

To: Economic and Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-22-216

Date of Report: November 23, 2022

Date of Meeting: November 28, 2022

Subject: Changes to Planning Review and Approvals Processes and Fees

Ward: All Wards

File: 12-03-3524

1.0 Purpose

The purpose of this Report is to:

- Obtain Council authorization to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to the Oshawa Official Plan (“O.O.P.”) related to complete application requirements, mandatory pre-consultation and holding symbol conditions;
- Recommend that Council approve several amendments to the City’s General Fees and Charges By-law 13-2003, as amended, related to planning application fees;
- Recommend that Council approve an amendment to the City’s Site Plan Control By-law 137-89, as amended, to exempt certain classes of development from requiring site plan approval;
- Recommend that Council approve amendments to the City’s Delegation of Authority By-law 29-2009, as amended, to delegate the determination of complete applications and the approval of plans and drawings submitted with a site plan application to the Commissioner of Economic and Development Services and/or the Director of Planning Services; and,
- Recommend that Council adopt a new policy regarding notices of complete application.

For the purpose of this Report, certain elements of the above actions are being recommended in response to certain amendments made by the Province to the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) in recent years, including those amendments resulting from Bill 109, “More Homes For Everyone Act, 2022, S.O. 2022, c. 12”

("Bill 109"). Other elements of the above recommendations are intended to improve the City's ability to respond to planning applications in an appropriate and timely manner.

The December 12, 2022 Council Agenda includes a separate but related report (CNCL-22-79) regarding increases to the General Fees and Charges By-law.

This Report includes a recommendation that Council waive the notice requirements of the Notice By-law while the related report (i.e. CNCL-22-79) does not. This situation has arisen owing to the date of this Report, the publication dates of the newspaper and the formation and scheduling of standing committees on November 15, 2022. While it was possible to provide notice of Report CNCL-22-79, it was not possible in this case. Nevertheless, staff have provided notice of the changes contemplated in this Report to the Building Industry Liaison Team and the Durham Region Home Builders' Association.

Previous staff report DS-22-83 on Bill 109 can be found at the following link: <https://pub-oshawa.escribemeetings.com/filestream.ashx?DocumentId=7207>.

A copy of Bill 109 which received Royal Assent on April 14, 2022 can be found at the following link: https://www.ola.org/sites/default/files/node-files/bill/document/pdf/2022/2022-04/b109ra_e.pdf.

Attachment 1 to this Report is a proposed amendment to the O.O.P. to introduce additional requirements to remove a holding symbol, to introduce a mandatory requirement to consult with the City before submitting an application and to add a new policy regarding what constitutes a complete application.

Attachment 2 is a proposed amendment to the General Fees and Charges By-law to advance new fees and charges required owing to the implementation of Bill 109.

Attachment 3 is a proposed amendment to the Site Plan Control By-law 137-89, as amended.

Attachment 4 contains the proposed amendments to Delegation of Authority By-law 29-2009, as amended.

Attachment 5 to this Report is a comparison of Planning Application Fees for the lakeshore municipalities in Durham Region.

Attachment 6 to this Report is a proposed policy for issuing notices of complete applications for zoning by-law amendments, official plan amendments, draft plans of subdivision and draft plans of condominium.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-22-216 dated November 23, 2022, the Economic and Development Services Department be authorized to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to

the Oshawa Official Plan, and to consider a Mandatory Consultation By-law, generally in accordance with Section 5.2 and Attachment 1 to said Report.

2. That, pursuant to Report ED-22-216 dated November 23, 2022, the amendments to the General Fees and Charges By-law 13-2003, as amended, be approved and the amending by-law be passed generally in accordance with Attachment 2 to said Report and that the requirement for public notice (including newspaper advertisements) in Notice to the Public By-law 147-2007, as amended, be waived due to timing limitations and the urgent nature of the matter.
3. That, pursuant to Report ED-22-216 dated November 23, 2022, the amendments to Site Plan Control By-law 137-89, as amended, be approved and the appropriate amending by-law be passed generally in accordance with Attachment 3 to said Report.
4. That, pursuant to Report ED-22-216 dated November 23, 2022, the amendments to Delegation of Authority By-law 29-2009, as amended, be approved and the appropriate amending by-law be passed generally in accordance with Attachment 4 to said Report.
5. That, pursuant to Report ED-22-216 dated November 23, 2022, the proposed policy for issuing notice of complete applications for zoning by-law amendments, official plan amendments, draft plans of subdivision and draft plans of condominium be approved generally in accordance with Attachment 6 to said Report.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

4.1 Other Departments and Agencies

The following were consulted in the preparation of this Report:

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- City Solicitor

4.2 Public

In the event Council approves Part 1 of the recommendation in Section 2.0 of this Report, a public meeting will be advertised and held, pursuant to the Planning Act, on the proposed amendments to the O.O.P. as outlined in Section 5.2 and Attachment 1.

4.3 Other Departments and Agencies

In the event Council approves the recommendations in Section 2.0 of this Report, other departments, agencies and the Building Industry Liaison Team including the Durham Region Home Builders' Association will be circulated the proposed amendments to the

O.O.P. as outlined in Section 5.2 and Attachment 1 for review and comment as part of the formal amendment process.

5.0 Analysis

5.1 Planning Act Changes resulting from Bill 109

Bill 109 resulted in several amendments to the Planning Act. The stated purpose of Bill 109 by the Province is to have homes built faster by expediting approvals and providing increased certainty of development costs to developers.

One of the changes has the effect of requiring municipalities to partially or fully refund application fees to applicants if the municipality does not make a decision on their Zoning By-law Amendment (“Z.B.A.”) application within 90 days of the submission of the complete application or 120 days if submitted concurrently with an Official Plan Amendment (“O.P.A.”) application. Any refund would be provided on a graduated basis for applications made on or after January 1, 2023. The fee refund structure is as follows:

Table 1: Refund Structure for Zoning By-law Amendment Applications

Time Period for Decision (Days) – Standalone Z.B.A.	Time Period (Days) – Combined O.P.A. and Z.B.A.	Fee Refund (%)
90 or less	120 or less	0
91 to 149	121 to 179	50
150 to 209	180 to 239	75
210 or more	240 or more	100

An applicant also has the right to appeal to the Ontario Land Tribunal (“O.L.T.”) if the municipality fails to make a decision on a complete Z.B.A. application within 90 days of the submission of the complete application or within 120 days if it is combined with an O.P.A. These timelines are consistent with the current requirements of the Planning Act.

Similarly, another change has the effect of legislatively requiring municipalities to partially or fully refund application fees to applicants if the municipality does not approve plans and drawings submitted with a site plan application within 60 days of the submission of the application and on a graduated basis thereafter for applications made on or after January 1, 2023. The fee refund structure is as follows:

Table 2: Refund Structure for Site Plan Approval Applications

Time Period for Approval (Days)	Fee Refund (%)
60 or less	0
61 to 89	50
90 to 119	75
120 or more	100

An applicant also has the right to appeal to the O.L.T. if the municipality fails to approve the plans and drawings submitted with a site plan application within 60 days of the submission of the application.

Applications submitted before January 1, 2023 are not affected by the changes to the Planning Act related to refunds.

Other Bill 109 changes to the Planning Act include:

- Requiring decisions on an application for Site Plan approval to be delegated to staff for applications made on or after July 1, 2022;
- Extending an application for site plan approval review from 30 to 60 days;
- Applying complete application requirements to site plan approval applications; and,
- Establishing regulation-making authority for the Minister of Municipal Affairs and Housing to prescribe complete application requirements for an application for site plan approval.

Planning Services undertook an analysis by applying the automatic refunds for any applications to amend the City's Zoning By-law 60-94, as amended ("Zoning By-law 60-94") or for site plan approval received from January 2022 to September 2022. During this nine-month period, the City received approximately \$523,000 in planning application fees for site plans and rezonings. Given the current timelines for decisions to be made on zoning by-law amendment applications or site plan applications, it is anticipated that 100% of the related application fees would have been refunded to the applicants had Bill 109 been in effect.

