



THE CORPORATION OF THE TOWN OF AMHERSTBURG  
OFFICE OF ENGINEERING & INFRASTRUCTURE SERVICES

**Mission Statement:** As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Sydnee Botham	Report Date: May 29, 2024
Author's Phone: 519 736 3663 ext. 2326	Date to Council: July 8, 2024
Author's E-mail: srivest@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Engineering Review, Consolidated Linear Infrastructure Application, Construction and Inspection Fees – Review and User Fee Adjustment

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1. **RECOMMENDATION:**

It is recommended that:

1. That the changes in fees for the 2024 User Fees By-law Section G **BE APPROVED** as outlined in the report; and,
2. By-law 2024-056, being a by-law to Amend By-Law 2024-030 be taken as having been read 3 times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

2. **BACKGROUND:**

At the May 8, 2023 Regular Council Meeting, Council authorized By-law 2023-063 with the following motion:

Resolution # 20230508-004

1. By-law 2023-063, being a By-law to Amend By-law 2023-057 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

By-law 2023-063 included the introduction of Engineering Review Fees into the User Fee By-law to provide revenue for the Town to fund required resourcing to ensure compliance with the development standards and the Town's stormwater and sanitary Consolidated

Linear Infrastructure Environmental Compliance Approvals design criteria through internal development engineering reviews. Prior to these fees all development reviews and approvals from the Infrastructure Services Department were funded by the Tax levy.

Feedback on the current Engineering Review Fees from large-scale Developers and small-scale development applicants has been received through Infrastructure Services and other internal departments. As a result, Infrastructure Services has conducted an internal review of the overall performance of the current fee structure to confirm all objectives noted in the Council report presented on May 8, 2023 (Impacts to infrastructure Services – Engineering Division related to Bill 23, Bill 109, and Consolidated Linear Infrastructure (CLI) Approvals) are being met and if any adjustments or overall improvements can be made to better reflect the time being spent by Infrastructure Services staff. The Division has also reviewed local (Windsor-Essex) comparators' Engineering Review Fees and CLI Review Fees.

### **3. DISCUSSION:**

Administration has explored a number of options to modify the above-noted fees throughout the review and are recommending the following three (3) changes to the Fee By-law. The associated financial impact is noted with each change being presented. Supporting any of the below-noted changes presents the same risk (loss of revenue collected for the Town).

#### **A. Introduction of Minor and Major Zoning By-law Amendment Review Fees**

Currently, all engineering reviews of zoning by-law amendments and official plan amendments are subject to the same user fee of \$1547.00 per submission (General Engineering Review).

Amherstburg Planning Division differentiates zoning by-law amendment applications into 2 categories: major and minor, based on the complexity of the proposal.

Similar to the Planning Division, it was observed that the time Infrastructure Services spends reviewing the zoning by-law amendment applications is based on complexity, where simpler requests require less departmental resourcing for review time.

Additionally, many zoning by-law amendments are presented in combination with other planning applications such as committee of adjustment, site plans or subdivisions which results in Infrastructure Services reviewing the same application multiple times. The modification proposed for this fee will be beneficial for small-scale development applicants who require a zoning by-law amendment as a result of another application (example: surplus farm severance).

Infrastructure Services has identified that the name of the fee currently being charged (General Review Fee) is not clear to the applicants when they are receiving the invoice and does not define what services were provided by Infrastructure Services.

Infrastructure Services is recommending the following revisions to the fee schedule:

1. Rename the General Review Fee to Zoning By-law Amendment Review – Major (fee of \$1547.00 remains the same)
2. Introduce a Zoning By-law Amendment Review – Minor with a reduced user fee of \$774.00 (50% of the value of the Zoning By-law Amendment Review – Major fee)
3. Introduce an Official Plan Amendment Review Fee of \$500.00
4. Remove the Minimum Engineering Review Fee as this fee is not utilized

It should be noted that the determination of whether a zoning by-law amendment is considered major or minor will be completed by Amherstburg Planning Division in collaboration with Infrastructure Services.

**Impact on Revenue: Loss of \$4,365.19**

### **B. Introduction of a CLI Review Fee for Proposals Under 5 lots**

All extensions of sanitary and storm mainline sewers require Consolidated Linear Infrastructure (CLI) review for compliance with provincially mandated requirements through design, during construction and post construction.

