



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Director of Development Services
Subject: Fees and Charges Amendment Bylaw No. 3107

File No.: 1810-00
Date: November 22nd 2023

PURPOSE:

To consider amendments to the *City of Courtenay Fees and Charges Bylaw No. 1673, 1992* in order to introduce new and updated development application fees and charges, cost recovery charges for specific services provided by the Development Services Department and a refund structure for development applications. These fees and charge changes are introduced to support implementation of the new *Planning and Development Application Procedures Bylaw No. 3106*.

BACKGROUND:

City of Courtenay Fees and Charges Bylaw No. 1673, 1992 provides the City with the authority to impose a fee in respect to all or part of a service, the use of municipal property or the exercise of authority to regulate, prohibit or impose requirements pursuant to Section 194 of the *Community Charter*. This includes ability to set development application flat or scaled fees, administrative fees for duties not included in support of a development application or routine public service, and cost recovery for external services such as third party review, mail outs, and obtaining of land titles from BC Land Title and Survey Authority.

DISCUSSION

Modest increase to fees in 2017, costs to administrate these services has increased since this time and this bylaw seeks to reflect costs such as inflation, advertisements, mail outs and staff time. This bylaw also identifies new fees that were not being collect or reflect the applicant process in the Development Procedures Bylaw No. 3106.

Fees were updated in order to reflect legislative changes, and the Development Procedures Bylaw No. 3106 which include:

- Creation of Minor Development Variance Fee, delegated to the Director of Development Services,
- Creation of fees for the creation of Phased Development Agreements and Housing Agreements,
- Creation of agreement fees for the registered occupation of private land over City land such as in the case of encroachment agreements,
- Creation of fees for the discharging or amending of restrictive covenants or statutory rights of way.
- Creation of fees for providing a letter of concurrence from City Council for the siting of Telecommunication Towers,
- Creation of form and character façade alteration fees outside of the Downtown Courtenay Business Improvement Association Area, and an increase in fees to the Downtown Courtenay BIA façade development permit fees to better reflect incurred costs.

- Creation of fees to provide a property information that requires the retrieval, review and summary of records.
- Creation of a flat Tree Cutting Permit fee for larger properties to provide clarity in application and recovering costs.
- Creation of a refund structure for applications that do not proceed to a report being presented to the decision maker (Council or the Director of Development Services),
- Compartmentalizing fees for activities such as mail outs, that would be required for Community Information Meetings, Variances, and Public Hearings. These are fees additional to the application fee when required.
- Increasing fees to better reflect the cost to administer the regulatory frameworks for: complex environmental development permit application fees, simple tree cutting permits, Board of Variance applications, liquor and cannabis licencing, and sign permits.
- Removal of fees to process Agricultural Land Reserve applications as these fees are set by the Agricultural Land Commission,
- Removal of fees for which the City no longer provides a discrete service such as site profile processing and landscape inspections,
- Removal of building permit fees as they are contained in the Building Bylaw and removal of soil permit fees as they are contained in Soil Removal Bylaw.

Staff reviewed a number of other community fees and charges bylaws to inform the proposed fee increases, these municipalities and regional districts are outlined in Attachment 3. The proposed fee increases are in alignment with neighbouring cities.

Development Application Refund Policy

Staff have revised the refund policy to include all types of development applications. Currently the bylaw is structured to grant refunds only for specific types of development applications, for example, rezoning applications and ALR applications. Staff have proposed the following refund table be included in the Bylaw:

Refunds as a % of Total Application Fee	
After referral of an application, prior to preparation of a staff report	50%
After completion of a staff report	0%

Table No. 2: Refund Table

POLICY ANALYSIS:

The changes to the fees and charges bylaw align with OCP policies and Implementation actions.

OCP Policy LE 14

Liaise with senior governments, neighbouring jurisdictions, and the business community to identify barriers, improve business infrastructure and streamline application processes.

FINANCIAL IMPLICATIONS:

The LGA legislation states that municipalities can recover costs incurred for service. The proposed changes to the Fees and Charges Bylaw will more accurately reflect a more current fee structure and cost recovery for services provided and for services the department is receiving little or no revenue for.

Development related Fees and Charges are collected when applications are made and permits are applied for. The proposed amendments are expected to result in moderate changes to Development Services Department Revenues.

ADMINISTRATIVE IMPLICATIONS:

The proposed changes will not impact administrative resources the Development Services Department is already charging fees and providing the services outlined in the new fee and cost recovery categories in the bylaw, no significant administrative implications are anticipated.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Financial Sustainability - Review City Financial processes: Review fees, charges, and fines

PUBLIC ENGAGEMENT:

Development industry consultation on proposed changes to the Development Application Procedures Bylaw and informed the group fees would be increasing that took place July, 2023

OPTIONS:

1. THAT Council give first, second and third reading to Fees and Charges Amendment Bylaw 3107.
2. THAT Council provide alternative direction to staff.
3. THAT Council not move forward with the bylaw.

ATTACHMENTS:

1. City of Courtenay Fees and Charges Amendment Bylaw No. 3107
2. City of Courtenay Fees and Charges Bylaw No. 1673 showing new changes
3. Comparison of other communities development related fees and charges

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