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CLOCA Planning and Regulations Services Fees Implementation Guideline

The following guidance is intended to assist in implementation of CLOCAs approved *Fee Schedule for Planning Services* and *Fee Schedule for Regulation Services* effective December 1, 2015. CLOCA Staff will advise of the applicable fee and may be consulted to determine the appropriate category for permit fees and the plans or studies that are required for the proposal. The examples provided below are for illustrative purposes only.

Planning Services Fee Administration

- In accordance with the current practice and agreed procedure with our municipalities, all application processing fees are to be collected by the municipality prior to circulation. It is recommended that the Technical Report fee also be collected by the municipality prior to circulation. If it is unclear if a technical review is required, CLOCA will determine the applicability through the review of the application and supporting information. If applicable, CLOCA will invoice the applicant.
- Consolidated Planning Act Applications: Only one fee will be applied to proposed development subject to multiple related Planning Act applications such that only the highest of the application fee is applicable – not the aggregate. To utilize the consolidated planning fees, the new planning application must be submitted within 2 years from the approval of the prior related planning application. This guidance is not applicable to Master Environmental Servicing Plans (MESP), or equivalent studies. See notes 1 and 2d) on the Fee Schedule for Planning Services.
- When a municipality requires a new application and fee for a resubmission, CLOCA's planning services fees will also be applicable.

Regulation Services Fee Administration

- All application fees are to be paid at the time of filing an application and will be required as part of a 'complete' application.
- Applications for large fill sites must be paid by way of a certified cheque.

What we do on the land is mirrored in the water



- Application fees, with the exception of the Minor Permit A and Minor Permit B categories include one CLOCA staff site visit. Subsequent site visits or meetings for project compliance monitoring may be assessed a supplementary fee of \$250. CLOCA staff will advise of this requirement prior to undertaking the billable work.

Technical Review Fees for Planning and Regulation Services

- Only technical reports that relate to CLOCAs mandate and review responsibilities are subject to the technical review fees. For example noise reports or archaeological reports are not subject to the technical review fee. Reports subject to a technical review fee may include, but are not limited to:
 - Environmental impact study
 - Stormwater management study
 - Functional servicing plan
 - Floodline delineation study/hydraulics
 - Geotechnical/slope stability study
 - Hydrogeological assessment
 - Watercourse erosion analysis
 - Channel crossings assessment
 - Stream corridor protection study
 - Coastal engineering study
- Each applicable technical report triggers a \$2,750 technical review fee with the exception of technical reports that are closely integrated to address similar technical issues (e.g. geotechnical and hydrogeological assessment to address a slope stability issue or an EIS and Arborists report to address natural heritage protection). The applicability of the technical review fee for scoped or minor reports will be considered on a case by case basis. Factors such as the need for a site visit to confirm study results, the scale of development, environmental sensitivity, existing background information and the need for on-site water quantity/quality management will be considered to determine if the technical review is applicable to scoped reports.
- Technical review fees are not required for subsequent submissions of updated reports, unless the reports reflect a major resubmission/major revision. In the case of a major resubmission or major revision, and technical review fees are not provided, CLOCA staff will complete an invoice with a cover letter to the applicant, advising that additional technical review fees are due.



- In instances where the same technical information is provided in order to support a Permit Application to implement a development approved (and reviewed by CLOCA) under the Planning Act, the per technical report fee will not be applicable for permit applications where identical information has already been reviewed by CLOCA as part of Planning Act review. For example, a Stormwater Management Design Brief reviewed for a Site Plan application re-submitted, without amendment, in support of a CLOCA permit application would not be assessed the per technical report fee.

Plans of Subdivision

- The Plans of Subdivision fee category references two per/ha fees (\$1,700 or \$3,300). The per/ha fee represents the fee associated with the technical review of the functional and detailed design in support of the application. The applicable fee is determined as follows: \$1,700/ha fee is applicable to a plan of subdivision that is located within an area that was subject to a comprehensive Master Environmental Servicing Plan (MESP) or equivalent study (addressing natural resources and natural hazard issues) completed to the satisfaction of CLOCA. \$3,300/ha fee is applicable if the plan of subdivision is in an area where a MESP/Master Planning Exercise has not been completed or where a landowner has not paid their portion of the fee for an approved MESP.
- A \$100,000 maximum billable fee applies for Plans of Subdivision. Fees in excess of \$100,000 are subject to negotiation with CLOCA based on the application complexity and CLOCA resources required to review and comment and may include agreed upon milestone payments.
- Plans of Subdivision/Condominium
 - a) Major resubmissions and major revisions will be surcharged at \$5,500
 - b) /ha fees will be invoiced 50% at draft approval and 50% at final approval
- CLOCA collects a phased technical review fee for plans of subdivision – 50% at draft approval, 50% at final approval. This fee is calculated based on land area (hectares), of the total draft plan area. Payment of the first 50% of the /ha fee is required in advance of the issuance of CLOCA conditions to draft plan approval in payment of the CLOCA functional review. Payment of the second 50% of the /ha fee is required in advance of the issuance of clearance letter by CLOCA staff. In addition, payment of CLOCA fees will be made a condition to draft approval. If necessary, CLOCA staff will complete an invoice requisition form and send it to Accounting with a cover letter to the proponent advising that the required technical review fees are due and the amount of these fees.



- Clearance letter fees are required as part of a request for clearance of conditions. A \$3,000 fee applies for the first clearance letter request for a draft plan. Subsequent requests for the same draft plan (i.e. additional phases) are subject to a \$1,500 fee.
- Any uncollected fees or any change in land area which results in a change to the fees shall be resolved prior to final approval.

