

RURAL MUNICIPALITY OF SHERWOOD NO. 159

BYLAW NO. 02/20

A BYLAW TO ESTABLISH FEES FOR PLANNING RELATED SERVICES

The Council of the Rural Municipality of Sherwood No. 159, in the Province of Saskatchewan enacts as follows:

1. This bylaw may be referred to as “The Planning Service Fees Bylaw”.
2. In this bylaw, the following definitions shall apply:
 - a. The definitions contained within the RM of Sherwood Zoning Bylaw, as amended.
 - b. “Zoning Bylaw” shall mean the Rural Municipality of Sherwood No. 159 Zoning Bylaw in effect.
 - c. “Plan” shall mean the Rural Municipality of Sherwood No. 159 Official Community Plan in effect.
3. An applicant proposing development as defined within the Zoning Bylaw shall be subject to the following fees:
 - a. Application for a Permitted Use Development Permit \$180.00
 - b. Application for a Permitted Use Development Permit (Accessory building or use) \$150.00
 - c. Application for a Discretionary Use Development Permit \$450.00
 - d. Application for a Discretionary Use Development Permit (Accessory building or use) \$400.00
4. Minor Variances
 - a. Application for a Minor Variance \$140.00
5. An applicant proposing an amendment to the Zoning Bylaw shall be subject to the following fees:
 - a. Zoning Bylaw Text Amendment \$550.00
 - b. Zoning Bylaw Map Amendment – up to two (2) parcels \$550.00
 - c. Zoning Bylaw Map Amendment – three (3) or more parcels \$900.00
6. An applicant proposing an amendment to the Official Community Plan (including concept plan review) shall be subject to the following fees:
 - a. Plan Amendment \$900.00
7. In addition to the above noted fees in Sections 3,4,5 and 6 of this bylaw, the applicant shall be solely responsible for all of the costs associated with:
 - a. Satisfying public notification requirements, including the cost of notifying stakeholders and advertising;
 - b. Engagement of the necessary planning, engineering, legal or other professional expertise necessary to review an application and/or implement Council’s decision, including the cost of preparing agreements;
 - c. The cost per parcel to view land titles and plans of subdivision of the property proposed for development, amendment, or subdivision; and
 - d. Registration of an interest on the title of the property proposed for development, amendment, or subdivision as prescribed by the Information Services Corporation (Land Titles).

8. The following additional fees shall apply:
 - a. Request for Land Title Document \$20.00
 - b. Request for Plan of Subdivision \$12.00
 - c. Zoning Certification/Compliance Letter \$115.00
 - d. Review of Subdivision Applications \$270.00

9. Development Appeals Fee
 - a. Development Appeal Fee \$300.00

10. The fees in Section 7 of this bylaw may be refunded at Council's discretion, by a request of the applicant, if the cost has not yet been incurred by the RM.

11. All fees within this bylaw shall be adjusted for inflation annually (January 1st) based on the CPI, all items for Saskatchewan from October to October of the previous year.

12. All fees within this bylaw include applicable taxes.

13. All fees shall be paid with submission of the applications mentioned above to the RM office.

14. That a fee rationale report justifying this bylaw is attached as Exhibit "A".

15. This Bylaw rescinds Bylaw No. 22/14.

16. This bylaw shall come into force and have effect on and after the date of its final passing.

Read a first time on the 15th day of January, 2020.

Read a second time on the _____ day of _____, 2020.

Read a third time and adopted the ___ day of _____, 2020.

(Seal)

Reeve

Administrator

Exhibit A: Planning Fee Rationale

Summary:

The intent of this report is to provide Council with the necessary information to permit the consideration and adoption of the Planning Fee Bylaw. The *Planning and Development Act, 2007 (the Act)* enables Council to calculate planning related fees on a cost recovery basis where the costs include those associated with processing, advertising, administrating, and regulating development applications.

Background:

The proposed fees outlined in this report are intended to recover costs incurred by the RM for providing planning services to ratepayers and developers. The current planning service fees schedule was adopted with consideration for applicable costs as of 2014. The current fees, as stipulated in Bylaw No 22/14 (Table 1) are now insufficient due to inflation, increased hourly staff expenses, and several other externalities. The *Planning and Development Act, 2007* allows the RM Council to calculate and charge planning fees associated with processing permits, advertising, Administrating, and regulating planning and development applications on a cost-recovery basis.

