

Clause 13 in Report No. 17 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 19, 2015.

13

Development Application Process Review and Improvements
Project and Fee Review

Committee of the Whole recommends adoption of the following recommendations contained in the report dated October 23, 2015 from the Commissioner of Corporate Services and Chief Planner:

1. Recommendations

It is recommended that:

1. Council approve the fees outlined in Attachment 2 for the processing of development applications, pursuant to Section 69 of the *Planning Act* and the Fee Bylaw be updated to reflect the new fees outlined in Attachment 2, to take effect on January 1, 2016.
2. The Regional Clerk circulate this report to local municipalities and Building Industry and Land Development Association for information.

2. Purpose

This report provides an update regarding the development application process review and improvement project and to recommend a new fee structure through an amendment to Schedule 'A' of Bylaw 2010-15, the Region's Schedule of Fees and Charges, to be in place for the 2016 calendar year.

3. Background

Development Application Process Review and Improvements is focused on improving customer service and realizing efficiencies

Regional staff recently conducted a review of its development application review and approval process to identify new business approaches with respect to internal processing for the mutual benefit of York Region, local municipalities, the development industry and residents. The broad project goals include:

- Improved customer service for local municipalities and developers
- Clear understanding of information requirements and the staff involved in the application review process
- Enhanced communication
- Expanded data collection to assist with forecasting work

Findings and recommendations of the review are already being implemented

A consultant was retained to assist with the review and has recently issued their report. The report includes a number of observations and recommendations, some of which are already being implemented (Attachment 1). Clear processes and up to date documentation is an essential part of this improvement process.

Recently implemented improvements include:

- Restructuring the Community Planning and Development Services Section of the Planning and Economic Development Branch into a geographic Team Structure (Attachment 1) to provide continuity and consistency in the review of development applications by municipality.
- Establishing one coordinated initial point of contact, including a dedicated email address for any electronic submissions.
- Creation of standardized submission checklist requirements for each type of development application to allow for comprehensive Regional review and improved customer service with shorter response times.
- Communicating changes with locals and the development industry.

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The above is just a sample of some of the initiatives that have been implemented as part of this project to improve internal coordination of development application processing. The project also proposes to establish consistent time commitments for review and consultation to provide certainty in service delivery. The proposed fees discussed later in this report are generally based on these time requirements.

The *Planning Act* permits the collection of development application processing fees

Section 69 of the *Planning Act* allows the Region to charge a fee to meet the anticipated costs for processing development applications. Anticipated costs represent the estimated cost of processing activities for each application type. Planning and Economic Development Branch staff collect fees for review and approval of a number of development related applications including:

- Regional Official Plan Amendments
- Major Local Official Plan Amendments (e.g. Secondary Plans) and routine local Official Plan Amendments and exemptions to local Official Plan Amendments
- Plans of Subdivision and Condominium
- Site Plans

The Region does not recover costs related to the review and approval of Municipal Official Plans, policy changes or clarification and enhancement to local Official Plans. Preparation and attendance of Regional staff at Ontario Municipal Board hearings related to these types of planning applications is also not recovered through fees.

The overall fee structure and associated fees have generally been reviewed and adjusted every three years, with the last update occurring in 2011. The Region's review process now covers a wider range of Regional interests (e.g. wellhead protection areas, York Region Rapid Transit). In addition, as the Region continues to urbanize, planning applications have become increasingly complex and require additional staff time and involvement to ensure that the Region's policy directions are implemented and Regional interests are protected.

The Region is not currently recovering costs associated with the time required to address Regional interests. The Fee Bylaw needs to be reviewed to recover these costs.

Development Application Process Review and Improvements Project and Fee Review

A consultant was retained to review development application fees

In April, 2015 staff retained a consultant to review existing fees and to capture new or underfunded services based on the principle of full cost recovery. The analysis included examining staff time associated with processing planning applications, including other Regional Departments and changes to the Region's development review structure.