Condominium Plans

- There are two fees applicable to condominium applications (applications comparable to site plans and comparable to subdivision applications). Comparable to site plan applications refers to applications on smaller lots with a single multi-storey building. Comparable to subdivision refers to applications that involve multiple units or dwellings (e.g. townhouse condo's).

Master Environmental Servicing Plans

- A \$100,000 maximum billable fee applies for Master Environmental Servicing Plans, Subwatershed Plans or equivalent reviews. Fees in excess of \$100,000 for these reviews are subject to negotiation with CLOCA based on the application complexity and CLOCA resources required to review and comment and may include agreed upon milestone payments.
- A Terms of Reference for the MESP work tasks must be prepared and agreed to by all parties – the municipality, CLOCA and the proponent. Non-participating landowners will be required to pay their share at the time a development application is received.

MESP milestone payment structure:

1. Preliminary Initiation (at Project start-up) Base Fee applies
(Scoping of MESP/Terms of Reference Initiation)
2. Terms of Reference completion/MESP Initiation 50% payable
(Includes existing conditions report/field work
First MESP Submission/Review)
3. Prior to First Submission Comments 20% payable
4. Prior to issuance of final MESP approval by CLOCA 30% payable

Transition

- New fees generally apply to applications received commencing after the effective date of the fee schedules: December 1, 2015. Some applications subject to a technical review fee have multiple stages of collection, such as plans of subdivision or site plans. In these cases, CLOCA will bill outstanding fees based on the current applicable fee. For example, a site plan application received prior to December 1, 2015 will pay the initial



fee of \$1,500 in effect prior to December 1, 2015. Technical report submissions made after December 1, 2015 will be assessed the current \$2,750 fee (not the previous \$2,500 fee).

Rights of Appeal

- An applicant has the right to appeal a fee and request a modification to the assessed fee. Any appeal will be heard by the Director of Planning and Regulation and the Chief Administrative Officer. If still not satisfied, the appeal may be heard by the Board of Directors. The consideration for modifying a fee will be based largely on the following:
 - scope of work required to administer and review the application and supporting technical reports; and
 - if the municipality has modified their application fee.

Fee Refunds

- Application fees are required to defray the costs of CLOCA's Planning and Regulation program. For this reason, refunds are generally not available. In exceptional circumstances, in instances where only a minor amount administration or technical review effort has been expended by CLOCA staff on an application, a partial refund may be provided at the discretion of the Director of Planning and Regulation and/or the Chief Administrative Officer. The amount of a partial refund will be based on the amount of administrative and technical effort expended on a file.

Examples of Applicable Permit Fees

Minor Permit A — Activity should:

- Be considered very low risk of impact related to natural hazard or natural feature;
- Not require technical letter/plans/reports; and
- Be located outside of hazard/wetland/watercourse

Examples include:

- New dwelling or addition to dwelling/structure;
- Decks and pools
- Ancillary structures
- Septic tank installation or maintenance



Minor Permit B – Activity should:

- Be considered very low risk of impact related to natural hazard or natural feature;
- Not require technical letter/plans/reports; and
- Be located outside of hazard/wetland/watercourse

Examples include:

- New dwelling or addition to dwelling/structure
- Dwelling/structure 30—120 from a wetland
- Minor grading
- less than 30 tandems of fill or 500metres cubed (one time placement)
- off line pond construction/ maintenance (offline ponds only & not including SWM ponds)

Standard Permit C — Activity should:

- Be considered a moderate risk of impact related to natural hazard or natural feature;
- Require a technical letter/professional plan/one site visit. Technical letters and plans are defined as information confirming that the proposed application conforms or is consistent with previous complete comprehensive reports or are required to address simple non-complex applications.

Examples of reports, technical letters and plans include:

- Environmental site assessment report
 - Erosion and sediment control plans
 - Grading plan
 - SWM design brief
 - Landscaping plan
 - Structural elevations and construction detail
- Moderate scale with the total site area generally under 5 hectares in size.
- Be considered major development outside of hazard/wetland/watercourse or minor development inside of hazard/wetland/watercourse.

Examples include:

- Dwelling/structure closer than 30/120m from wetland
- grading greater than 1ha (no study)
- new municipal trails
- pedestrian bridges (no in-stream work)
- dredging of harbor
- installation of municipal services
- maintenance/clean out of one SWM pond
- major road repairs

Major Permit D — Activity must:



- Be considered complex with high risk of impact related to natural hazard and/or Heritage feature
- Be considered major development within hazard or natural feature
- Require multiple site inspections/compliance monitoring visits
- Require multiple technical letters or one or more technical reports
- Larger scale applications for a total site area equal to or above 5 hectares

Examples include:

- Servicing works for plans of subdivision
- Wet stormwater management ponds
- New or addition to dwelling/structure within hazard
- New bridge or major bridge repairs/replacements
- new development/additions requiring a review of hazard limit with existing shoreline protection
- new dwelling/structure
- major storm outfall retrofits (plunge pool, outfall channel, temp by-pass pipe)
- erosion protection works
- multi-unit development
- primary access culverts generally greater than 2m diameter, includes box culverts
- multiple SWM maintenance/pond clean outs

Large Fill Permit

Large fill sites are sites that involve the importation of 500 cubic metres of fill or more. See CLOCA's *Large Fill Policy, May, 2014* for additional guidance.

