

**Region of Waterloo**  
**Planning, Development, and Legislative Services**  
**Community Planning**

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**To:** Regional Council  
**Meeting Date:** September 27, 2023  
**Report Title:** Official Plan Amendment Application Fee Waiver Request, 110 Royal Oak Drive, Cambridge

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**1. Recommendation**

That the Regional Municipality of Waterloo take no action with respect to the request to waive the Region's Official Plan Amendment application fee as prescribed by By-law 23-009 for 110 Royal Oak Drive, Cambridge as set out in report PDL-CPL-23-027 dated September 27, 2023.

**2. Purpose / Issue:**

To provide Council background information and a recommendation relating to a request to waive the Region's Official Plan Amendment application fee for 110 Royal Oak Drive in the City of Cambridge.

**3. Strategic Plan:**

Nil.

**4. Report Highlights:**

- The agent for the owners of 110 Royal Oak Road submitted a request to waive the Region's fee for an Official Plan Amendment application (see Attachment A) on the basis that the costs associated with advancing their application are redundant and cause financial hardship. Their agent delegated before Council on August 30, 2023.
- The application, if approved, will permit the future creation of a new residential lot on private services.
- The Region is the delegated approval authority for Official Plan Amendments and charges a \$7,000 fee as per Schedule 'C' of the Fees and Charges By-law (23-009) for the review, commenting and responsibilities associated with issuing a decision. This fee is independent from the City's fee.

- The Region's fee by-law does not include an exemption for hardship. Schedule 'C', the Community Planning fee schedule is established in accordance with the Planning Act and provides exemptions for any application submitted on behalf of an Area Municipality or that facilitates the creation of affordable housing subject to specific terms. Neither apply to this application and the bylaw contains no criteria to consider any other types of request for exemptions. However, Council has the authority to grant an exemption from a fee.
- The Community Planning budget is funded by both development application fees and the tax levy in recognition there is a public and private benefit of the service. To date, an exemption to the Community Planning fee schedule has not been granted due to hardship and this request could set a precedent for future requests which could have future budget implications.
- Considerable effort has been spent by Region staff outside of the formal Official Plan Amendment application process to assist the applicant and additional time will be spent preparing and issuing a formal decision in accordance with the Planning Act.

## **5. Background:**

In October 2021, the owners of 110 Royal Oak Drive applied to the City of Cambridge Committee of Adjustment to sever the existing parcel into two lots (See Attachment A). The severance was deferred by the Committee as the Regional and City Official Plan policies in effect at that time did not permit the creation of new lots within the Urban Area on private water and / or wastewater services.

Policy 2.J.8 was added to the ROP through the approval of ROPA 6 (adopted by Regional Council in August 2022 and approved by the Province in April 2023) which provides for consideration of privately serviced residential infilling subject to specified criteria.

The approval of ROPA 6 eliminated the need for the owners of 110 Royal Oak Road to submit a site specific ROP Amendment (saving a fee of \$12,650) and enabled the consideration of residential infilling on private services at the area municipal level.

The City of Cambridge Official Plan does not currently permit private services for new development within the Urban Area and the applicant has initiated a site specific Official Plan Amendment to provide for consideration of a new residential lot at 110 Royal Oak Road on private services.

The Official Plan Amendment (OPA) must conform with ROP Policy 2.J.8 which includes several criteria that must be satisfied, including ensuring the protection of groundwater. Staff have spent considerable time with the applicant outside of a formal OPA Application to assist in addressing the ROP criteria.

The Owners submitted the OPA Application along with the applicable City and Region fees "under protest" as they intended to request Regional and City Council to exempt

the application fees. On August 30, 2023, representatives of the Owners of 110 Royal Oak Drive made a delegation to Regional Council requesting that the Region's Official Plan Amendment (OPA) application fee be waived for hardship reasons.

A similar request has been made to the City of Cambridge. The request was not recommended by staff but approved by City Council on the basis of hardship. The City of Cambridge has a corporate policy regarding fees that allows for application fees to be waived by Council if there is "hardship" as a result of paying the required fees. The Region does not have a similar provision in the Fees and Charges By-law however Council has the authority to grant an exemption from a fee.

### **Communication and Engagement with Area Municipalities and the Public**

Area Municipalities: City Planning staff have been advised of this report and recommendation.

Public: Public consultation on the Official Plan Amendment will occur in accordance with the Planning Act.

## **6. Financial Implications**

The administration of Planning Act responsibilities in relation to Local Official Plan Amendments is partially recovered through fees for development applications as legislated by the Planning Act to recover some of the costs associated with the review and / or approval of development application to ensure applications are in accordance with applicable policy. An exemption in this case could set a precedent and reduce future development application revenue. The current fee for an Official Plan Amendment is \$7,000.

## **7. Conclusion / Next Steps:**

The approval of this request to exempt a development application fee could create a precedent leading to future requests which could have budget and / or service delivery implications. Staff have spent considerable time on this application prior to submission and will continue to spend time preparing and issuing a decision in accordance with the Planning Act. As such, staff recommend that Council take no action on the request.

If Council approves the request, the fee would be refunded to the applicant.

### **Attachments:**

Attachment A: Letter from Arcadis Professional Services (Canada) Inc. dated August 22, 2023

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