4. Analysis and Options

A three step process was used to establish proposed fees

The fee review was based on determining the 'cost of doing business' to enable the Region to recapture all of the relevant costs incurred through processing applications. The first step in the review was to determine what application types needed to be reviewed. One of the primary concerns with the current Fee Bylaw structure is that it lacks fee categories to capture all the work involved in the review of development applications provided by Regional staff. For example, the Region currently does not charge a fee for subdivision clearance for the first phase of development.

Once all application types requiring review were established, the next step in the study was to determine processing costs which are largely driven by staff review time. This time component was based on the average time it takes to process a typical application reflective of service efficiencies. It is recognized that there are variations in the time it takes to process an application. Estimates were based, wherever possible, on current or past applications to establish a median value.

The final step in the study was to determine the total costs for each type of planning application (e.g. salaries, overhead costs).

Changes to the fee structure are recommended

The recommended fee structure is based on the consultant's study and staff review. Some of the key changes proposed to the fee structure include introducing:

- A base fee for Routine Official Plan Amendments to ensure fees are collected up front before comments are issued. Currently, Regional staff prepare preliminary comments on an official plan amendment and collect fees at a later date during the process, when issuing approval or

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exempting Regional approval. In some instances, the project may be terminated or appealed to the Ontario Municipal Board prior to payment to the Region and no fee is collected for work undertaken by staff.

- A new fee for the preparation of comments related to the review of Parkway Belt West/Minister's Zoning Order Amendment applications.
- A new fee for the review of Zoning Bylaw Amendments not received with any other planning applications to ensure Regional interests are protected.
- An Engineering resubmission fee for drawings, plans, reports or studies related to site plan and subdivision applications due to revisions by the owner or the owner's failure to revise the drawings/plans/reports as required by the Region. The quality of engineering submissions varies and can result in multiple resubmissions and recirculations. Introducing a fee after the third resubmission will encourage better quality submissions early in the process.
- A fee for revisions to an official plan amendment application and differentiation in fees for a major or minor revision to a draft plan of subdivision or condominium.
- A fee for the clearance of a draft plan of subdivision and draft plan of condominium. Currently, the Region only collects a clearance fee for Phase 2 or subsequent phases.

The consultant is recommending a general increase to most of the current fees (except for a minor revision to a subdivision or condominium application and consent to sever) to better capture staff time involved in the review of development applications, as summarized in Attachment 2.

Clarification on municipality initiated Official Plan Amendments

The current fee structure provides an exemption to municipally initiated Official Plan Amendments. The intent of this exemption is to not charge local municipalities a Regional application fee for policy changes, clarifications or enhancements to their Official Plans. Official Plan amendments that are redesignating land to permit new development (e.g. Markham Future Urban Area) are required to pay the Region's application fee. The fee is typically collected from a landowner's development group.

Fee reduction for Affordable Housing projects will be considered as part of the York Region Housing Incentives Study

The lack of affordable housing in York Region is one of the most important challenges impacting the ability of many residents to make ends meet. The York

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Region Housing Incentives Study aims to develop and advance a housing incentives framework to encourage more affordable homeownership, affordable rental housing and market rental housing options in York Region.

As part of the York Region Housing Incentives Study, staff will examine the possibility of offering a reduction, deferral, or off-setting grants from Regional Planning Application fees for affordable housing and for those projects that incorporate an affordable housing component. The Study could establish criteria to assess whether a development can qualify for a fee reduction.

The proposed fee structure is comparable to other Regional municipalities

Regional staff have conducted a review of the Planning and Engineering fees of other Regional Municipalities. It should be noted that not all Regions have the same procedures for processing development applications (e.g. some Regions issue draft plan approval) and therefore some fees are not applicable or comparable. Attachment 3 identifies the Region's current and proposed fee structure and how those fees compare to other Regional Municipalities. In some cases, York Region is at the higher end of fees (e.g. Major Official Plan Amendment), while in other cases York Region is at the lower end of the fees (e.g. Draft Plan of Condominium, Exemption and Routine approval of an Official Plan Amendment). Overall, the Region's fees are comparable with what other Regions are charging.