Recently, the Committee of Adjustment has supported multiple severance applications that require minor extensions to sanitary sewers, storm sewers, or both to service the newly created lot(s).

The scope of work required for these sewer extensions is not as extensive as a subdivision design as they typically only include one new run of sewer mainline and one new manhole, therefore resulting in reduced review time.

Infrastructure Services is recommending the following revisions to the fee schedule:

1. Introduce a CLI Application Fee – Sanitary Sewers (under 5 lots) with a reduced user fee of \$774.00 (50% of the value of the CLI Application Fee – Sanitary Sewers Fee)
2. Introduce a CLI Application Fee – Storm Sewers (under 5 lots) with a reduced user fee of \$774.00 (50% of the value of the CLI Application Fee – Storm Sewers Fee)

**Impact on Revenue: Loss of \$4,088.34**

### **C. Reduction of CLI Review Fees for Subsequent Application Reviews**

Timing and resourcing required to execute subsequent CLI application reviews are significantly shorter in comparison to the initial CLI application review. Through the combination of the detailed comments provided by Infrastructure Services to the applicants and the availability of additional resourcing/design criteria from MECP, the Developer's Consultants are typically able to address the majority (if not all) of the CLI review comments after the first submission.

Infrastructure Services is recommending the following revisions to the fee schedule:

1. Rename the CLI Application Fee – Storm Sewers to CLI Application Fee – Storm Sewers – First Submission (fee remains the same)
2. Introduce a CLI Application Fee – Storm Sewers – Subsequent Submissions with a reduced user fee of \$511.00 (33% of the value of the CLI Application Fee – Storm Sewers – First Submission)
3. Rename the CLI Application Fee – Sanitary Sewers to CLI Application Fee – Sanitary Sewers – First Submission (fee remains the same)
4. Introduce a CLI Application Fee – Sanitary Sewers – Subsequent Submissions with a reduced user fee of \$511.00 (33% of the value of the CLI Application Fee – Sanitary Sewers – First Submission)

**Impact on Revenue: Loss of \$10,536.12**

Below are other options that were reviewed but deemed not justifiable as it did not result in staff time being recovered and would result in a significant loss in revenue.

**A. Reduction of Engineering Review Fees for Site Plan/ Subdivision Subsequent Application Reviews**

**Impact on Revenue: Loss of \$19,665.39**

Since the introduction of Engineering Review Fees and the recruitment of the Development Engineering Coordinator position, all development engineering reviews have been completed by internal resources with a relatively short turnaround time.

It has been recognized that the initial (first) review of the development applications takes the most staff time as this review is extensive and includes review for compliance with all municipal and provincial infrastructure requirements. This initial review is often preceded by staff time committed to pre-submission meetings and correspondence with the Developer and Planning department. Once the consultant has had an opportunity to address the concerns, it is anticipated that there will be less items to review in future submissions, although this is not always the case.

Infrastructure Services has considered reducing review fees for subsequent reviews up to 50% of the first review fee, however, it is not recommended as it does not truly represent the time being committed to these reviews overall and would result in a significant revenue loss.

**B. Modification to “Additional Review Fee (in exceedance of 5 submissions)”**

**Impact on Revenue: Increase of \$855.41**

Based on the correspondence and support provided by Infrastructure Services (and all other internal departments involved with development review) to the Applicant, it is reasonable to expect that in 3 or less submissions, the development application can be supported by Infrastructure Services. The fee would be charged above and beyond the site plan/subdivision review fees when applications exceed 5 submissions to the Town.

This modification incentivises high-quality submissions, penalize low-quality submissions, and provide consistent expectations to applicants.

This fee has only been charged on one development application to date and therefore this option may be reconsidered in the future for modification or removal.

It should also be noted that the engineering fees have only been in place for a little over one year and the Development Engineering Coordinator has only been in place for 8 months. We will continue to monitor the time spent from commencement of a project though to approval and may bring further user fee adjustments to Council for consideration in the future to best represent cost recovery from development. This will likely include adjustments to the 'post approval' cost as we have seen a number of projects commence but have seen very few to completion. As these projects move through the steps to completion, Infrastructure Services will review the post-approval fees to ensure that they appropriately cost recover and reflect the time being allocated.

#### **4. RISK ANALYSIS:**

Implementing the recommended changes to the Engineering Review Fee structure will result in loss of revenue to the Town. Therefore, there is risk that a higher percentage of internal resourcing for development needs from Infrastructure Services will be funded through the tax levy.

