



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-137

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: April 17, 2012

SUBJECT: Establishing Fees for the Completion of a Municipal Consultation Form for Renewable Energy Projects

EXECUTIVE SUMMARY:

The fee schedule attached to 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, is updated annually. An amendment to the Planning and Engineering fees charged is required in Schedule 'A' to the By-Law, in order to cover the administrative costs associated with a review of renewable energy projects and the completion of a provincial Municipal Consultation Form (MCF).

RECOMMENDATION:

THAT a by-law be presented to Council to amend 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 as follows:

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 LESS THAN 10 kW	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

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

AUTHORIZING SIGNATURES:

<p><u>ORIGINAL SIGNED BY COMMISSIONER</u> Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth</p>
<p><u>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</u> Gerard Hunt, Chief Administrative Officer</p>

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 indicates consultation not required)

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OPTIONS/DISCUSSION:

The fee schedule attached to 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, is updated annually. An amendment to the Planning and Engineering fees charged is required in Schedule ‘A’ to the By-Law, in order to enable the City to recover the administrative costs associated with a review of renewable energy projects and the completion of a provincial Municipal Consultation Form (MCF).

The amendment would include an addition to the Planning fees to review and process the submissions from the developer, complete the MCF, and prepare a report to Council. The amendment would also add the review of renewable energy projects to the fees charged by Engineering for the review of development applications.

Establishing these fees was part of the following resolution passed by Council on February 21, 2012 (refer to Council Report No. 12-078):

THAT Council direct staff to implement the municipal consultation and review process for renewable energy projects, as outlined in Report No. 12-078; and

THAT Council direct staff to determine the costs incurred by the City for the review of renewable energy projects and the completion of Municipal Consultation Forms, and to bring forward an amendment to the City’s Fees and Charges By-Law (By-Law No. 2005-10) so that these costs can be recovered from the developer.

The following tables outline the proposed amendments to Schedule ‘A’ to 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.

Section to be Changed: PLANNING				
Section to be Added:				
	TYPE OF FEE	2011 FEES	2012 FEES	HST
RENEWABLE ENERGY PROJECTS – COMPLETION OF A MUNICIPAL CONSULTATION FORM				
PROJECTS LESS THAN 10 kW		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
Reason for Change:	Cover the cost of administrative time associated with reviewing and responding to renewable energy projects.			
Approved by:	Council resolution dated February 21, 2012			

Section to be Changed: ENGINEERING – DEVELOPMENT APPLICATION REVIEW				
Section to be Added:				
	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
Reason for Change:	Cover the cost of administrative time associated with reviewing renewable energy projects.			
Approved by:	Council resolution dated February 21, 2012			

The fees proposed above are the same as those charged for a Site Plan Control application, with the exception of the \$150.00 fee for very small projects under 10 kW, which is not found elsewhere in the Planning fees and charges. The proposed fees reflect the administrative time spent reviewing the submissions, undertaking a technical circulation, completing the MCF, and preparing a report to Council. Staff will monitor the fees and staff time spent on renewable energy projects and will include these fees as part of any future fee reviews.

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 accessible formats upon request.

FINANCIAL CONSIDERATIONS:

Renewable energy projects are exempt from most approvals under the *Planning Act*. However, as part of the provincial Renewable Energy Approval (REA) process, the municipality receives all documentation from the developer of a proposed renewable energy project and is required to fill out the Municipal Consultation Form (MCF), which is then submitted by the developer to the Province as part of their REA application.

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Since the renewable energy projects are not required to apply for planning approvals, there are currently no provisions in 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 requiring the payment of a fee by the developer. However, the review of the documentation and completion of the MCF takes up a considerable amount of staff time. By amending By-Law 2005-10, as amended, the City will be able to recover the administrative costs of preparing the MCF for renewable energy projects. Due to the anticipated small number of applications, staff believe there will not be a significant positive impact on Planning and Development Department revenues.

CONTACTS:

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Cherie Mills, Manager, Policy Planning, Planning and Development (613-546-4291, ext. 3289)
Sonya Bolton, Senior Policy Planner, Planning and Development (613-546-4291, ext. 3237)
Lana Foulds, Manager, Financial Planning, Financial Services (613-546-4291, ext. 2209)

OTHER CITY OF KINGSTON STAFF CONSULTED:

Mark Van Buren, Director, Engineering
Kim Brown, Manager, Infrastructure and Development, Engineering

EXHIBITS ATTACHED:

Exhibit 'A' - Draft By-Law to Amend 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.

BY-LAW NO. 2012-__**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:** _____, 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			
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1.2. AMEND Schedule 'A' by adding the following new subsection to the Engineering – Development Application Review Fees and Charges:

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RENEWABLE ENERGY PROJECTS – PROJECTS 1 MW AND GREATER	N/A	\$760.15	Y

GIVEN FIRST AND SECOND READINGS _____, 2012

GIVEN THIRD READING AND FINALLY PASSED _____, 2012

**CITY CLERK
JOHN BOLOGNONE**

**MAYOR
MARK GERRETSEN**