Consultation with Building Industry and Land Development Association (BILD)

In August 2015, Regional staff sent a letter to BILD outlining the status of the Development Application Process Review and Improvement Project and Fee Bylaw Review. Regional staff attended a Chapter Meeting on September 23, 2015 and provided updates on both projects. In addition, the presentation and draft fee schedule Attachment 2 were circulated to the members of BILD for comments.

BILD is generally supportive of the Region's process improvement initiatives and provided staff with the following comments:

- Support the Region's Team structure and commitment to provide consolidated comments
- Support the Region's move towards a centralized intake for submissions and digital application submissions in the future
- Support the Region's initiative to provide one collective Regional response and applicable standardized conditions

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- Review the subdivision clearance process to allow for the clearance of draft plan conditions prior to the submission of a signed Subdivision Agreement
- Consider providing Regional in-house expertise to assist with peer review of studies related to development applications in smaller municipalities
- Submission Checklist should have regard for the timing of seasonal studies (e.g. amphibian study)
- Regional Official Plan Amendment fee seems a bit high in comparison to other Regional municipalities
- Consider incorporating a phased collection of fees
- Consider adopting the fee increases over time to allow the development community to incorporate these changes into their business plans
- Consider initiating a meeting with consultants to resolve any issues prior to the third resubmission of engineering drawings

Some adjustments have been made to the initial proposal presented to BILD to ensure the Region's fees are comparable to other similar jurisdictions and support intensification. Regional staff will continue to communicate and consult with BILD as development application process improvements continue to be implemented.

Link to key Council-approved plans

Implementation of the development application process improvements and approval of the new Fee Bylaw supports Vision 2051 goals by providing efficiency in service delivery and operations. These projects also contribute to Council's strategic priority (2015 to 2019) of 'Good Government' by providing responsive and efficient public service by ensuring a fiscally prudent and efficient Region.

5. Financial Implications

In 2014, the total revenue from planning and engineering fees was \$1.35 million. Revenues fluctuate on a yearly basis and are dependent on the number of development applications which are influenced by factors such as the economy and housing market, interest rates, servicing, etc. Table 1 identifies the fee revenue collected for development application fees between 2010 and 2014.

Table 1
Fee Revenue for Development Applications and Approvals 2010 to 2014

| Section | 2010 | 2011 | 2012 | 2013 | 2014 |
|-------------|-----------|-------------|-------------|-------------|-------------|
| Planning | \$257,415 | \$231,045 | \$418,585 | \$352,540 | \$371,885 |
| Engineering | \$608,605 | \$985,333 | \$996,550 | \$1,317,033 | \$978,272 |
| Totals | \$866,020 | \$1,216,378 | \$1,415,135 | \$1,669,573 | \$1,350,157 |

In 2014, development planning and engineering sections recovered approximately 57% of the costs associated with processing development applications. Based on 2014 development application activity, the proposed new fees could generate approximately \$500,000 in additional revenue in 2016, increasing overall cost recovery to 74%. Staff anticipates that increased efficiencies may result in a higher cost recovery in the future. Staff will continue to monitor the new fee structure over the next year to determine how the new fees are performing as staff continues to review the development application process, which may achieve further efficiencies.

6. Local Municipal Impact

The implementation of the development application process improvements will provide efficiencies in the coordination of development applications and improved customer service for local municipalities and developers. Regional staff will be setting up a web page dedicated to Development Review to keep municipalities and the development industry apprised of the Region's requirements and to communicate new initiatives implemented through the Development Application Process Improvement Project.

The Region is depending on local municipalities to ensure that regional submission requirements identified through the pre consultation process are submitted prior to deeming an application complete. A complete submission will assist the Region in providing a comprehensive and timely response to local municipalities and developers. The new fee structure will not directly impact local municipalities.

