



CITY OF PETERBOROUGH

Development Approval Process (DAP) Fees Review – Bill 109 Fee Structure Addendum

December 1st, 2022

Submitted by:

Performance Concepts Consulting

Submitted to:

City of Peterborough

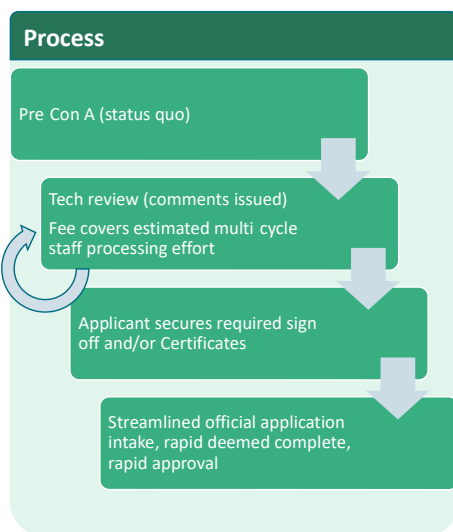
Adapting Peterborough DAP Fees to Address Bill 109

Section 7 of the November 2022 *DAP Fees Review Final Report* prepared by Performance Concepts provided an overview of Bill 109 adaptation challenges facing Ontario municipalities. These Bill 109 challenges involve DAP application processing changes as well as new approaches to “growth pays for growth” cost recovery. On the heels of Bill 109, Bill 23 has now become law and will further erode municipal cost recovery for growth related capital costs. Peterborough needs to focus on Bill 109 adaptation strategies that secure Site Plan, Re-zoning, and OPA revenue streams in order to fund the DAP staff team without relying on inappropriate levels of existing taxpayer subsidy to new development.

Performance Concepts has worked closely with Peterborough staff to consider the merits of various DAP application processing adjustments that will secure fee revenue streams without impairing Peterborough’s commitment to the LEAN/efficient DAP processing model set out in the City’s 2021 DAP Modernization Review Final Report. Peterborough staff are now actively transitioning to a new DAP processing model that front-ends technical review work previously undertaken after Site Plan and ZBA applications were Deemed Complete. Now much of this technical review due diligence will take place after mandatory Pre-consultation but prior to the submission of a formal application submission.

Performance Concepts has re-worked the recommended DAP fees from our November *Final Report* to align them with the new evolving DAP processing model the City is opting for moving forward. Post Bill 109 DAP fees for Peterborough are documented in this Addendum.

Bill 109 Adaptation Option: Traditional Pre-Con + Pre-Submission Certification



Protect Revenue

No Bill 109 refunds

DAP Streamlining

Neutral impact

Opportunities

- ✓ Fastest possible approval (during the statutory period)

Risks

- ✗ Open to OLT challenge
- ✗ Reduces accountability during front-ended review if cycles are ‘off the clock’

Implementation Considerations

- Pre-Submission review is mandatory
- Additional cycles (at additional cost) as needed to secure mandatory Certificate
- Need supporting OP policy + Pre-con by-law amendment

Post-Bill 109 Recommended DAP Fee Structures

The tables below have been constructed to provide a Before/After snapshot of Peterborough DAP fees. The green shaded columns set out “Full Cost” calculated DAP fee and the “Growth Pays for Growth” discounted fee that was recommended for actual implementation by the City. The light blue shaded columns put forward a new Pre-Application Certification fee to recover staff processing effort associated with Peterborough’s new front-ended DAP review model that mitigates Bill 109 financial risk without compromising processing LEAN efficiencies. The dark blue shaded columns represent the re-calculated traditional Planning fee that recovers staff processing effort that has not been front-ended - effort expended after an official application submission has been received. Finally, a standardized Pre-consultation fee has been prepared to recover staff effort expended to guide applicants towards the necessary complete application submission checklist of studies/drawings etc. required to have an application Deemed Complete and subsequently approved.

