Planning Application Fees By-law to require full application fees when a substantial change to an

approved application proposal is initiated by the applicant after the Site Development Application has been considered by the Committee of the Whole.

Contribution to Sustainability

N/A

Economic Impact

There are no requirements for new funding associated with this report. The proposed Official Plan Amendment application fees and recirculation fees for substantially amended development proposals for Official Plan and Zoning By-law Amendment, Site Development and Draft Plan of Subdivision applications are intended to assist in receiving fuller cost recovery.

Communications Plan

N/A

Purpose

To amend the Vaughan Development Planning Department's Planning Application Fees By-law:

- a) to introduce separate fees for "major" and "minor" Official Plan Amendment Applications; and,
- b) to introduce recirculation fees for substantially amended development proposals initiated by the applicant both prior to and/or after the Committee of the Whole's consideration of an Official Plan and Zoning By-law Amendment, Site Development and Draft Plan of Subdivision applications.

Background – Analysis and Options

On February 9, 2009, the Budget Committee considered a report that included the following recommendation (in part) from the Commissioner of Planning and the Commissioner of Legal and Administrative Services respecting recommended changes to the Vaughan Development Planning Department's Planning Application Fees By-law and the Committee of Adjustment Fee By-law:

- "1. THAT an amending Planning Application Fees By-law and an amending Committee of Adjustment Fees By-law be brought forward to the Council meeting of February 24, 2009, for enactment to reflect the revised fees outlined in this report, dated February 9, 2009."

Upon consideration of the report, the Budget Committee adopted the following motion:

- "1) That the recommendation contained in the following report of the Commissioner of Planning and the Commissioner of Legal & Administrative Services, dated February 9, 2009, be approved; and
- 2) That staff provide a report on alternative methods to deal with fees for minor amendments."

The recommendation of the Budget Committee was adopted by Vaughan Council on February 24, 2009.

The Budget Committee had a concern that the recommended Official Plan Amendment Application fee of \$20,233.00 base fee + \$5,104.00 surcharge fee was excessive for minor amendments to the Official Plan.

Surrounding Municipalities

The Development Planning Department has undertaken a municipal comparison by reviewing the Official Plan amendment fee structure for the following municipalities with respect to a separate fee for “minor” and “major” amendments:

OFFICIAL PLAN AMENDMENT APPLICATION FEES					
	Official Plan Amendment	Major Official Plan Amendment	Minor Official Plan Amendment	If Approved Surcharge	Notes
Toronto	\$13,703.06	N/A	N/A	N/A	
Richmond Hill	\$15,326.00	N/A	N/A	\$27,425.00	
Markham	N/A	\$24,270.00	\$9,130.00	N/A	
Stouffville	\$5,240.00	N/A	N/A	\$1,320.00	
Aurora	N/A	\$2,550.00	\$1,950.00	N/A	Plus: Processing fee \$4250.00: Notifications Fee \$450.00
Newmarket	\$18,718.36	N/A	N/A	N/A	
King City	\$3,500.00	N/A	N/A	N/A	
East Gwillimbury	\$5,500.00	N/A	N/A	N/A	
Georgina	\$1,800.00	N/A	N/A	\$1,200.00	
Barrie	\$6,000.00	N/A	N/A	N/A	
Brampton	\$5,258.00	N/A	N/A	N/A	
Mississauga	\$7,800.00	N/A	N/A	N/A	Official Plan Amendment fee approved and scheduled to increase on September 1, 2009 to \$13,120.00
Caledon	N/A	\$10,500.00 *	\$5,400.00	\$5,000.00	
Oakville	\$8,225.00	N/A	N/A	N/A	
Burlington	N/A	\$11,025.00	\$8,270.00	N/A	
Hamilton	\$5,130.00	N/A	N/A	\$3,555.00	
Oshawa	\$8,240.00	N/A	N/A	N/A	
Pickering	\$8,000.00	N/A	N/A	N/A	
Whitby	\$8,000.00	N/A	N/A	\$1,500.00	

Only the municipalities of Markham, Aurora, Burlington and Caledon have separate fees for “minor” and “major” official plan amendments. All the other municipalities utilize one Official Plan Amendment Application fee regardless of the scope of the amendment. For those municipalities that utilize a “minor” and “major” Official Plan amendment fee structure, the following chart summarizes how each type of application is defined:

Minor Amendment	Major Amendment
Towns of Markham and Aurora	
An application for minor, site specific and small scale amendment or exception to Official Plan policies and designations, having limited impact or policy implications beyond the subject lands.	An application to amend the Official Plan that is more significant in scale and scope than a minor Official Plan Amendment, and which may have greater impact or policy implications beyond the subject lands. Applications relating to more than one property would normally be in this category. A site-specific application could also fall in this category, if considered to represent large scale redevelopment or significant change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category.

City of Burlington	
A "Minor" Official Plan Amendment Application is defined as an application that proposes a change to a policy of the Official Plan.	A "Major" Official Plan Amendment is defined as an application that proposes a change in a designation or a shift away from the intent of the Official Plan.
Town of Caledon	
The Director of Planning and Development will determine whether an Official Plan Amendment is Minor or Major based on the scale of the development and the nature of the requested change to the Official Plan.	

Minor versus Major Amendment

Criteria must be established to identify the difference between a "minor" and "major" Official Plan Amendment in order to apply the appropriate Planning Application fee. Official Plan Amendment Applications should only be considered "minor" when the impact resulting from the proposed amendment is minor in nature, site-specific, and will not have policy implications beyond the subject lands. Minor amendments should be limited to minor changes to a specific standard (i.e. unit count), the addition of a use to a property, or minor changes to the policies and schedules of the Official Plan. All other Official Plan Amendment applications should be considered to be "major".