7. Conclusion

The Development Application Process Review Improvement Project is focused on improving customer service for local municipalities and developers. Recently implemented improvements have included restructuring the Branch into a Team

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Structure, creation of standardized submission checklist requirements and establishing one coordinated point of contact for all submissions. These changes have been well received and staff will continue to communicate with local municipalities and the development community as process improvements continue to be implemented.

Section 69 of the *Planning Act* allows the Region to charge a fee to meet the anticipated costs for processing development applications. Anticipated costs represent the estimated costs of processing activities for each application type. The Region of York collects fees for the review and approval of a number of applications. However, the overall fee structure and associated fees were last updated in 2011. Based on the consultants review, a general increase to most of the current fees and seven new fee categories are being recommended to better capture staff time involved in the processing of these applications. The proposed new fee structure identified in Attachment 2 is recommended for approval and reflects anticipated costs associated with the processing of development applications and reflect service efficiencies. The new fee structure as shown on Attachment 2 would take effect January 1, 2016.

For more information on this report, please contact Teema Kanji, Senior Planner at ext. 71507.

October 23, 2015

Attachments (3)

#6378161

Accessible formats or communication supports are available upon request.

Examples of Recommendations from the Development Application Process Review and Improvements Project

- Restructure the Branch into a geographic Team Structure
- Create a Business Unit to support centralized intake of submissions and continue to focus on process improvements
- Prepare centralized intake procedures (e.g. creation of submission checklist for each development application)
- Develop a policy to require upfront payment of fees
- Interim Development Application Time Tracking
- Prepare Regional standards and procedures to be made accessible to internal staff, local municipalities, consultants and developers
- Develop clear standard conditions
- Provide one collective Regional response in a timely manner
- Explore concept of MOU between York Region and Local Municipalities
- Undertake an assessment of the Local Municipal Pre Consultation Meeting process to determine appropriate participation by York Region staff

YORK REGION
CORPORATE SERVICES DEPARTMENT
PLANNING & ECONOMIC DEVELOPMENT BRANCH

COMMUNITY PLANNING + DEVELOPMENT SERVICES

INTERIM TEAMS
2015

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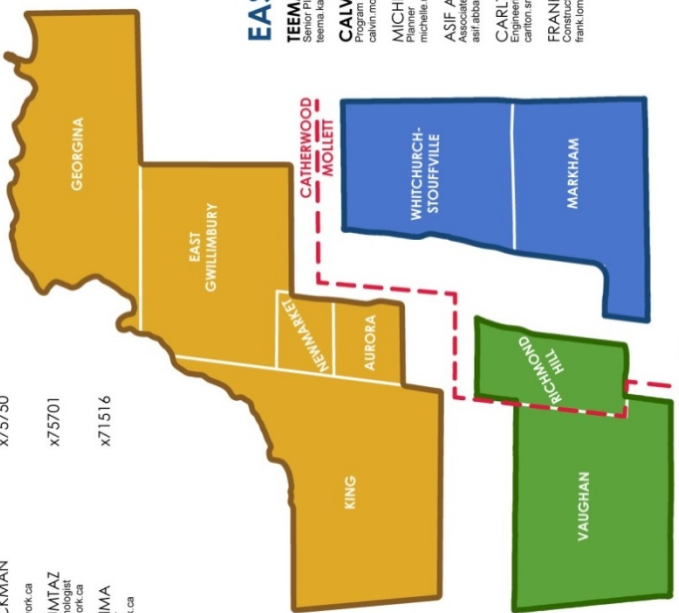
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Recommended changes to the Fee Structure