Site Plan

Performance Concepts is recommending the City adopt the package of “Growth Pays for Growth” discounted Site Plan fees set out in the table below. This package includes a new standardized \$2,500 Pre-Con fee, a set of Pre-Application Certification fees that range between \$10,943 and \$23,818 per application, and residual/traditional Site Plan fees that range between \$5,247 and \$8,291.

APPLICATION TYPE	Pre Bill 109 Full Cost Recovery	Preconsult Fee	Pre-Application Certification	Application Fee	Total Fees	Pre Bill 109 "Growth Pays for Growth" Discounted Fee	Preconsult Fee	Pre-Application Certification	Application Fee	Total Fees
Site Plan - Non-residential - Standard	\$ 24,086	\$ 2,500	\$ 14,590	\$ 6,996	\$ 24,086	\$ 18,065	\$ 2,500	\$ 10,943	\$ 5,247	\$ 18,690
Site Plan - Non-residential - Complex	\$ 45,312	\$ 2,500	\$ 31,758	\$ 11,054	\$ 45,312	\$ 33,984	\$ 2,500	\$ 23,818	\$ 8,291	\$ 34,609
Site Plan - Residential - Standard	\$ 24,086	\$ 2,500	\$ 14,590	\$ 6,996	\$ 24,086	\$ 18,065	\$ 2,500	\$ 10,943	\$ 5,247	\$ 18,690
Site Plan - Residential - Complex	\$ 45,312	\$ 2,500	\$ 31,758	\$ 11,054	\$ 45,312	\$ 33,984	\$ 2,500	\$ 23,818	\$ 8,291	\$ 34,609

The above fees provide a breakdown by process step for the base-fee only. The envisioned “escalators” based on square footage or unit number would be added to the Application Fee as per the original report.

It should be noted that the Post-Bill 109 recommended “Growth Pays for Growth” Site Plan fees are revenue neutral compared to the Pre-Bill 109 recommended “Growth Pays for Growth” fees set out below and also documented in our November 2022 *Final Report*.

Zoning By-law Amendments & OPAs

Performance Concepts is recommending the City adopt the package of “Growth Pays for Growth” discounted ZBA fees set out in the table below. This package includes a new standardized \$2,500 Pre-Con fee, a set of Pre-Application Certification fees that range between \$7,960 and \$20,691 per application, and residual/traditional ZBA fees that range between \$6,159 and \$11,033.

APPLICATION TYPE	Pre Bill 109 Full Cost Recovery	Preconsult Fee	Pre-Application Certification	Application Fee	Total Fees	Pre Bill 109 "Growth Pays for Growth" Discounted Fee	Preconsult Fee	Pre-Application Certification	Application Fee	Total Fees
Zoning By-Law Amendment - Minor						\$ 6,000	\$ -	\$ -	\$ -	\$ -
Zoning By-Law Amendment - Standard	\$ 21,326	\$ 2,500	\$ 10,614	\$ 8,212	\$ 21,326	\$ 15,995	\$ 2,500	\$ 7,960	\$ 6,159	\$ 16,620
Zoning By-law Amendment - Complex	\$ 44,799	\$ 2,500	\$ 27,589	\$ 14,710	\$ 44,799	\$ 33,599	\$ 2,500	\$ 20,691	\$ 11,033	\$ 34,224
Official Plan Amendment	\$ 44,799	\$ 2,500	\$ 27,589	\$ 14,710	\$ 44,799	\$ 33,599	\$ 2,500	\$ 20,691	\$ 11,033	\$ 34,224

The “Minor” Zoning By-Law Category is included to allow Peterborough staff to resolve those applications determined to be simple enough to not require a rigorous Pre-Consultation process. The criteria for Minor, Standard and Complex are to be determined by Peterborough staff.

It should be noted that the Post-Bill 109 recommended “Growth Pays for Growth” ZBA fees are revenue neutral compared to the Pre-Bill 109 recommended “Growth Pays for Growth” fees set out below and also documented in our November 2022 *Final Report*.

It should also be noted that the recommended “Growth Pays for Growth” fees package for a Complex ZBA is also recommended for OPAs as the Official Plan Amendment fee mirrors the Complex Zoning By-Law Amendment based on the similarities in the estimation of effort for the two application categories.