



TOWN OF WINDSOR RECOMMENDATION REPORT

To: Members of Windsor Planning Advisory Committee

Submitted by: _____
Madelyn LeMay, Director of Planning and Development

Date: September 11, 2019

Subject: Fees: Windsor Subdivision Bylaw Amendment

1.0 ORIGIN

At the July 10, 2019 Windsor Planning Advisory Committee (WPAC) meeting, the following motion was passed:

“Windsor Planning Advisory Committee directs that staff draft amendments and begin the formal procedures to remove the existing Section 11 of the Windsor Subdivision Bylaw (SUB) and replace it with the following section:

11. *The subdivider shall pay:*

- (a) *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and*
- (b) *any processing fees prescribed by Council from time to time by policy.”*

This report begins the process required to amend the Windsor Subdivision Bylaw (WSUB).

2.0 LEGISLATIVE AUTHORITY

Municipal Government Act 271(3)(f).

3.0 RECOMMENDATION

It is recommended that WPAC recommend:

... that Council give First Reading and hold a Public Hearing to consider amending the Windsor Subdivision Bylaw by deleting the existing Section 11 and replacing it with the following section:

11. *The subdivider shall pay:*

(a) *the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and*

(b) *any processing fees prescribed by Council from time to time by policy.*

and by deleting clauses 13(b) and section 82 of the Windsor Subdivision Bylaw.

4.0 BACKGROUND and DISCUSSION

Background and discussion can be found in the July 10, 2019 staff report to WPAC entitled "*Fees Related to Planning, Development and Building*" and the WPAC Minutes of July 10, 2019.

4.1 Recommended Subdivision Bylaw Amendments

The fee to be paid for each type of approval issued under the WSUB has been recommended for inclusion in the Fees Policy.

In order to make future changes easier to accomplish, avoid duplication, ensure that fees can be required for all applications enabled in the Municipal Government Act (MGA) and ensure that conflicts don't arise, the present clauses regarding the cost of advertising and notice should be removed from the WSUB and be replaced with clauses which cover all potential charges, leaving the specifics of what is charged for and what the fee is to the Fees Policy established by Council. The proposed clause for the WSUB is:

"11. The subdivider shall pay:

(a) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer

refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and

(b) any processing fees prescribed by Council from time to time by policy.”

In addition, there is one clause and another section of the WSUB which should be deleted as the material is covered by the above clause:

13. *Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships, the Development Officer shall be provided with: ...*

(b) the fees for registering the deeds;

and

82. (a) *At the time of application for the repeal of a subdivision, the subdivider shall submit to the Development Officer:*

(i) the fees contained in the Costs and Fees Act, and its regulations for registering a repeal of a plan of subdivision; and

(ii) a processing fee of \$50.00 per final application for repeal of a subdivision.

(b) Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the fees referred to in Clause (a)(i) to the subdivider.

5.0 OPTIONS

WPAC may recommend that Council:

- hold First Reading and authorize a Public Hearing to approve the WSUB amendment as drafted or as specifically revised by direction of WPAC;
- provide alternative direction such as requesting further information on a specific topic.

6.0 APPENDICIES

Appendix A

Portion Taken from the WSUB

Appendix B

Proposed Amendment to the WSUB

APPENDIX A

Excerpt from Existing Subdivision Bylaw (July 2019)

- Fees 11. (a) The subdivider shall pay:
- (i) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan; and
 - (ii) for review and approval of a tentative plan of subdivision, a processing fee of \$25.00; and
 - (iii) for review and approval of a final plan of subdivision, a processing fee of \$75.00 plus \$4.00 for each lot for which approval is being requested; and
 - (iv) where a final plan of subdivision shows proposed public streets, an additional processing fee of \$200.00.
- (b) The fees referred to in Clause (a)(i) shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the "Registry of Deeds".
- (c) The fees referred to in Clauses (a)(ii) and (iii) shall be paid at the time of application for approval of the plan of subdivision by cheque or money order made payable to the "Town of Windsor".
- (d) The fee referred to in Clause (a)(iv) is a one-time fee which shall be paid prior to acceptance of the public street by the Town, by cheque or money order made payable to the "Town of Windsor".
- (e) Where the Development Officer refuses to approve a final plan of subdivision, the Development Officer shall return the fees referred to in Clause (a)(i) to the subdivider.
- 13 Before approving a final plan of subdivision that adds or consolidates parcels or areas of land in different ownerships, the Development Officer shall be provided with: ...
- (b) the fees for registering the deeds;
82. (a) At the time of application for the repeal of a subdivision, the subdivider shall submit to the Development Officer:
- (i) the fees contained in the Costs and Fees Act, and its regulations for registering a repeal of a plan of subdivision; and
 - (ii) a processing fee of \$50.00 per final application for repeal of a subdivision.
- (b) Where the Development Officer refuses to repeal a subdivision, the Development Officer shall return the fees referred to in Clause (a)(i) to the subdivider.

APPENDIX B

Proposed Subdivision Bylaw Amendment

Amendment to clarify required fees.

.....

1. Delete clauses 11(a) and (b) of the Windsor Subdivision Bylaw and replace them with the following clauses 11(a) and (b)

11. The subdivider shall pay:

(a) the fees contained in the Costs and Fees Act and its regulations for filing the approved final plan of subdivision, certifying a copy of the plan, and registering a notice of approval of the plan. Where the Development Officer refuses to approve a final plan of subdivision these fees shall be returned to the subdivider; and

(b) any processing fees prescribed by Council from time to time by policy.

2. Delete clause 13 (b); and
3. Delete section 82.