On April 25, 2022, Council adopted the recommendations of Report DS-22-83 dated April 6, 2022 from the Commissioner of Development Services and authorized staff to forward comments to the Province in regards to Bill 109. The City's comments noted that it appears the amendment to the Planning Act regarding application fee refunds was being advanced under the assumption that delays in the approval of a Z.B.A. or site plan application are as a result of delays caused by municipalities or approval authorities. The amendment does not take into consideration the fact that a large proportion of applications that are delayed are delayed for reasons that are outside the control of the municipality. It should be noted that municipalities are obligated to address various matters of provincial interest as part of their decision-making process. A number of Z.B.A. applications are very complex and are related to concurrently proposed draft plans of subdivision which themselves are complex and involve multiple matters of provincial interest.

Development application fees are collected by the City as a means of cost recovery for costs associated with processing and reviewing applications. This is based on the principle of "development paying for development". City staff often rely on others to respond in a timely manner in order to advance a recommendation report on an application to City Council for a decision. These "others" include, but are not limited to, the applicants themselves and their consultants, external commenting agencies such as the Central Lake Ontario Conservation Authority and other government agencies such as the Region of

Durham or Provincial ministries. The result of Bill 109 will be that regardless of the cause of a delay in the planning application review process, the City and its taxpayers will be made financially responsible for those delays. Similar comments have been expressed by municipalities across Ontario.

An obtuse example would be a developer submitting a site plan approval application in the amount of \$60,000 and then instructing their consultant to delay responses to questions and concerns from City staff and other technical agencies such that the developer could then recoup their \$60,000 application fee.

5.2 Proposed Amendments to the Oshawa Official Plan

A number of amendments to the O.O.P. are proposed and outlined in Attachment 1 to this Report. These amendments are intended to implement the legislative requirements of Bill 109 while also strengthening the City's position to respond to the changes. The goal is to remain as one of the top performing municipalities in the Greater Toronto Area in terms of planning application processing times.

5.2.1 Expanded List of Holding Symbol Conditions

The Planning Act requires that for a holding symbol and related conditions to be imposed on the zoning of a parcel of land, the upper or lower tier municipality must have policies in their official plan.

The proposed amendment to O.O.P. Policy 9.3.4 contained in Attachment 1 expands upon the list of requirements that may be imposed as a condition of a holding symbol. A holding symbol is used in situations where the specific future use of land is known or approved, but development of the use is premature until certain requirements have been met.

Typical holding conditions include that site plan approval is obtained from the City, that appropriate arrangements for the provision of adequate sanitary, water, storm and transportation services are undertaken, and that various studies such as noise, environmental and archeological assessments are undertaken.

With Bill 109 requiring refunds of planning application fees for non-decisions on Z.B.A. applications, staff will have to attempt to make recommendations to Council on these applications faster such that Council can make a decision within 90 days to ensure that the entire fee is to be retained by the City. The implementation of holding symbols can help the City approve appropriate applications sooner, with certain conditions being fulfilled subsequently (e.g. noise study, archaeological assessment, etc.).

Therefore, it is appropriate to amend the O.O.P. to update the potential list of conditions for which a holding symbol can be implemented.

Attachment 1 is a proposed O.P.A. containing recommended changes to Policy 9.3.4 to expand the list of potential conditions for use of a holding symbol in the zoning of a parcel of land.

In circumstances where City staff cannot support a Z.B.A. application even with conditions, staff may bring forward a recommendation report for denial at the Planning Act Public Meeting or as soon as possible.

5.2.2 Mandatory Pre-Consultation

Pre-consultation is a process where a development proponent can submit preliminary plans for a potential redevelopment to the City for review and discussion and identification of City standards, by-laws and policies applicable to the site or development, and identification of plans and reports required to be submitted with the potential future planning application by the development proponent.

The City's current pre-consultation process is not mandatory. Therefore, a development proponent may submit a planning application to the City without first consulting with the City on the proposed plans. The City's current non-mandatory pre-consultation process is as follows:

- Development proponent submits a pre-consultation request through the City's website. The submission includes, at minimum, a preliminary site plan showing the proposed site design, building massing (e.g. height, setbacks, etc.), driveway access(es), unit counts and parking supply, a cover letter overviewing the preliminary proposal, and the payment of the City's pre-consultation fee.
- Planning Services staff circulate the pre-consultation submission to various branches, departments and external agencies for review and comment.
- Planning Services prepares planning comments and compiles branch, department and external agency comments, and prepares a list of the plans and reports that will be required to be submitted by the proponent with their future planning application(s) in order for the application(s) to be determined as "complete".
- A meeting between Planning Services, the proponent and their consultants, and other relevant staff from other branches, departments and external agencies may be held to discuss key comments and submission requirements.

The Planning Act states that municipalities may, by by-law, require applicants to consult with the municipality before submitting an application for site plan approval, approval of a proposed draft plan of subdivision or a proposed draft plan of condominium, a Z.B.A. and/or an O.P.A. (i.e. mandatory consultation).

The proposed amendment to Section 9 of the O.O.P. would create a new Subsection 9.18 entitled "Pre-Consultation" which will require a prospective applicant who is intending to submit one or more of the above-noted applications to undertake formal pre-consultation with the City before submitting the application(s).

Bill 109 requires refunds of planning application fees for non-decisions on Z.B.A. applications and for not approving applications for site plan approval within strict timelines. Accordingly, it is the opinion of staff that mandating pre-consultation take place and requiring more discussion prior to the formal submission of an application is prudent and

will reduce the review timelines once the formal application is submitted. Enhancements to the pre-consultation process are also anticipated to improve the quality of the applications being submitted to the City.

Therefore, it is appropriate to amend to the O.O.P. to outline the basis for a mandatory pre-consultation by-law. Attachment 1 is a proposed O.P.A. containing recommended policies for mandatory pre-consultation.

If Council authorizes this Department to initiate the statutory public process under the Planning Act for Council to consider proposed City-initiated amendments to the O.O.P., a draft Mandatory Consultation By-law will be prepared for consideration concurrently with the amendment to the O.O.P.

This Report further recommends updated fees for pre-consultation (see Attachment 2).

The Mandatory Consultation By-law will outline the following general parameters for pre-consultations going forward:

Stage 1:

- The Stage 1 portion of the mandatory pre-consultation will mirror the current pre-consultation process of circulating the preliminary submission to branches, departments and external agencies for comments and identification of submission requirements for a future planning application(s), with a meeting for discussion if necessary.
- Stage 1 will require a fee.

Stage 2:

- Subsequent to the provision of comments as part of Stage 1, the proponent will be required to submit a revised preliminary plan and a request for meeting with City and agency staff.
- This Stage 2 meeting will provide the proponent an opportunity to demonstrate to City staff and external agencies how the preliminary plan has or has not changed as a result of Stage 1 comments and discussion.
- Stage 2 is also an opportunity to further discuss and clarify Stage 1 comments and requirements.
- Stage 2 will include a specific fee. The recommended Stage 2 fee will only be required to be paid if the proponent moves to Stage 2. If the proponent abandons their project after Stage 1, they will not have paid for Stage 2.

Stage 3:

- Stage 3 will require the applicant to submit a checklist outlining the plans and reports the City identified as required to support the application, and the plans and reports the proponent intends to submit with the application.

- Stage 3 provides a last opportunity for the proponent to confirm the plans and reports they are submitting will be sufficient to constitute a “complete application” to the extent determined through the pre-consultation process, and provides City staff an opportunity to verify submission requirements identified during the pre-consultation process and application fees with the proponent.

A pre-consultation will only be valid for one year following the completion of Stage 2. If a planning application is not submitted within one year, the proponent will be required to submit another pre-consultation request and start from Stage 1 again.

If a proponent changes their plans substantially, a new pre-consultation will be required starting at Stage 1.

5.2.3 Complete Application Submission Requirements

The Planning Act states that a municipality may require an applicant to submit information or material (e.g. plans, drawings, reports, studies) that it considers necessary to properly consider applications for Z.B.A.s, O.P.A.s, draft plans of subdivision, draft plans of condominium and site plan approval.

The Planning Act requires that for complete application requirements to be imposed, the upper or lower tier municipality must have policies in their official plan.

The proposed amendment to Section 9 would create a new Subsection 9.19 entitled “Complete Application” that would identify various studies, plans or other information to be submitted in support of the above-noted types of applications, prior to that application being considered complete.

