



Corporate Report

NO: R137

COUNCIL DATE: July 14, 2008

REGULAR COUNCIL

TO: Mayor & Council DATE: July 14, 2008
FROM: General Manager, Planning and Development FILE: 6800-01
SUBJECT: Heritage Application Fees

RECOMMENDATION

The Planning and Development Department recommends that Council:

1. Receive this report as information;
2. Authorize the City Clerk to bring forward the Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631, Amendment By-law (the "Amendment By-law"), attached as Appendix I to this report, for the required readings.

INTENT

The purpose of this report is to recommend amendments to the Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631, as amended (the "Fees By-law"), to include an application fee structure for major amendments to Heritage Revitalization Agreement By-laws, Heritage Alteration Permits and (Heritage) Restrictive Covenants required after restoration work is underway.

BACKGROUND

On October 1, 2007, Council adopted the following recommendation from the minutes of the September 26, 2007 meeting of the Heritage Advisory Commission (the "HAC"):

"Staff be instructed to prepare a Corporate Report to amend the Surrey Land Use and Development Application Fees Imposition By-law, 1993, No. 11631, to continue the practice of not charging application fees for heritage applications, however that when such applications are submitted a second time after changes have been made, that there be an application fee of \$2,000 plus the usual fee of \$765 if a Public Hearing is required".

DISCUSSION

Under the *Local Government Act*, Council has the ability to establish procedural by-laws, including application fees for heritage protection instruments such as Heritage Revitalization Agreement By-laws, Heritage Alteration Permits and (Heritage) Restrictive Covenants. To date, Council has waived application fees for heritage applications. Waiving application fees is one of the incentives endorsed by the HAC to encourage owners to apply for and to protect significant heritage sites and buildings.

Recently, the HAC considered a request from heritage property owners to allow significant departures from an agreed-to conservation plan. Normally, changes that are minor in nature or that are considered to be more historically authentic can be approved administratively. However, there are instances when major departures from an agreed-to conservation plan are started without the necessary approvals from the City.

Major changes to heritage instruments often require reassessment and amendment of conservation plans and other provisions in the related agreements. When these changes are required after restoration work has begun, the process needs to be expedited to permit amended building permits to be evaluated for Building Code and safety issues. Extraordinary meetings of the HAC might be needed before Corporate Reports can be forwarded to Council to consider authorizing changes to the heritage protection instrument. If these applications are not processed quickly, heritage restorations might come to a standstill and the subject heritage building becomes vulnerable to vandalism or arson fire in extreme cases.

Given the time and effort required to expedite major amendments, the HAC has recommended that a processing fee be collected for major amendments to approved heritage instruments after restoration work has begun. This fee would act as a deterrent to unauthorized restoration work, and reimburse the City for efforts to expedite the necessary amendments.

Therefore, it is proposed that the Fees By-law be amended by adding a new Schedule 9, as documented in Appendix I.

The proposed heritage application fee of \$2,000 plus, where applicable, a public hearing fee of \$765, would be similar to the amount charged for a simple rezoning application.

Heritage application fees for the initial heritage protection instrument, for minor amendments to approved instruments, or major amendments before restoration commences would continue to be waived.

Legal Services has reviewed this report and the recommended by-law amendments and has no concerns.

CONCLUSION

Council instructed staff to establish heritage application fees in certain circumstances. The proposal is that heritage application fees will continue to be waived, except in the case of major amendments to an approved heritage instrument after restoration work on

the related heritage structure has commenced. The fee is in line with those collected for a simple rezoning application and is justified to facilitate expedited approval and to avoid potential threats to heritage buildings if restoration work is halted.

It is, therefore, recommended that Council authorize the City Clerk to bring forward the Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631, Amendment By-law, attached as Appendix I to this report for the required readings.

Jean Lamontagne
General Manager
Planning and Development

AK/kms/saw

Attachment:

Appendix I Surrey Land Use and Development Applications Fees Imposition By-law, 1993,
No. 11631, Amendment By-law

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CITY OF SURREY

BY-LAW NO. _____

A by-law to amend the provisions of "Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631," as amended.
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THE CITY COUNCIL of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. "Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631," as amended is hereby further amended as follows:
 - (a) Section 2 is amended by deleting the phrase "Schedules 1 to 7 inclusive" in the two locations where it appears and replacing it with "Schedules 1 to 9 inclusive".
 - (b) Section 2 is amended by adding the following new subsection following subsection (g):
 - "(h) Heritage Revitalization Agreements, Heritage Alteration Permits and (Heritage) Restrictive Covenants".
 - (c) Section 4 is amended by deleting the phrase "Schedules 1, 2, 3, 4 and 7" and replacing it with "Schedules 1, 2, 3, 4, 7 and 9".
 - (d) Section 5 is amended by deleting the phrase "Schedules 1 to 3 inclusive" and replacing it with "Schedules 1 to 3 inclusive and Schedule 9".
 - (e) Following Schedule 8, insert a new Schedule 9 attached hereto and forming part of this By-law.

3. This By-law shall be cited for all purposes as "Surrey Land Use and Development Applications Fees Imposition By-law, 1993, No. 11631, Amendment By-law, 2008, No. _____".

PASSED THREE READINGS on the _____ day of _____, 2008.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the _____ day of _____, 2008.

_____ MAYOR

_____ CLERK

SCHEDULE ONE (9) - BY-LAW NO. 11631
CITY OF SURREY
HERITAGE APPLICATION FEES

I. HERITAGE APPLICATION FEES

Heritage applications, including those for Heritage Revitalization Agreements, Heritage Alteration Permits and (Heritage) Restrictive Covenants ("heritage protection instruments") and amendments thereto shall be subject to the following application fee:

- (a) No application fee or Public Hearing fee applies for:
 - i. the initial heritage protection instrument;
 - ii. minor amendments to approved heritage protection instruments; or
 - iii. major amendments to approved heritage protection instruments provided restorations have not been commenced before the heritage application is submitted.

- (b) \$2,000, plus a Public Hearing fee of \$765 for major amendments to approved heritage protection instruments where the changes have commenced before the application is submitted.