| DEVELOPMENT APPLICATIONS | Current Fee | Proposed Fee |
|---|---|---|
| Regional Official Plan Amendment (ROPA) | \$14,400 | \$20,000 |
| ROPA Notice of Receipt of Application | \$8,700 or actual cost | No Change |
| ROPA Notice of Public Meeting | \$8,700 or actual cost | No Change |
| Major Area Official Plan Amendment (e.g. Privately initiated Secondary Plan) | \$8,900 | \$20,000 |
| Local Official Plan Amendment requiring a report to Council | \$3,100 | Base Fee \$2,700* plus Decision Fee of \$6,000 |
| Local Official Plan Amendment not requiring a report to Council | \$3,100 | Base Fee \$2,700* plus Decision Fee of \$2,400 |
| Official Plan Amendment Exemption | \$2,400 | \$2,700 |
| Revision to Official Plan Amendment requiring recirculation | No Fee | \$2,500 |
| Minister's Zoning Order/Parkway Belt West | No Fee | \$2,500 |
| Zoning By-law Amendment not received with any other planning application | No Fee | \$1,000 |
| Draft Plan of Subdivision | \$3,500 \$1,200 for a second or subsequent phase | Draft Plan of Subdivision/Vacant Land Condominium \$5,200 Delete |
| Draft Plan of Condominium | \$1,700 | \$1,900 |
| Revision to Subdivision/Condominium (requires circulation) | \$1,500/\$1,300 | \$2,300 |
| Minor Revision to Subdivision/Condominium (does not require circulation) | \$1,300 | No Change |
| Subdivision Clearance | \$1,100 (second or subsequent phase) | \$2,600 for any phase |

| | | |
|---|---|---|
| Condominium Clearance | No Fee | \$1,700 for any phase |
| DEVELOPMENT APPLICATIONS | Current Fee | Proposed Fee |
| Site Plan (Includes issuance of construction access permit) | \$1,200 or 7% of estimated cost of work | Minimum charge of \$3,000* or 7% of estimated cost of works within the Regional right-of-ways, whichever is greater |
| Major Site Plan (Development over 6 storeys, commercial, mixed-use, review of one or more reports) (Includes issuance of construction access permit) | \$1,200 or 7% of estimated cost of work | Minimum charge of \$8,300* or 7% of estimated cost of works within the Regional right-of-ways, whichever is greater |
| Review and approval of Environmental Site Assessment Report | No Fee | \$1,500 |
| Encroachment Permit | Permit \$1,100 Agreement \$570 | No Change (Consolidation of Fees \$1,670) |
| Engineering Review (Review/comment on engineering drawings submissions for works on Regional Roads, for Draft Approved Plan of Subdivision/Vacant Land Condominium) (Includes issuance of construction access permit) | \$2,000 or 7% of estimated cost of work, whichever is greater | Minimum charge of \$8,500* or 7% of estimated cost of works within the Regional right-of-ways, whichever is greater |
| Engineering Resubmission related to a development application (After the 3 rd resubmission due to revisions by the owner or the owner's failure to revise drawings/plans/reports/studies as requested by the Region.) | No Fee | \$3,500 |
| Consent to Sever Includes issuance of construction access permit/entrance permit and inspection of site. | \$770 for first lot \$150 for each additional lot | No Change |

*Minimum Charge must be paid at time of submission and is considered a one-time charge that is non-refundable. Fees owing above the minimum charge are due prior to final approval being issued by the Regional Municipality of York.