With Bill 109 requiring refunds of planning application fees for non-decisions on applications to amend Zoning By-law 60-94 or for Site Plan approval, staff opinion is that requiring complete applications and identifying the various studies, plans, materials or other information to be submitted in support of a complete application is prudent and will reduce the review timelines once the formal application is submitted.

Therefore, it is appropriate to amend to the O.O.P. to add complete application policies.

Attachment 1 is a proposed O.P.A. containing recommended policies for complete applications.

Bill 109 also amended the Planning Act to stipulate that municipalities must now make a determination within 30 days of receiving a site plan application as to whether the application is complete or not.

Item 50 of the Delegation of Authority By-law 29-2009, as amended, delegates the authority to determine the completeness of applications for O.P.A.s, Z.B.A.s, draft plans of subdivision and draft plans of condominium to the Commissioner of Development Services or the Director of Planning Services (see Attachment 4). It is recommended that the determination of the completeness of site plan applications be added to Item 50. The recommended change is shown in red font in Attachment 4.

If the City determines an application is not “complete” under the Planning Act, the applicant has the right to submit an appeal to the O.L.T. for the O.L.T. to determine whether all required materials have been submitted.

5.3 Proposed Amendments to the General Fees and Charges By-law

A number of amendments to the General Fees and Charges By-law, as amended, are proposed, as outlined in Attachment 2 to this Report. These amendments are intended to implement the legislative requirements of Bill 109 while also strengthening the City’s corporate position to respond to the Province-initiated legislated changes and continue to remain one of the top performing municipalities in the Greater Toronto Area in terms of planning application processing times. It will also more closely align the City’s planning application fees with those charged by the other Durham Region lakeshore municipalities.

5.3.1 Comparison of Planning Application Fees

Attachment 5 is a table that provides a summary and comparison of the planning applications fees collected by each of Durham Region’s five lakeshore municipalities for a variety of complex planning applications.

The table demonstrates that although the City of Oshawa is the largest municipality in the Region of Durham and experienced the greatest population growth between 2016 and 2021, the City collects one of the lowest fees for the various complex applications noted above.

5.3.2 Proposed Amendments to Planning Application Fees

As per note 7.1 of the General Fees and Charges By-law 13-2003, as amended (“Fees By-law”), on January 1, 2015 and on the first day of January of each year thereafter, each of the fees in Schedule “D” of said by-law shall increase by 3% per year, compounded annually, rounded up to the nearest dollar or penny as the case may be, where applicable.

As per the comparison chart in Attachment 5, the City of Oshawa collects low planning application fees for the various complex applications when compared to other Durham lakeshore municipalities.

Based on the legislative changes regarding fee refunds through Bill 109, the comparison of planning application fees for Durham Region’s lakeshore municipalities, and the potential requirement to refund planning fees, the changes in Table 3 below are recommended to be made to Schedule “D” of the General Fees and Charges By-law. The recommended 2023 fees are shown in Attachment 2.

On December 12, 2022, Council will consider a related report (CNCL-22-79) regarding other changes to the General Fees and Charges By-law that are not related to Planning Fees. Both sets of changes would form a singular by-law to amend General Fees and Charges By-law 13-2003, as amended, for Council’s consideration on December 12, 2022. A notice was published in the Oshawa This Week newspaper on November 17 and 24, 2022 in accordance with the Notice to the Public By-law 147-2007, as amended, advising

that changes to the General Fees and Charges By-law would be considered by Council on December 12, 2022.

Table 3 below provides a high level overview of the changes to the General Fees and Charges By-law which has been sanitized owing to spacing limitations in the Report. Attachment 2 to this Report contains the complete text of the proposed changes.

Table 3: Summary of Changes to Planning Application Fees

Note: A fee amount followed by an asterisk (“*”) represents a 3% increase over the 2022 Fees. All other fees represent a fee which has been increased to reflect a fee that is more aligned with the City’s municipal comparators.

Current Fee Title	Revised Fee Title	Current Fee (through December 31, 2022)	Proposed Fee (Effective January 1, 2023)	Justification
Official Plan and/or Part II Plan and/or Secondary Plan Amendment Application	Not applicable	\$16,471	\$25,000	Increase the fee to a rate comparable to the City’s municipal comparators
Application for Z.B.A.	Application for Z.B.A.: Minor – Any application that is not Major	\$10,139	\$10,444*	Allows fees to be charged on basis of complexity
Not applicable	Application for Z.B.A.: Major – Any application with a related O.P.A., Draft Plan of Subdivision or common Element Draft Plan of Condominium, or site has an area of 1 ha or more	Not applicable	\$20,000	Allows fees to be charged on basis of complexity
Joint Applications to Amend the Official Plan and/or Part II Plan and/or Secondary Plan and Zoning By-law	Not applicable	\$20,488	Not applicable	Deleting the combined fee advances the requirements of Bill 109 for Z.B.A. refunds in certain circumstances

Current Fee Title	Revised Fee Title	Current Fee (through December 31, 2022)	Proposed Fee (Effective January 1, 2023)	Justification
Application for Draft Approval or Amendment to Draft Approval for Condominiums	Application for Draft Approval or Amendment to Draft Approval for Condominiums other than common elements condominium	\$11,406	\$11,749*	Not applicable
Not applicable	Application for Draft Approval or Amendment to Draft Approval for Common Element Condominiums	Not applicable	\$15,000	Introducing this fee is appropriate since Common Element Condominiums require more staff time including a Public Meeting and related staff report
Application to remove "h" Holding Symbol	Not applicable	\$3,298	\$4,500	Bill 109 necessitates more frequent use of holding symbols and increases their complexity
Application for Draft Plan Approval or Amendment to Draft Approval for Subdivisions	Not applicable	\$15,131 plus \$0.40 per square metre of land area	\$35,000 plus \$450 per unit/block for the first 200 units/blocks and \$250 per unit/block over 200 units/blocks	Increase the fee to a rate comparable to the City's municipal comparators

Current Fee Title	Revised Fee Title	Current Fee (through December 31, 2022)	Proposed Fee (Effective January 1, 2023)	Justification
Pre-consultation fee for draft plan of subdivision, draft plan of condominium, O.P.A, Z.B.A. and/or site plan approval applications	Not applicable	\$1,126 per development proposal per meeting	\$1,750 per proposal per meeting \$500 per proposal per meeting for Stage 2 pre-consultation	Bill 109 highlights the importance of pre-consultations and their complexity
Application for Site Plan Approval or Amendment to Site Plan Approval	Not applicable	Non-residential: \$4,057 plus \$0.40 per square metre of land area Residential: \$4,057 plus \$347 per unit The maximum total fee for the per unit fees is \$34,208 Fee for residential development containing fewer than three dwelling units and for farm buildings or structures located within the Oak Ridges Moraine shall be \$371	Non-residential: \$5,500 plus \$0.42* per square metre of land area Residential: \$5,500 plus \$358* per unit The maximum total fee for the per unit fees is \$75,000 Fee for residential development containing fewer than three dwelling units and for farm buildings or structures located within the Oak Ridges Moraine shall be \$383*	Applications for site plan approval are becoming more complex, take more staff time and require greater staff resources than in the past
Application for Site Plan Agreement or Amendment to Site Plan Agreement	Not applicable	\$2,536	\$4,000	Site plan agreements are becoming more complex and require additional staff time and resources

5.4 Proposed Amendments to Site Plan Control By-law 137-89, as amended

As a result of Bill 109, a number of amendments to Site Plan Control By-law 137-89, as amended, are proposed, as outlined in Sections 5.4.1, 5.4.2 and Attachment 3 to this Report. These amendments are intended to implement the legislative requirements of Bill 109 while also strengthening the City's corporate position to respond to the changes and continue to remain one of the top performing municipalities in the Greater Toronto Area in terms of planning application processing times.

5.4.1 Conditional Approval of Site Plans

Bill 109 requires mandatory refunds for applications for site plan approval where plans and drawings are not approved within the statutory timelines under the Planning Act. Historically, site plan approval timelines in the City take more than 180 days.