The Development Planning Department recommends that the following criteria be added as notes to the Planning Application Fees By-law to define when an Official Plan Amendment proposal is "minor" or "major":

Minor Amendment

- i) proposes a small-scale/minor exception to a specific Official Plan standard (i.e. minor changes to the number of permitted units; building height; gross floor area; or to add a site-specific use limited in scale);
- ii) proposes a minor change to a specific policy that is limited in scope and typically related to one property;
- iii) maintains the intent and purpose of the Official Plan; and,

- iv) shall have limited impact or policy implications beyond the subject lands.

Major Amendment

- i) any Official Plan amendment proposing a redesignation or change in land use for a property;
- ii) any amendment requiring many changes to the policies and schedules of the Official Plan;
- iii) an amendment that is more significant in scale and scope than a minor Official Plan Amendment, and which may have greater impact or policy implications beyond the subject lands. Applications relating to more than one property would normally be in this category;
- iv) a site-specific application proposing a large scale development/ redevelopment or a change in use. An application involving significant changes to the text or policies of the Official Plan would also fall in this category; and,
- v) an Official Plan amendment within a Heritage Conservation District.

These criteria provide direction with respect to the differences between a “minor” and “major” amendment. It is acknowledged that there may be limited situations where some interpretation may be required. However, the intent is to ensure that only those amendments that are minor in nature proceed under the “minor” amendment category. It is expected that the majority of Official Plan amendment applications will continue to be processed as “major” amendments.

Proposed Minor Official Plan Amendment Fee

Introducing a minor Official Plan Amendment Fee as recommended by Council can be implemented, however it is recommended that a minor amendment fee only be utilized when an Official Plan Amendment Application is truly deemed to be “minor”. Often, even the simplest Official Plan Amendment application can utilize considerable staff time and resources, particularly if the decision respecting the application is appealed to the Ontario Municipal Board.

The base fee for all Official Plan Amendment Applications under the current Tariff of Fees By-law 135-2007 for Planning Applications is \$9,475.00 with an applicable surcharge of \$2,845.00 should the application be approved. The Development Planning Department recommends that the current base fee and surcharge fee be maintained for “minor” amendments to the Official Plan. This fee is established, and is slightly less than 50% of the proposed “major” fee of \$20,233.00 base fee + \$5,104.00 surcharge fee as proposed in the report, which was considered and approved by Council on February 24, 2009.

Other Amendments for Consideration

Proposed Recirculation Fee for Planning Applications

The Development Planning Department is proposing a recirculation fee for Official Plan and Zoning By-law Amendment, and Site Development Applications of \$3,321.00 to be applied when an applicant initiates a substantial change to an application proposal that requires a full recirculation, prior to consideration by the Committee of the Whole. This fee is consistent with the existing fee for a revision to an approved Draft Plan of Subdivision Application requiring a recirculation. This fee will not apply when the applicant is changing a plan to respond to City or external agency comments during the normal course of processing an application. This fee will cover the resources required to prepare the revised application for recirculation and review. For example, if an applicant originally submitted an Official Plan Amendment Application for a 5 storey residential apartment condominium building and subsequently amended the application to a 10-storey building with a new design, this application would require a full recirculation to all commenting Departments and agencies, and therefore, the fee would apply. If an applicant has

filed more than one application (ie. Official Plan and Zoning Amendment), the fee will only be applied one time for the joint proposal for each amendment to the application.

Clarification to the Site Development Application Fees

There have been instances where a Site Development Application has been submitted to the Development Planning Department and a full review has been undertaken and a report prepared for and considered by the Committee of the Whole, however, prior to the execution of the Letter of Undertaking, the applicant has substantially changed their proposal from the approved application proposal, and there is no mechanism in the Tariff of Fees for Planning Applications By-law to collect fees to cover the full recirculation, review and reporting of the revisions to Council.

The Development Planning Department is recommending adding a note to the Site Development Application section of the Tariff of Fee for Planning Applications to clarify that once a Site Development Application has been considered by the Committee of the Whole, whether or not a Letter of Undertaking has been executed, that any revisions/changes to the application as initiated by the applicant that substantially alters an approved proposal and requires a full recirculation, review and reporting to Council will constitute a new application, and will be subject to the full Site Development Application fee amounts as prescribed.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set out in Vaughan Vision 2020, particularly “Ensure Financial Sustainability”.

Regional Implications

N/A

Conclusions

In accordance with the resolution of the Budget Committee on February 9, 2009, as adopted by Council on February 24, 2009, the Development Planning Department has reviewed the request to adopt a “minor” and “major” fee structure for applications to amend the Official Plan. The Development Planning Department has reviewed the fee structure for Official Plan Amendment Applications of the surrounding municipalities, and in particular those municipalities that utilize “minor” and “major” amendments, and developed criteria to determine which applications fall into each category. In addition, the appropriate fees for each type of application have been recommended.

The Development Planning Department is also recommending the introduction of recirculation fees for substantially amended development proposals initiated by the applicant both prior to and/or after the Committee of the Wholes consideration of an Official Plan and Zoning By-law Amendment, Site Development and Draft Plan of Subdivision applications.

Should the Committee concur, the implementing Planning Application Fees By-law can be forwarded to the Council Meeting of June 30, 2009, which will also incorporate the Planning Application fee changes approved by Vaughan Council on February 24, 2009, and which will replace the current fees by-law.

Attachment

N/A

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Respectfully submitted

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