Comparison of Current Regional Development Application Fees

| Development Application | York Region Current | York Region Proposed | Durham | Halton | Peel | Waterloo |
|---|---------------------|--|--|--|--------------|----------|
| Regional Official Plan | \$14,400 | \$20,000 | Major \$16,000 Minor \$5,000 | \$9,162 | \$20,000 | \$11,000 |
| Major Area Official Plan (Secondary Plan) | \$8,900 | \$20,000 | Base Fee \$2,000 + Approval Fee \$4,000 | \$ 7,742 | \$9,000 | \$5,000 |
| Local Official Plan Amendment (with Report) | \$3,100 | Base Fee \$2,700 + Decision Fee of \$6,000 | | | | |
| Local Official Plan Amendment (no report) | \$3,100 | Base Fee \$2,700 + Decision Fee of \$2,400 | | | | |
| Official Plan Amendment Exemption | \$2,400 | \$2,700 | \$2,000 | | | |
| Revision to Official Plan Amendment requiring recirculation | No Fee | \$2,500 | N/A | \$3,871 | N/A | N/A |
| Minister's Zoning Order/Parkway Belt West | No Fee | \$2,500 | N/A | \$2,581 | N/A | N/A |
| Zoning By-law Amendment not related to any other planning application | No Fee | \$1,000 | \$1,000 | \$913 | N/A | \$1,000 |
| Draft Plan of Subdivision/Vacant Land Condominium | \$3,500 | \$5,200 | \$3,000 | \$9,420 \$9,281 Phased Draft Approval Fee | \$15,000 (1) | \$3,500 |
| Draft Plan of Condominium | \$1,700 | \$1,900 | \$1,500 | \$2,723 | \$3,000 | \$2,000 |

| Development Application | York Region Current | York Region Proposed | Durham | Halton | Peel | Waterloo |
|--|---|---|---|--|--|-----------------------------------|
| Revision to Subdivision/Condominium requiring recirculation | \$1,500/\$1,300 | \$2,300 | \$1,500 | \$1,936 Post Draft Approval \$4,641 Phase Revision \$2,784 Sub-Phase Revision \$406 Condo Plan Revision | N/A | \$2,000/\$1,000 |
| Minor Revision to Subdivision/Condominium (does not require recirculation) | \$1,300 | Same | N/A | \$678/\$406 | N/A | \$1,000 |
| Subdivision Clearance | \$1,100 for second or subsequent phase | \$2,600 for any phase | \$1000/\$500 | \$1,936 | N/A | \$2,000 |
| Condominium Clearance | No Fee | \$1,700 for any phase | \$1,000/\$500 | \$658 | N/A | \$1,000 |
| Draft Approved Plan/Vacant Land Condominium/Works on Regional Roads | \$2,000 or 7% of estimated cost of work, whichever is greater | Minimum charge of \$8,500 or 7% of estimated cost of work within the Regional right-of-ways, whichever is greater | 3% of estimated cost of work for less than \$100,000 \$3,000 on first \$100,000 and 2.5% on next \$100,000 \$5,500 on first \$200,000 and 2.25% on next \$300,000 \$12,250 on first \$500,000 and 2% on next \$500,000 \$22,250 on first \$1,000,000 and 1.5% on next \$1,000,000 \$37,250 on first \$2,000,000 and 1.2% on next \$2,000,000 | \$5,650 Base Fee with remainder collected at Development Agreement (2) Less than \$100,000 \$5,000 or 10% whichever is greater \$100,000.01 and \$250,000 (collect 7%) \$250,000.01 and \$500,000 (collect 6%) \$500,000.01 or more (5%) to a maximum of \$100,000 | 5% or a minimum charge of \$8,500 + testing fees | 5% of estimated cost of works (2) |

| Development Application | York Region Current | York Region Proposed | Durham | Halton | Peel | Waterloo |
|-------------------------|---|---|---------------|---------------|-----------------------------------|---------------|
| Site Plan | \$1,200 or 7% of estimated cost of work, whichever is greater | Minimum charge of \$3,000 or 7% of estimated cost of work within the Regional right-of-ways, whichever is greater | Same as above | Same as above | 7% or a minimum charge of \$1,500 | Same as above |
| Major Site Plan | | Minimum charge of \$8,300 or 7% of estimated cost of work within the Regional right-of-ways, whichever is greater | | | | |

NOTES:

(1) Sub-Delegated Plans – Fee charged to process comments for Mississauga/Brampton/Caledon (2) Base Fee is considered a one-time charge that is non-refundable.

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