Planning Fees

Table 1: Current Planning Fees (Bylaw No. 22/14)

Development Permit Application Fee (Permitted Use)	\$160.00
Development Permit Application Fee (Discretionary Use)	\$360.00
Zoning Bylaw Text Amendment Fee	\$480.00
Zoning Bylaw Map Amendment Fee (1-2 Parcels)	\$480.00
Zoning Bylaw Map Amendment Fee (3+ Parcels)	\$800.00
Official Community Plan Amendment	\$800.00
Minor Variance	\$125.00
Request For Land Title Document	\$15.00
Request For Plan of Subdivision	\$10.25
Zoning Certificate/Compliance Letter	\$80.00
Review of Subdivision Applications	\$240.00
Development Appeals Fee	\$300.00
Fees Associated with Public Notification/Advertising requirements	Determined per occurrence
Engagement, engineering, legal, and other professional expertise needed to review and application and/or implement Council's decision, including costs of preparing agreements	Determined per occurrence
Cost Per Parcel to View Land Titles and Plans of Subdivision of the property proposed for development, amendment, or subdivision	Determined per occurrence
Registration of an interest on Title of the property proposed for development, amendment, or subdivision as prescribed by ISC	Determined per occurrence

It is important to evaluate the costs associated with each type of application/request to ensure appropriate planning fees are determined for cost recovery purposes. Table 2 illustrates the costs associated with different planning application types.

Table 2: Relevant Considerations to Planning Fees.

	Admin Time	Meeting Costs	Council Report	Advertising	Materials/Mailing
Permitted uses	Yes	No	No	No	Yes
Discretionary uses	Yes	Yes	Yes	Yes	Yes
Minor Variance	Yes	Yes	Yes	No	Yes
Zoning Bylaw Amendments	Yes	Yes	Yes	Yes	Yes
OCP Amendments	Yes	Yes	Yes	Yes	Yes
Development Appeals	Yes	Yes	Yes	No	Yes
Zoning Certificate/ Compliance Letter	Yes	No	No	No	Yes

The Planning And Development Act 2007 gives Council the authority to adopt planning fees as a cost recovery method, as outlined in Section 51(1-5):

51(1) Subject to subsection (2), a council may, in the zoning bylaw or by a separate fee bylaw, prescribe a schedule of fees to be charged for the application, review, advertising, approval, enforcement, regulation and issuance, as the case may be, of:

- (a) a development permit;*
- (b) a discretionary use;*
- (c) a minor variance; and*
- (d) an amendment to an official community plan or zoning bylaw.*

(2) The fees prescribed pursuant to this section

(a) may be based on the size, type and complexity of matters mentioned in subsection (1); and (b) must not exceed the cost to the municipality of processing the application or of reviewing, advertising, approving, enforcing, regulating or issuing, as the case may be, the matters mentioned in subsection (1).

(2.1) If a council prescribes a schedule of fees pursuant to this section, the council shall, with the bylaw prescribing the fees, adopt a document that sets out the rationale for the fees.

(3) Before passing a fee bylaw, the council shall comply with the public participation requirements of Part X.

(4) A council is exempt from obtaining the minister's approval of the fee bylaw.

(5) The municipal administrator shall file with the director a certified copy of the fee bylaw and the document mentioned in subsection (2.1) within 15 days after the date on which the bylaw is passed.

Council has the option of including the fees in a separate fee bylaw or within the Zoning Bylaw. A separate fee bylaw is recommended for a simplified adoption process. A fee bylaw as prescribed by the Act requires compliance with the public notification policies contained within the Act - including the need for advertisement and hosting a public hearing but the bylaw does not require Ministerial approval.

The costs associated with the planning application process borne by the RM for providing these services are examined below. The approach taken to evaluate our current fee structure to determine the appropriate course of action included an examination of the administrative expenses borne by the RM for providing these services.

Administrative Cost Review

Based upon the current salary grids, the average hourly staff expense would be \$45.00/hr. The proposed fees are calculated based upon this hourly staff rate and the estimated time of processing. When fees were approved in 2014 an average staff salary of \$40/hr was utilized. Wage increases combined with the more complex applications being received, Administration is recommending an increase to planning fees.

The RM's current policy requires that the applicant cover the cost of advertising in accordance with the Act. Administration is requesting that this cost recovery requirement is maintained. The current policy also requires the applicant pay costs associated with engagement of the necessary planning, engineering, legal or other professional expertise necessary to review an application and/or implement Council's decision, including the cost of preparing agreements. Administration is requesting that this cost recovery requirement is also maintained. Neither the advertising fee nor the costs associated with third party costs include administration fees at this time and we recommend this process be maintained.

Development Approval Fees

A development permit can take one of two forms, either a permitted use or a discretionary use as defined in the Zoning Bylaw. In both instances, the cost to the Municipality differs. The staff time required to review a permitted use is estimated at 4 hours of staff time. Public notification is not required.