In order to approve appropriate plans and drawings for site plan approval applications faster, staff recommend a change to the administration of site plan approval applications such that the Commissioner of Economic and Development Services or the Director of Planning Services would conditionally approve plans and drawings for appropriate development.

This conditional approval for site plan applications would be similar to holding symbol conditions and conditional approval for severances. These conditional approvals follow the principle of approving the proposal generally subject to the fulfillment of a variety of conditions, such as designing servicing infrastructure and grading to the satisfaction of the City, the Region of Durham and the Central Lake Ontario Conservation Authority, designing the landscaping to the satisfaction of the City, completing and implementing a noise mitigation study, entering into a site plan agreement with the City, etc.

With the issuance of conditional approval within 60 days of receipt of the application, the City is not required to refund the fees submitted with the application for Site Plan approval and can continue to process the file. The applicant may be given a timeframe to satisfy the conditions imposed.

Without implementing a conditional approval system, it is not reasonable for the City to approve plans and drawings submitted with an application for site plan approval within 60, 90 or 120 days.

Therefore, it is appropriate to amend the Delegation of Authority By-law 29-2009, as amended, to delegate authority to staff to approve appropriate plans and drawings submitted with site plan applications.

The Delegation of Authority By-law 29-2009, as amended, currently delegates certain approvals related to site plan approval applications. These are outlined in Attachment 4.

The recommended changes to the Delegation of Authority By-law 29-2009 are outlined in red font and strikethrough font in Attachment 4.

In circumstances where plans and drawings for a particular development cannot be supported and approved by staff on a conditional basis, the applicant may be entitled to a partial or full refund on the site plan approval application fees. In response, the applicant could either appeal to the O.L.T. for the failure of the City to approve the plans and drawings, or file a new site plan application and fees to the City with revised plans and drawings.

5.4.2 Forms of Development Excluded from Site Plan Control

The Site Plan Control By-law currently excludes certain forms of development from site plan control and the need to submit a site plan approval application. To reduce the number of applications for site plan approval being submitted to the City, staff recommend the items in the table below be exempt from the requirement to submit a site plan approval application. This change can encourage appropriate small-scale development, and allow staff to focus on more complex applications.

Table 4: Summary of Changes to Site Plan Control By-law 137-89

Type of Development to be Excluded	Justification
<p>The Site Plan Control By-law currently exempts residential developments containing fewer than three dwelling or lodging units, including any accessory buildings or structures.</p> <p>It is recommended that residential development containing fewer than four dwelling or lodging units be exempt.</p>	<p>A common form of infill development in the City are newly constructed triplexes (3 unit apartment buildings) or conversion of buildings from single detached dwellings to triplexes.</p> <p>Staff experience is that this form of development, where compliant with Zoning By-law 60-94 or any Committee of Adjustment decision, can be accommodated with little or no oversight by Planning Services and can instead be accommodated through the building permit process and site alteration process.</p> <p>Therefore, it is appropriate to amend the Site Plan Control By-law accordingly.</p>
<p>The Site Plan Control By-law currently requires most non-residential development to submit a site plan approval application.</p> <p>Conversions of residential buildings to mixed use or non-residential can include minor additions of less than 50% of the existing ground floor area (up to a maximum of 100m²). These can include conversion of houses to ground floor offices or personal service establishments (e.g. hair salon) with 2nd storey</p>	<p>A form of small-scale infill development in the City are conversions of existing residential buildings to mixed-use residential/commercial buildings or fully converted non-residential buildings (commercial use, office use, etc.).</p> <p>Staff experience is that this form of development can be accommodated with little or no oversight by Planning Services and can instead be accommodated through the building permit process (interior renovations and exterior additions,</p>

Type of Development to be Excluded	Justification
apartments, where they comply with Zoning By-law 60-94.	including accessibility elements) and site alteration process (new additions, new parking areas, etc.). Therefore, it is appropriate to amend the Site Plan Control By-law to exempt buildings undergoing small-scale conversion.

5.5 Notice of Complete Applications

The Planning Act requires municipalities to notify the public of the receipt of a complete application to amend the Official Plan, Zoning By-law, approval of a Draft Plan of Subdivision or approval of a Common Element Draft Plan of Condominium within 15 days of deeming the application complete. This notice of a complete application can be undertaken on its own, or in combination with a notice of a public meeting.

The Planning Act requires that a municipality undertake at least one of the following two methods for giving notice of a public meeting or complete application:

1. A sign(s) is installed on the subject site and all property owners within 120 metres (400 ft.) of the subject site receive notice in the mail; or,
2. A notice is published in the local newspaper.

The City has not adopted a policy for giving notice of a complete application.

Current Council policy for notice of a public meeting is that a notice is published in the local newspaper, sign(s) are installed on the subject site and all property owners within 120 metres (400 ft.) of the subject site receive the notice in the mail. The notice is also posted on the City's website and communicated through its news feed to subscribers and through the Corporate Twitter and Facebook social media accounts.

The recommended policy for giving notice of complete application is attached to this Report as Attachment 6. This recommended policy will require staff to give notice in the following methods:

1. Installation of a sign(s) on the subject site;
2. Mailing of the notice to all property owners within 120 metres (400 ft.) of the subject site; and,
3. Posting the notice on the City's website and communicated through its news feed to subscribers and through the Corporate Twitter and Facebook social media accounts.

The recommended policy for giving notice of a complete application does not include publishing the notice in the local newspaper. It is not required by the Planning Act if the notice has been posted on the subject site and mailed to property owners within 120 metres (400 ft.) of the subject site. The additional time and administration for Planning Services and Corporate Communications related to publishing the notice in the newspaper is substantial and can instead be spent reviewing and processing the application. Also,

publishing the notice in the newspaper may result in a delay in issuing the notice to the public because of the administration and coordination needed with the newspaper and the fact that advertising in the newspaper is only possible once per week. It is staff's opinion that there is little value added to publishing notice of a complete application in the newspaper.

5.6 Other Process Improvements

The changes outlined in Sections 5.2, 5.3, 5.4 and 5.5 of this Report are those that require approval from the Economic and Development Services Committee and Council.

In addition to the amendments proposed in this Report, Planning Services staff have undertaken a review of the branch's current approval processes and will undertake various process improvements to improve timelines.

Staff will make these process improvements while at the same time ensuring that only developments that are considered good planning continue to garner staff support. Conversely, if the proposed development is not considered good planning staff will continue to recommend denial of such applications.

Process improvements include but are not limited to:

- Updating Zoning By-law 60-94 to allow for appropriate intensification in more areas in accordance with the Durham Regional Official Plan and the O.O.P., thereby reducing the number of Z.B.A. applications. Amendments to Zoning By-law 60-94 require a statutory public meeting and Council approval. Staff will bring forward potential amendments at an appropriate time.
- Consulting and communicating with the Region of Durham, the Central Lake Ontario Conservation Authority and other commenting agencies or City Departments to ensure municipal review timelines are adhered to. These review agencies will be advised that if municipal review timelines are not adhered to, decisions on an application may need to be made in the absence of their comments;
- Using more holding symbols and implementing conditions to help approve a Z.B.A. application within 90 days (or 120 days if combined with an O.P.A. application). Conditions that are not consequential to the principle of the land use, building massing, parking, etc. will be addressed subsequent to the approval of the Z.B.A. application;
- Bringing forward a recommendation report for denial at the Planning Act public meeting or as soon as possible in the event that a Z.B.A. application is not supported by staff; and,
- Identifying and tracking review and refund timelines associated with Z.B.A. applications, including comparing these timelines to future Economic and Development Services Committee and Council agendas to ensure public meetings are held as soon as possible and Council has an opportunity to make a decision on an application within 90 days of submission (or 120 days if combined with an O.P.A. application).

6.0 Financial Implications

Anticipated costs associated with the proposed amendments to the O.O.P., Delegation of Authority By-law and Site Plan Control By-law and passing a new Mandatory Consultation By-law are included in the appropriate 2022 and 2023 Departmental budgets and relate primarily to newspaper advertising costs for any public meeting and the passing of any by-laws.

The anticipated financial implications are substantial as a result of potential development application fee refunds to applicants for Z.B.A. applications and site plan approval applications.