#### **5. FINANCIAL MATTERS:**

Between May 8, 2024 and June 6, 2024, Amherstburg has invoiced \$125,852.62 in Engineering Review Fees to multiple development Applicants. The invoiced amount is comprised of engineering reviews completed for subdivision, site plan, and zoning by-law amendment applications.

The current fee structure is performing as intended to recover a large portion of the Development Engineering Coordinator full-time employee (approximately 90%).

Below is a comparison of the fees invoiced using the current Engineering Review Fees and the Engineering Review Fees being proposed through this report:

	Current Fees (HST included)	Modified Fees based on this report (HST included)
Zoning By-law Amendments	\$15,626.77	\$7,817.34
Site Plan Control	\$59,946.50	\$51,856.83
Subdivision Applications	\$50,279.35	\$38,790.54
<b>Total Revenue</b>	<b>\$125,852.62</b>	<b>\$98,464.71</b>

The proposed modification in fee structure would have resulted in a \$27,387.91 reduction of revenue.

**6. CONSULTATIONS:**

Todd Hewitt, Manager of Engineering

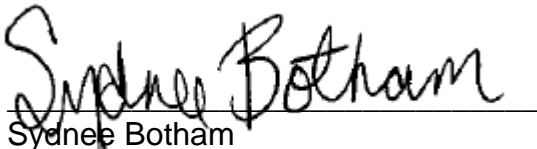
**7. CORPORATE STRATEGIC ALIGNMENT:**

*Vision: Preserving our past while forging our future.*

<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;"><b>PILLAR 1</b> <b>Deliver Trusted &amp; Accountable Local Government</b></p> <ul style="list-style-type: none"> <li>✓ Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures.</li> <li>✓ Deliver transparent and efficient financial management.</li> <li><input type="checkbox"/> Increase effective communication and engagement with residents.</li> <li><input type="checkbox"/> Develop our staff team, resources, and workplace culture.</li> <li>✓ Continue to deliver strong core municipal services.</li> <li><input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation.</li> </ul>	<p style="text-align: center;"><b>PILLAR 3</b> <b>Encourage Local Economic Prosperity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Encourage development of commercial and industrial lands.</li> <li><input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation.</li> <li><input type="checkbox"/> Continue to facilitate downtown development for residents and visitors.</li> <li><input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.</li> </ul>
<p style="text-align: center;"><b>PILLAR 2</b> <b>Invest in Community Amenities and Infrastructure</b></p> <ul style="list-style-type: none"> <li>✓ Maintain safe, reliable and accessible municipal infrastructure and facilities.</li> <li><input type="checkbox"/> Increase access to recreation opportunities for all ages.</li> <li><input type="checkbox"/> Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue)</li> <li><input type="checkbox"/> Create public access to water and waterfront</li> <li><input type="checkbox"/> Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.</li> </ul>	<p style="text-align: center;"><b>PILLAR 4</b> <b>Shape Growth Aligned with Local Identity</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Define and communicate a vision for the Town’s future and identity.</li> <li><input type="checkbox"/> Promote and plan for green and “climate change ready” development.</li> <li><input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.</li> <li><input type="checkbox"/> Protect the Town’s historic sites and heritage.</li> <li><input type="checkbox"/> Preserve the Town’s greenspaces, agricultural lands, and natural environment.</li> </ul>

**8. CONCLUSION:**

Infrastructure Services is recommending that Council support a reduction in Engineering Review, Consolidated Linear Infrastructure, and Construction and Inspection Fees to address feedback received since the fees were introduced (May 8, 2023).

A handwritten signature in black ink that reads "Sydnee Botham". The signature is written in a cursive style and is positioned above a horizontal line.

Sydnee Botham

**Development Engineering Coordinator**

## Report Approval Details

Document Title:	Engineering Review, CLI Application, and Construction and Inspection Fees – Review and User Fee Adjustment.docx
Attachments:	- 2023 05 08 - Provincial Regulation Changes - Impact to Infrastructure Services.pdf - 2024 User Fee Bylaw- Engineering and CLI Fees.pdf
Final Approval Date:	Jun 27, 2024

This report and all of its attachments were approved and signed as outlined below:



Antonietta Giofu



Tracy Prince



Valerie Critchley



Kevin Fox