



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-168

TO: Mayor and Members of Council

FROM: Cynthia Beach
Commissioner, Sustainability and Growth

RESOURCE STAFF: Grant C. Bain
Director, Planning and Development Department

DATE OF MEETING: May 1, 2012

SUBJECT: Administrative Amendment to By-Law No. 2012-75

EXECUTIVE SUMMARY:

On April 17, 2012, Council gave first and second reading to By-Law No. 2012-75, "A By-Law to Amend By-Law No. 2005-10 'A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston', as amended."

An administrative amendment to the above by-law for its third reading has been proposed to revise the first line of the chart that would amend the Planning Fees and Charges for Renewable Energy Projects, so that projects that are exactly 10 kW in size would be included in the list of fees. The wording originally proposed was "Projects less than 10 kW", which should be changed to "Projects 10 kW and less", as the next line of the chart only covers projects greater than 10 kW.

RECOMMENDATION:

THAT By-Law No. 2012-75, "A By-Law to Amend By-Law No. 2005-10 'A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston', as amended" be amended to delete the words "Projects less than 10 kW" and replace them with the words "Projects 10 kW and less".

May 1, 2012

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AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth
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ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

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OPTIONS/DISCUSSION:

On April 17, 2012, Council gave first and second reading to By-Law No. 2012-75, "A By-Law to Amend By-Law No. 2005-10 'A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston', as amended."

During the Council meeting on April 17, 2012, it was noted that the Planning Fees and Charges covered projects that are less than 10 kW in size and those that are greater than 10 kW, but that projects that were exactly 10 kW would not be covered. No changes were made at the Council meeting to the amending by-law (By-Law No. 2012-75), which received first and second reading.

An administrative amendment to By-Law No. 2012-75 for its third reading is being proposed to revise the wording in the first line of the chart of the Planning Fees and Charges for Renewable Energy Projects from "Projects less than 10 kW" to "Projects 10 kW and less".

The amendment to the by-law is administrative in nature and does not alter the intent of By-Law No. 2012-75. The impact of the change would ensure that projects that are exactly 10 kW in size are covered by the Fees and Charges By-Law.

EXISTING POLICY/BY LAW:

By-Law 2005-10 "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston," as amended, was updated early this year on January 24, 2012.

The *Municipal Act, 2001* gives the City the authority to charge fees for the provision of administrative services.

NOTICE PROVISIONS:

N/A

ACCESSIBILITY CONSIDERATIONS:

This report is available in alternate formats upon request.

FINANCIAL CONSIDERATIONS:

The proposed amendment would ensure that projects that are exactly 10 kW in size are covered by the Fees and Charges By-Law.

CONTACTS:

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Sonya Bolton, Senior Policy Planner, 613-546-4291, ext. 3237

OTHER CITY OF KINGSTON STAFF CONSULTED:

John Bolognone, City Clerk
Mark McLaughlin, Senior Legal Counsel
Lana Foulds, Manager, Financial Planning

EXHIBITS ATTACHED:

Exhibit 'A' Revised By-Law No. 2012-75

BY-LAW NO. 2012-75

A BY-LAW TO AMEND BY-LAW NO. 2005-10 "A BY-LAW TO ESTABLISH FEES AND CHARGES TO BE COLLECTED BY THE CORPORATION OF THE CITY OF KINGSTON", AS AMENDED

PASSED: May 1, 2012

WHEREAS renewable energy projects are exempt from most *Planning Act* approvals, and are instead, subject to a provincial Renewable Energy Approval (REA) process; and,

WHEREAS the review of documentation and the completion of a Municipal Consultation Form associated with a renewable energy project takes a considerable amount of staff time; and,

WHEREAS the *Municipal Act, 2001* permits municipalities to charge a fee for administrative services; and,

WHEREAS staff was directed by Council, in a resolution dated February 21, 2012, to prepare an amendment to By-Law No. 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended, to cover the costs of preparing Municipal Consultation Forms associated with renewable energy projects;

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

1. By-Law No. 2005-10, "A By-Law to Establish Fees and Charges to be Collected by The Corporation of the City of Kingston", as amended, is hereby further amended by the following changes.

1.1. AMEND Schedule 'A' by adding the following new section to the Planning Fees and Charges:

TYPE OF FEE	2011 FEES	2012 FEES	HST
RENEWABLE ENERGY PROJECTS – COMPLETION OF A MUNICIPAL CONSULTATION FORM			
PROJECTS 10 KW AND LESS	N/A	\$150.00	Y
PROJECTS GREATER THAN 10 KW AND LESS THEN 1 MW	N/A	\$789.00	Y
PROJECTS 1 MW AND GREATER	N/A	\$3,486.00	Y
Plus per 1 MW	N/A	\$100.00	Y

1.2. AMEND Schedule 'A' by adding the following new subsection to the Engineering – Development Application Review Fees and Charges:

TYPE OF FEE	2011 FEES	2012 FEES	HST
RENEWABLE ENERGY PROJECTS – PROJECTS LESS THAN 1 MW	N/A	\$91.15	Y
RENEWABLE ENERGY PROJECTS – PROJECTS 1 MW AND GREATER	N/A	\$760.15	Y

GIVEN FIRST AND SECOND READINGS, April 17, 2012

GIVEN THIRD READING AND FINALLY PASSED May 1, 2012

**CITY CLERK
JOHN BOLOGNONE**

**MAYOR
MARK GERRETSEN**