Development application fees are intended to help recover costs related to the processing and review of development applications, such as staffing. If an applicant is refunded their application fees, regardless of whom caused the delay, the cost to refund the developer would be borne entirely by the City and its taxpayers.

Without process improvements, the City may have to refund up to approximately \$600,000 annually in Z.B.A. and site plan approval application fees.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendation advances the Accountable Leadership goal and Economic Prosperity and Financial Stewardship goal of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department

Proposed Amendment to the City of Oshawa Official Plan

Purpose:

The purpose of this Amendment to the City of Oshawa Official Plan is to:

1. Amend Section 9, Implementation, of the Oshawa Official Plan by amending Policy 9.3.4 to specify additional requirements that shall be satisfied, as appropriate, prior to a holding symbol being removed to allow development to proceed;
2. Amend Section 9, Implementation, of the Oshawa Official Plan by adding a new Section 9.18, Pre-Consultation, that creates a mandatory requirement for an applicant intending to submit an application to amend the Oshawa Official Plan and/or Zoning By-law 60-94, for approval of a proposed Draft Plan of Subdivision and/or a proposed Draft Plan of Condominium, or for Site Plan Approval to consult with the City before submitting an application; and
3. Amend Section 9, Implementation, of the Oshawa Official Plan by adding a new Policy 9.19, Complete Application, that specifies the types of studies, plans, material and other information that may be required for an application to amend the Oshawa Official Plan and/or Zoning By-law 60-94, for approval of a proposed Draft Plan of Subdivision and/or a proposed Draft Plan of Condominium, or for Site Plan Approval to be determined complete.

Location:

This Amendment is general in nature and applies to the City as a whole.

Basis:

The Council of the Corporation of the City of Oshawa is satisfied that this Amendment to the City of Oshawa Official Plan, as amended, is appropriate.

Actual Amendment:

The City of Oshawa Official Plan is hereby amended by:

1. Amending Policy 9.3.4 by:
 - Deleting the word “and” at the end of paragraph (h);
 - Deleting the period “.” at the end paragraph (i) and replacing with a semi-colon “;” and;
 - Adding new paragraphs (j) and (k) as follows:

“(j) That a subdivision, condominium or any other development agreement required by the City be fully executed by all parties; and

- (k) That any studies, plans, material or other information that may be required pursuant to Policy 9.19.3 of this Plan be submitted and deemed satisfactory by the City as a condition of a holding symbol being removed.”

2. Adding a new Policy 9.18, Pre-Consultation, as follows:

“9.18 Pre-Consultation

- 9.18.1 Applicants shall consult with the City prior to submitting an application to amend the Oshawa Official Plan and/or the Zoning By-law, for approval of a proposed Draft Plan of Subdivision, and/or a proposed Draft Plan of Condominium, or for Site Plan Approval.
- 9.18.2 One or more pre-consultation meetings will be held with City staff and any other government agency or public authority that the City determines appropriate.
- 9.18.3 Through the pre-consultation process, the City shall identify a scoped list of studies, plans, material and other information as set out in Policy 9.19.3 that are required for the application to be determined complete. Notwithstanding the scope of this list, further additional information may be required to be submitted to the satisfaction of the City pursuant to Policy 9.19.2 of this Plan for the application to be determined complete.
- 9.18.4 The City in consultation with applicable agencies may also prepare terms of reference for any of the required studies, which set out the required study information and analyses.
- 9.18.5 The studies, plans, material and/or background information required to accompany a request for a Pre-Consultation meeting to be arranged shall be outlined in a Pre-Consultation By-law.”

3. Adding a new Policy 9.19, Complete Application, as follows:

“9.19 Complete Application

- 9.19.1 The City may require any combination of the studies, plans, material or other information outlined in Policy 9.19.3 of this Plan to be submitted in support of an application to amend the Oshawa Official Plan, an application to amend the Zoning By-law, an application for approval of a proposed Draft Plan of Subdivision, an application for approval of a proposed Draft Plan of Condominium or an application for Site Plan Approval, prior to that application being determined to be complete.
- 9.19.2 In order for an application to be determined to be complete, the City, at its sole discretion, may require the submission of any additional or supplementary studies, plans, material or other information among those listed under Policy 9.19.3 of this Plan, in the event that the City determines such is required to address, to the City’s satisfaction, an information gap identified subsequent to

the release of the scoped list of requirements initially identified pursuant to Policy 9.18.3 of this Plan.

- 9.19.3 Any of the following studies, plans, material or other information may be determined by the City, at its sole discretion, to be required as part of a complete application:

Planning

- Planning Rationale/Justification Report
- Draft Zoning By-law Amendment
- Draft Official Plan Amendment
- Public Consultation Strategy
- Rental Conversion Study
- Condominium Declaration
- Draft Plan of Subdivision
- Draft Plan of Condominium
- Municipal Comprehensive Review

Urban Design

- Urban Design Study
- Urban Design Guidelines
- Architectural Control/Streetscape Guidelines
- Shadow Study
- Park Concept Plan
- Campus Master Plan
- Site Development Phasing Plan
- Scenic Vistas and Views Impact Analysis
- Site Plan
- Elevations
- Floor Plans
- Landscape Plan(s) and Details
- Landscape/Site Improvement Cost Estimate
- Concept Plan(s) for Blocks in Subdivision

Environment

- Environmental Impact Study
- Environmental Appraisal Report
- Tree Preservation Study/Inventory
- Hydrological Evaluation
- Watershed Study
- Sub-Watershed Study
- Landform Conservation Plan
- Water Budget and Conservation Plan
- Wildlife Risk Management Assessment
- Hydrogeological Assessment
- Reliance Letter for Hydro-geological Assessment
- Fluvial Geomorphology Assessment
- Stream Corridor Protection Limit Study

- Arborist Report
- Development Limits/Constraints Map
- Bird Friendly Design Details

Servicing

- Stormwater Management Study
- Master Environmental Servicing Plan
- Functional Servicing Report
- Calcium Carbonate Assessment
- Storm Drainage Scheme
- Erosion and Sediment Control Plans
- Grading Plan
- Servicing Plan
- Soils Study (Geotechnical)
- Reliance Letter for Soils Study (Geotechnical)
- Slope Stability Assessment

Transportation

- Transportation Analysis Report/Study
- Functional Alignment Study
- Traffic Impact Study
- Traffic Calming Report
- Parking Study
- Vehicle Queuing Study
- Municipal Class Environmental Assessment
- Truck Maneuvering/Swept Path Analysis Plan
- New Development Checklist for Traffic Calming

Nuisance

- Noise Study
- Vibration Study
- Dust Study
- Odour Study
- Lighting Study/Photometric Plan
- Land Use Compatibility/Air Quality Assessment
- Development Viability Assessment regarding adjacency to rail

Financial

- Fiscal Impact Study
- Reserve Fund Analysis

Aggregates

- Mineral Aggregate Extraction Plan/Study

Heritage/Archaeological

- Archaeological Assessment Heritage Impact Assessment/Study
- Heritage Research Report
- Cultural Heritage Resource Assessment

Other Information

- Written response to pre-consultation comments
- Cover letter
- Application Fee Calculation
- Phase 1 Environmental Site Assessment
- Phase 2 Environmental Site Assessment
- Record of Site Condition
- Reliance Letter for Environmental Site Assessment Report
- Minimum Distance Separation Information
- Waste Disposal Assessment
- Retail/Market Impact Study
- Airport Compatibility Study
- Airport Ceiling Plan/Flight Path Plan
- Building Audit
- Well and Septic Review
- Draft 40R Plan
- Survey
- Oshawa Ontario Building Code Design Information Sheet
- Development Review Checklist: Front End (Waste) Collection Services on Private Property
- Accessibility Plan

Peer Review

If any of the following studies/reports are required, the City may require that a peer review of the study/report be completed, at the applicant's sole cost, by a qualified third party consultant approved or selected by the City and submitted to the satisfaction of the City, in order for the application to be determined to be complete.

- Noise Study
- Vibration Study
- Dust Study
- Odour Study
- Traffic Impact Study
- Land Use Compatibility/Air Quality Assessment
- Development Viability Assessment
- Fiscal Impact Study
- Mineral Aggregate Extraction Plan/Study
- Environmental Impact Study
- Minimum Distance Separation Information
- Waste Disposal Assessment
- Retail Market Impact Study

Agency Comments, Conditions and/or Approvals

If lands subject to an application are located in whole or in part within the following applicable area(s), comments, conditions and/or approvals from the applicable agency shall be provided with the application in order for it to be determined to be complete.