The staff time required for a discretionary use exceeds permitted use applications. The proposed fee would reasonably fund up to 10 hours of Planning and Public Works staff time. The process includes public notification and agency referrals as well as drafting a report to Council.

It is suggested the fees for permitted and discretionary use development permits be raised to a fee of \$180 and \$450 respectively.

Accessory Use Approval Fees

The current Planning Fees Schedule (Bylaw No. 22/14) does not address accessory use buildings, and therefore RM administration has no designated powers to charge proponents accordingly. The same administrative cost review method was applied to accessory use buildings. Staff time required for accessory uses is typically less than standard permitted/discretionary use approval fees, and therefore adjusted to 3 hours of Planning and Public Works staff time for permitted uses, and 9 hours staff time for discretionary uses.

Therefore, it is recommended that the permitted and discretionary development fees for accessory uses be raised to \$150 and \$400 respectively.

Variance Fees

The Act provides Council and/or the Development Officer with the ability to consider and approve a maximum 10% variance of the setback of a building or structure from a property line. As indicated in the Act, Council can charge a fee for service equal to the cost of providing the service which includes an application review. The staff time associated with the review and administration of a variance is estimated at 3 hours. This suggests a fee of \$140.00 in addition to any public notification costs.

Zoning Bylaw Amendment Fees

A zoning bylaw amendment can take one of two forms including a map change to a property's zoning designation as well as a textual amendment proposing to change the wording contained within the Zoning Bylaw. The staff time required to review, and write a report on, a one or two parcel zoning amendment or textual amendment, is estimated at 12 hours of staff time. Single parcel zoning amendments generally include a standard servicing agreement.

The staff time required for multi-parcel zoning amendments far exceeds standard single parcel applications. The proposed fee would reasonably fund up to 20 hours of planning and public works staff time. More time and resources are needed in drafting the appropriate development and servicing agreements. Currently the terms of the servicing agreement may require that the applicant fund the cost of creating the necessary agreements. The proposed bylaw will reinforce this requirement. If interest registration is required, the fee is determined by ISC and invoiced to proponent.

It is suggested the fees for amendments be raised to a fee of \$550 and \$900 respectively.

Plan Amendment Fees

The time and costs associated with a plan amendment are similar to the costs associated with a Zoning Bylaw amendment. The staff time to review an application and prepare notifications and Council report is estimated at 20 hrs. It is suggested that the fee for amendments be raised to \$900.00.

Zoning Compliance Certificates

A compliance certificate is a service provided to potential landowners along with current landowners prior to the sale or purchase of a property. The compliance certificate will state whether the current buildings on the land comply with the Zoning Bylaw. Currently the staff doesn't always receive a Real Property Report showing building locations on the property. Typically they receive requests to ensure that the buildings on the property comply with the zoning bylaw but without a survey showing what is actually located on the property, and setbacks shown, it is difficult for staff to ensure the buildings comply. Once Staff receives a Real Property Report prepared by a Saskatchewan Land Surveyor, Staff must review the files to confirm that the current use of the land and building setbacks comply. Time allotted to the search and preparation of the compliance letter is 2 hours - \$90 fee.

Review of Subdivision Applications

Currently the RM does not charge for review of applications referred by Community Planning. Staff must review the application, prepare the report to Council, and finally report back to Community Planning. The average time to complete the work required is approximately 6 hours. We recommend that a fee of \$270 be added to the Planning Fees Bylaw to cover administration time.

Development Appeal Fees

When an individual proceeds to appeal a decision by council, the fee will be \$300.00. This fee is to cover costs associated with processing an appeal. This is the maximum fee allowable under section 220(1)(d)(ii) of *The Planning and Development Act, 2007* (the PDA).

ISC Requests

Information Services Corporation (ISC) website. A title of land is needed; for example, to determine if there is an easement on the property. A plan of subdivision is needed; for example, to determine when

a parcel was subdivided. These requests create a cost borne by the RM. This cost should be borne by those requesting the service. The suggested fee of \$20 for a land title, and \$12.00 for a plan of subdivision, will cover the cost charged by ISC to view the information as well as small administrative charge to cover staff time. Any interest the RM may have toward towards a development will need to be registered. Interest registration will be determined by ISC and invoiced to the proponent.

Additional Information

The proposed fees are comparable with current RM fees and other similar jurisdictions in the Province.

Conclusion

The proposed fees, as calculated in this report, will cover the costs associated with the planning application process borne by the RM for providing these services, while simultaneously respecting the Municipality's sphere of jurisdiction as outlined in the *Planning and Development Act*. If, as the RM moves forward, they find that the resources required are not equal to the fees required in this bylaw, these number may be adjusted. An inflation factor is built into the fee schedule bylaw that automatically updates the fees annually to reflect inflationary adjustments (11.).