- Within 300 metres of a rail corridor;
- Within 500 metres of a gas, oil or petroleum pipeline corridor;
- Within 400 metres if the Highway 401 or Highway 407 corridors;
- Within 300 metres of the corridor of the planned Lakeshore East GO rail extension;
- Within 750 metres of an oil, gas or petroleum compressor station; or,
- Within 30 metres of a hydro transmission corridor.”

Implementation:

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the implementation of the Official Plan, shall apply in regard to this Amendment.

Interpretation:

The provisions set forth in the City of Oshawa Official Plan, as amended, regarding the interpretation of the Official Plan, shall apply in regard to this Amendment.

Proposed Amendment to General Fees and Charges By-law 13-2003, as amended

being a by-law to amend By-law 13-2003, as amended, (the “General Fees and Charges By-law”).

WHEREAS:

1. The Council of The Corporation of the City of Oshawa considers it desirable to further amend the General Fees and Charges By-law 13-2003, as amended.

NOW THEREFORE the Council of The Corporation of the City of Oshawa enacts as follows:

1. The General Fees and Charges By-law 13-2003, as amended, is hereby further amended by:
 - a. by deleting Schedule “D” and substituting therefor Schedule “D” as attached to this By-law;
2. This By-law shall come into full force and effect on the date of passage.

Schedule "D"

Department of Economic and Development Services

Schedules of the General Fees and Charges Consolidated By-law 13-2003

The fees prescribed by Schedule "D" of this By-law do not include the cost to the City of any required newspaper or other advertising. All costs in this regard must be paid by the Applicant in addition to the application fee prescribed by this By-law, at the time of application.

Per note 7.1 of the Consolidation of By-Law 13-2003:

On January 1, 2015 and on the first day of January of each year thereafter, each of the fees in Schedule "D" shall increase by 3% per year, compounded annually, rounded up to the nearest dollar or penny as the case may be, where applicable.

Planning Application Fees

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
Official Plan and/or Part II Plan and/or Secondary Plan Amendment Application	\$16,471	\$25,000
Regional Official Plan Amendment Application Review	\$3,170	\$3,266
Application for Zoning By-law Amendment <ul style="list-style-type: none">Major – Any application with a related Official Plan Amendment, Draft Plan of Subdivision or Common Element Draft Plan Condominium, or site has an area of 1 hectare or moreMinor – Any application that is not Major	\$10,139	Major: \$20,000 Minor: \$10,444
Extension to a Temporary Use Zoning By-law	\$2,791	\$2,875
Application for Draft Approval or Amendment to Draft Approval for Condominiums	\$11,406	Common Element: \$15,000 All other types of Condominium applications: \$11,749
Application for Condominium Agreement or Amendment to a Condominium Agreement	\$2,536	\$2,613

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
Application for an Amendment to Condominium Description or Declaration	\$2,574	\$2,652
Changes to the conditions of a Draft Plan of Condominium approval that do not involve any review of Plans	\$954	\$983
Application to remove "h" Holding Symbol	\$3,298	\$4,500
Review of any request to release/rescind an Agreement from title of a Property	\$636	\$656
Application for Draft Plan Approval or Amendment to Draft Approval for Subdivisions	\$15,131 plus \$0.40 per square metre of land area	\$35,000 plus \$450 per unit/block for the first 200 units/blocks and \$250 per unit/block over 200 units/blocks
Application for Subdivision Agreement or Amendment to Subdivision Agreement	\$5,072	\$5,225

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
<p>Processing of Engineering Drawings and Preparation of Subdivision Agreements and Amendments to Subdivision Agreements and Inspection of Services (Balance of fixed costs are payable with pre-servicing Engineering approval or execution of agreement)</p>	<p>Base Fee: \$193 per lot payable with first submission of Engineering drawings.</p> <p>Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$3,030 otherwise:</p> <p>Estimated costs of City Engineering Fees are:</p> <p>Less than \$500,000; 4.56%</p> <p>\$500,000 - \$1 million; Greater of \$19,001 or 3.80%</p> <p>Over \$1 million; Greater of \$31,670 or 3.42%</p> <p>Estimated costs of City Inspection Fees are:</p> <p>Less than \$500,000; 3.80%</p> <p>\$500,000 - \$1 million; Greater of \$15,835 or 3.04%</p> <p>Over \$1 million; Greater of \$25,336 or 2.66%</p> <p>Estimated costs of Region Inspection Fees are:</p> <p>Less than \$500,000; 3.80%</p> <p>\$500,000 - \$1 million; Greater of \$15,835 or 3.04%</p> <p>Over \$1 million; Greater of \$15,835 or 2.66%</p>	<p>Base Fee: \$199 per lot payable with first submission of Engineering drawings.</p> <p>Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$3,121 otherwise:</p> <p>Estimated costs of City Engineering Fees are:</p> <p>Less than \$500,000; 4.70%</p> <p>\$500,000 - \$1 million; Greater of \$19,571 or 3.91%</p> <p>Over \$1 million; Greater of \$32,620 or 3.52%</p> <p>Estimated costs of City Inspection Fees are:</p> <p>Less than \$500,000; 3.91%</p> <p>\$500,000 - \$1 million; Greater of \$16,310 or 3.13%</p> <p>Over \$1 million; Greater of \$25,336 or 2.74%</p> <p>Estimated costs of Region Inspection Fees are:</p> <p>Less than \$500,000; 3.91%</p> <p>\$500,000 - \$1 million; Greater of \$16,310 or 3.13%</p> <p>Over \$1 million; Greater of \$16,310 or 2.74%</p>
<p>Review of Subdivision, Part Lot Control and Land Division Engineering Drawings (after 3rd submission)</p>	<p>Engineering costs are invoiced on an actual-cost basis</p>	<p>Engineering costs are invoiced on an actual-cost basis</p>
<p>Extension to a Part Lot Control By-law</p>	<p>\$954 – Applicant is responsible for the actual cost of the registration of the by-law</p>	<p>\$983 – Applicant is responsible for the actual cost of the registration of the by-law</p>
<p>Clearing/Releasing any Phase of a Plan of Subdivision or Condominium for Registration</p>	<p>\$2,663</p>	<p>\$2,743</p>

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
Processing of Engineering Final Acceptance of City Services including preparation of an assumption by-law and final reduction of Letter of Credit or cash securities	\$636	\$656
Reduction of Letter of Credit or Cash Securities for City Services or Landscaping pursuant to Subdivision Agreements	\$321 plus H.S.T. per release	\$331 plus H.S.T. per release
Application for Land Division (e.g. consent, including easements)	\$764 per application \$384 per clearance of City conditions	\$787 per application \$396 per clearance of City conditions

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
<p>Pre-consultation fee for draft plan of subdivision, draft plan of condominium, official plan amendment, zoning by-law amendment and/or site plan approval applications and telecommunication tower applications</p>	<p>\$1,126 per development proposal per meeting that may or may not include multiple application types.</p> <p>The pre-consultation fee will be discounted from an application fee if a complete application is submitted, within 1 year from the pre-consultation meeting, for draft plan of subdivision, draft plan of condominium, official plan amendment, zoning by-law amendment and/or site plan approval applications. If a completed application is not submitted within the above-noted timeframe, the pre-consultation fee is not discounted from the relevant application fee.</p>	<p>\$1,750 per proposal per meeting that may or may not include multiple application types, for pre-consultation requests submitted prior to the enactment of a Mandatory Consultation By-law.</p> <p>Stage 1 pursuant to a Mandatory Consultation By-law: \$1,750 per development proposal per meeting that may or may not include multiple application types.</p> <p>Stage 2 pursuant to a Mandatory Consultation By-law: \$500 per development proposal per meeting that may or may not include multiple application types. The Stage 2 pre-consultation fee will be discounted from an application fee if a complete application is submitted within 1 year from the Stage 2 pre-consultation meeting for draft plan of subdivision, draft plan of condominium, official plan amendment, zoning by-law amendment and/or site plan approval applications.</p>

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
<p>Processing of Engineering Drawings and preparation of Land Division Agreements and Amendments to Land Division Agreements and Inspection of Services for Land Division Agreement (Fixed costs are payable with pre-servicing Engineering approval or execution of agreement)</p>	<p>Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$3,030 otherwise:</p> <p>Estimated costs of City Engineering Fees are:</p> <p>Less than \$500,000; 4.56%</p> <p>\$500,000 - \$1 million; Greater of \$19,001 or 3.80%</p> <p>Over \$1 million; Greater of \$31,670 or 3.42%</p> <p>Estimated costs of City Inspection Fees are:</p> <p>Less than \$500,000; 3.80%</p> <p>\$500,000 - \$1 million; Greater of \$15,835 or 3.04%</p> <p>Over \$1 million; Greater of \$25,336 or 2.66%</p> <p>Estimated costs of Region Inspection Fees are:</p> <p>Less than \$500,000; 3.80%</p> <p>\$500,000 - \$1 million; Greater of \$15,835 or 3.04%</p> <p>Over \$1 million; Greater of \$15,835 or 2.66%</p>	<p>Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$3,121 otherwise:</p> <p>Estimated costs of City Engineering Fees are:</p> <p>Less than \$500,000; 4.70%</p> <p>\$500,000 - \$1 million; Greater of \$19,571 or 3.91%</p> <p>Over \$1 million; Greater of \$32,620 or 3.52%</p> <p>Estimated costs of City Inspection Fees are:</p> <p>Less than \$500,000; 3.91%</p> <p>\$500,000 - \$1 million; Greater of \$16,310 or 3.13%</p> <p>Over \$1 million; Greater of \$25,336 or 2.74%</p> <p>Estimated costs of Region Inspection Fees are:</p> <p>Less than \$500,000; 3.91%</p> <p>\$500,000 - \$1 million; Greater of \$16,310 or 3.13%</p> <p>Over \$1 million; Greater of \$16,310 or 2.74%</p>

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
Application to the Committee of Adjustment	<p>Single detached dwelling, semi-detached dwelling, duplex, street townhouse dwelling, accessory apartment or converted dwelling: \$759 per lot or proposed lot.</p> <p>All other residential: \$1,819 per lot or proposed lot.</p> <p>Non-Residential (all others): \$1,819</p> <p>Tabling (applicant's request): \$307</p> <p>Special Meeting: \$1,518 in addition to the relevant fee.</p>	<p>Single detached dwelling, semi-detached dwelling, duplex, street townhouse dwelling, accessory apartment or converted dwelling: \$782 per lot or proposed lot.</p> <p>All other residential: \$1,874 per lot or proposed lot.</p> <p>Non-Residential (all others): \$1,874</p> <p>Tabling (applicant's request): \$317</p> <p>Special Meeting: \$1,564 in addition to the relevant fee.</p>

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
Application for Site Plan Approval or Amendment to Site Plan Approval	<p>Non-residential: \$4,057 plus \$0.40 per square metre of land area</p> <p>Residential: \$4,057 plus \$347 per unit (includes dwelling units, lodging units and retirement units)</p> <p>The maximum total fee for the per unit fees is \$34,208</p> <p>Notwithstanding the above, the fee for residential development containing fewer than three dwelling units, including any accessory buildings and structures located within the Oak Ridges Moraine and for farm buildings or structures located within the Oak Ridges Moraine shall be \$371</p>	<p>Non-residential: \$5,500 plus \$0.42 per square metre of land area</p> <p>Residential: \$5,500 plus \$358 per unit (includes dwelling units, lodging units and retirement home units)</p> <p>The maximum total fee for the per unit fees is \$75,000.</p> <p>Resubmission for any application submitted January 1, 2023 or later: \$500 per resubmission beyond the first resubmission if said resubmission is greater than 60 days since previous comments were provided</p> <p>Notwithstanding the above, the fee for residential development containing fewer than three dwelling units, including any accessory buildings and structures located within the Oak Ridges Moraine and for farm buildings or structures located within the Oak Ridges Moraine shall be \$383 and shall not require a resubmission fee</p>
Application for Site Plan Agreement or Amendment to Site Plan Agreement	\$2,536	\$4,000
Application for Telecommunication Tower	\$6,337 plus site plan application fees	\$6,528 plus site plan application fees
Processing of Engineering Drawings for Site Plan Applications	\$3,804 plus \$0.28 per square metre of land area	\$3,919 plus \$0.29 per square metre of land area
Site Inspections for Site Plan Applications	\$307 per inspection of the 3rd inspection or more	\$317 per inspection of the 3rd inspection or more

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
Application to Lift Part Lot Control and Amendments to Part Lot Control Approvals	<p>\$1,903 plus cost of registration of by-law</p> <p>Notwithstanding the above, the fee for amendments to part lot control approvals that only involve changes to the conditions without a review of any plans shall be: \$954</p>	<p>\$1,961 plus cost of registration of by-law</p> <p>Notwithstanding the above, the fee for amendments to part lot control approvals that only involve changes to the conditions without a review of any plans shall be: \$983</p>
Processing of Engineering Drawings and preparation of Part Lot Control Agreements and Amendments to Part Lot Control Agreements and Inspection of Services for a Part Lot Control application (fixed costs are payable with pre-servicing, Engineering approval or upon execution of agreement)	<p>Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$3,030 otherwise:</p> <p>Estimated costs of City Engineering Fees are:</p> <p>Less than \$500,000; 4.56%</p> <p>\$500,000 - \$1 million; Greater of \$19,001 or 3.80%</p> <p>Over \$1 million; Greater of \$31,670 or 3.42%</p> <p>Estimated costs of City Inspection Fees are:</p> <p>Less than \$500,000; 3.80%</p> <p>\$500,000 - \$1 million; Greater of \$15,835 or 3.04%</p> <p>Over \$1 million; Greater of \$25,336 or 2.66%</p> <p>Estimated costs of Region Inspection Fees are:</p> <p>Less than \$500,000; 3.80%</p> <p>\$500,000 - \$1 million; Greater of \$15,835 or 3.04%</p> <p>Over \$1 million; Greater of \$15,835 or 2.66%</p>	<p>Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$3,121 otherwise:</p> <p>Estimated costs of City Engineering Fees are:</p> <p>Less than \$500,000; 4.70%</p> <p>\$500,000 - \$1 million; Greater of \$19,571 or 3.91%</p> <p>Over \$1 million; Greater of \$32,620 or 3.52%</p> <p>Estimated costs of City Inspection Fees are:</p> <p>Less than \$500,000; 3.91%</p> <p>\$500,000 - \$1 million; Greater of \$16,310 or 3.13%</p> <p>Over \$1 million; Greater of \$25,336 or 2.74%</p> <p>Estimated costs of Region Inspection Fees are:</p> <p>Less than \$500,000; 3.91%</p> <p>\$500,000 - \$1 million; Greater of \$16,310 or 3.13%</p> <p>Over \$1 million; Greater of \$16,310 or 2.74%</p>
Municipal Consent	\$759 per consent	\$782 per consent
Request: re Former Landfill Sites/Environmental Inquiry Letter	\$245	\$253

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
Compliance/Search of Records Letters	\$129	\$133
Sign Variance Application	Residential: \$702 Non-Residential: \$1,243 Notwithstanding the above, for sign variance applications in the Central Business District Zones, only the following fee shall apply: \$250	Residential: \$724 Non-Residential: \$1,281 Notwithstanding the above, for sign variance applications in the Central Business District Zones, only the following fee shall apply: \$258
Sign Permit Fee-for signs under the Sign By-law that are not regulated by the Ontario Building Code	\$127	\$131
Requests for municipal support under the provincial Small FIT (Feed-in Tariff) Program	\$396	\$408
Peer Review of any component of an Development Application	Applicant is responsible for 100% of the Municipality's costs of undertaking a Peer Review	Applicant is responsible for 100% of the Municipality's costs of undertaking a Peer Review
Heritage Easement Agreement Registration Fee	Applicant is responsible for the actual cost of the registration of the agreement	Applicant is responsible for the actual cost of the registration of the agreement
Processing City and Educational Development Charge Complaints	\$636, but fee would be refunded in the event the complaint was upheld	\$656, but fee would be refunded in the event the complaint was upheld
Cafés in Downtown Oshawa Outdoor Café Program	Nil for first three years of operation for all café types \$127 for every subsequent year for all café types	Nil for first three years of operation for all café types \$131 for every subsequent year for all café types

Planning Application Fees	Effective Through December 31, 2022	Effective January 1, 2023
<p>Compensation for loss of parking revenue-café's requiring the use of municipal parking spaces under the Downtown Oshawa Outdoor Café Program</p>	<p>Nil for the first two years of operation of a café.</p> <p>For every subsequent year, reimbursement equivalent to the average revenue collected per parking space (May to October of previous year) in the vicinity of the café, less each full month that a parking space is not used for café purposes during the subject May to October period.</p>	<p>Nil for the first two years of operation of a café.</p> <p>For every subsequent year, reimbursement equivalent to the average revenue collected per parking space (May to October of previous year) in the vicinity of the café, less each full month that a parking space is not used for café purposes during the subject May to October period.</p>

Proposed Amendment to Site Plan Control By-law 137-89, as amended

being a by-law to amend By-law Number 137-89, as amended, of the Corporation of the City of Oshawa.

IT IS ENACTED as a by-law of The Corporation of the City of Oshawa by its Council as follows:

1. By-law Number 137-89, as amended, is hereby further amended by deleting the word “three” in Paragraphs 2(a) and 3(a) and replacing it with the word “four”.
2. By-law Number 137-89, as amended, is hereby further amended by adding a new item (g) as follows:

“(g) Conversions of buildings including those with minor additions of less than 50% of the existing ground floor area (up to a maximum of 100m²) from residential to mixed-use or non-residential.
3. This by-law shall come into force and take effect upon final passing thereof.

Recommended Amendment to Delegation of Authority By-law 29-2009, as amended

Item	Delegated Authority	Delegate	Source of Power or Duty	Delegation Restrictions	Communication
48.	Execute agreements imposed or required in satisfaction of any condition of approval under the Planning Act in connection with the development of land such as subdivisions, plans of condominium, land divisions, part lot control removal, site plans and rezonings	Commissioner, Economic and Development Services or Director, Planning Services	Planning Act Condominium Act	Agreements to be in a form as approved by the City Solicitor	Not applicable
48.1	Approve and execute agreement to amend site plan agreement	Commissioner, Economic and Development Services or Director, Planning Services	Municipal Act Planning Act	Subject of amendment does not constitute "development". Agreement in a form acceptable to City Solicitor. Agreements to be in a form as approved by the City Solicitor	Not applicable
48.3	Approve plans and drawings and impose conditions for the approval of plans and drawings submitted with an application for site plan approval	Commissioner, Economic and Development Services or Director, Planning Services	Planning Act	None	Not applicable
50.	Provide notice that the information and material required under any	Commissioner, Economic and	ss. 22(6.1), 34(10.4),	None	Not applicable

Item	Delegated Authority	Delegate	Source of Power or Duty	Delegation Restrictions	Communication
	application under the Planning Act has either been provided or not provided and that the application is deemed to be complete or incomplete, as the case may be	Development Services or Director, Planning Services	41(3.6) and 51(19.1), Planning Act		

Note: New text shown in red font.

Comparison of Planning Application Fees for the Lakeshore Municipalities in Durham Region

Type of Application	City of Oshawa (2022)	City of Pickering	Town of Ajax	Town of Whitby	Municipality of Clarington
Combined Official Plan and Zoning By-law Amendment	\$20,488	Not Applicable	Not Applicable	Major = \$50,258.81 Minor = \$39,737.26	Major = \$31,125 Minor = \$23,265
Official Plan Amendment	\$16,471	Major = \$48,000 Minor = \$23,000	Major = \$45,678.30 Minor = \$19,765.50	Major = \$37,546.20 Minor = \$24,835.79	Major = \$24,760.00 Minor = \$16,900.00
Zoning By-law Amendment	\$10,139	Major = \$17,700 Minor = \$12,650	Major = \$25,345.60 Minor = \$11,690	Major = \$27,546.20 Minor = \$14,855.11	Major = \$12,730 Minor = \$8,490
Site Plan Approval Base Fee	\$7,861	\$9,975	\$8,881.20	\$10,698.16	\$6,770.00

Type of Application	City of Oshawa (2022)	City of Pickering	Town of Ajax	Town of Whitby	Municipality of Clarington
Site Plan Approval Per Unit Fee (Residential)	\$347 per unit to a maximum of \$34,208	\$560 for the first 25 units \$450 for 26 to 100 units \$335 for 101 to 200 units \$85 for 201 to 1,000 units No maximum fee	\$838.10 for the first 25 units \$649.00 for units 26 to 100 \$316.90 for 101 to 200 units \$168.70 for over 200 units No maximum fee	\$475.74 for the first 25 units \$273.75 for units 26 to 100 \$130.25 for over 100 units Maximum per unit fee of \$71,320.67	\$225 for the first 100 units \$150.00 for over 100 units No maximum fee
Site Plan Approval Area Fee (Non-Residential)	\$0.68 per m ²	\$6,630 per 2,000 per m ²	\$92 per 100m ² of gross floor area	\$5.24 per m ² to a maximum of \$71,320.67	\$1.50 per m ² of commercial gross floor area \$0.25 per m ² of industrial/other uses gross floor area
Draft Plan of Subdivision Base Fee	\$15,131	\$34,650	\$17,869.70	\$41,472.45	\$18,020

Type of Application	City of Oshawa (2022)	City of Pickering	Town of Ajax	Town of Whitby	Municipality of Clarington
Draft Plan of Subdivision Area or Per Lot/Block Fee	\$0.40 per m ² of land area in the draft plan	\$560/unit for units 1 to 25 \$450/unit for units 26 to 100 \$355/unit for units 101 to 200 \$225/unit for units 201 to 1,000 Non-residential = \$180.00 per hectare	\$419.10/unit for units 1 to 200 \$209.60/unit for any units over 200	\$828.97/unit or block for up to 500 units or blocks	\$300/unit and \$500 /block
Draft Plan of Condominium	\$11,406	Common Elements Draft Plan = \$23,000 All other types = \$16,720	\$11,778.60	\$9,904.52	\$8,210
Pre-Consultation	\$1,126	\$350	\$650	\$607	\$1,000

Policy and Procedure

Policy No.		File No. 12-03	Date Effective:	December 12, 2022
Department:	Economic and Development Services		Revision date:	
Branch:	Planning Services			
Title:	Complete Application Notification Policy for Development Applications			
Purpose:	To create a policy to provide public notification of a complete application			
Source:	Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act")			

1.0 Background

The Planning Act requires that within 15 days of Council (or delegated staff) deeming an application to amend an official plan or zoning by-law or for approval of draft plan of subdivision or draft plan of condominium (common element) complete, notice shall be given to the prescribed persons, public bodies and the public in the prescribed manner.

In addition to notifying the prescribed persons and public bodies, in the prescribed manner, the Planning Act stipulates that notice of a complete application be undertaken as follows:

- (a) By personal service or ordinary mail, to every owner of land within 120 metres of the subject land, and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access; or
- (b) By publishing a notice in a newspaper that, in the opinion of the clerk of the municipality or the secretary-treasurer of the planning board, is of sufficiently general circulation in the area to which the proposed by-law would apply that it would give the public reasonable notice.

The following complete application notification policy is established by City Council.

2.0 Complete Application Notification Policy

2.1 For applications to amend the Oshawa Official Plan, Samac Secondary Plan or Zoning By-law 60-94, as amended, or for approval of draft plan of subdivision or draft plan of condominium (common element), notice of a complete application shall be given in the following manner:

- (a) To the prescribed persons and public bodies in accordance with the Planning Act and regulations under the Planning Act;
- (b) By personal service or ordinary mail to every owner of land within 120 metres of the subject land;

- (c) By posting a notice on the subject land clearly visible and legible from a public highway or other place to which the public has access; and,
- (d) By posting on the City's website and corporate social media accounts.

3.0 General Information

- 3.1 The complete application notification policy shall be included the in relevant application processing manuals in Planning Services.