

# Central Lake Ontario Conservation Authority (CLOCA) Fee Policy

## Auth. Res. #71/22, dated Nov. 23, 2022

### Legislation

Under the *Conservation Authorities Act (CA Act)* CLOCA may charge a fee for a program or service provided it falls within the following list:

- **Mandatory programs and services.** Mandatory programs and services that the conservation authority is required to provide [see 21.1 for further details]. These services are further defined in O. Reg. 686/21: Mandatory Programs and Services and may be funded by provincial grants, other sources, municipal apportionment and/or conservation authority self-generated revenue (e.g., user fees) where the user-pay principle is appropriate.
- **Municipal programs and services.** Programs and services that an authority agrees to provide on behalf of a municipality under a MOU or agreement [see 21.1.1 for further details]. The program or service may be funded by the municipality or by other funding mechanisms (e.g., user fees where the user-pay principle is appropriate) as per the MOU or agreement.
- **Other programs and services.** Programs and services that an authority determines are advisable to further the purposes of the Act [see 21.1.2 for further details]. The program or service may be funded by the municipality or by other funding mechanisms (e.g., user fees where the user-pay principle is appropriate) as per the cost apportioning agreement and the Minister's List.

### Policy Principles and Statements

*Fees for programs and services are set by the Members of the Authority*

- *Fees for planning and permitting services are set to recover but not exceed the costs associated with administering and delivering the services on a program basis*
- *Direct and indirect costs associated with the program or service are included in the calculation of the overall cost*
- *For fees associated with municipal and other programs and services provisions to enable the charging of fees will be included in the MOU/service agreement with the Region of Durham except where already authorized through the Minister's List*
- *Fees are established with due regard to legislative requirements, ability to sustain programs and reflect a user-pay principle*

### Implementation

#### Planning and Regulation Services

In accordance with the current practice and agreed procedure with CLOCA's partner municipalities, all initial application processing fees are to be collected by the municipality prior to circulation. CLOCA will determine the applicability of the technical report fee through the review of the application and supporting information. If applicable, CLOCA will invoice the applicant.

For consolidated Planning Act Applications only one fee will be applied to a 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.

All application fees are to be paid at the time of filing an application. Applications will not be stamped received and a file will not be opened if the required application fee does not accompany the application.

Applications for large fill sites must be paid by way of a certified cheque.

Application fees, except for 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 pursuant to the in-effect fee schedule at the time an application is made. CLOCA staff will advise of this requirement prior to undertaking the billable work.

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, and coastal engineering study. Each applicable technical report may trigger a technical review fee. 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

The Plan of Subdivision fee category references two per/ha fees. The per/ha fee represents the fee associated with the technical review of the functional and detailed design in support of the application. The lower applicable 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. The higher 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 fee threshold applies for Plans of Subdivision as set out in the current in-force fee schedule. Fees in excess of the fee threshold 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 subject to a surcharge and will be invoiced 50% at draft approval and 50% at final approval. Fees technical review fee for plans of subdivision will be collected in two phases – 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 the Accounting Department 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. Any uncollected fees or any change in land area which results in a change to the fees shall be resolved prior to final approval. For Condominium Plans, there are two fees applicable (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 Plan fees in excess of a fee threshold set out in the current in-force fee schedule 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.

Fee rates in accordance with CLOCA's approved fee schedule shall apply to all applications stamped received by the municipality within the given year. In instances where the municipality has not circulated the application to CLOCA due to incompleteness, and a new fee schedule comes into effect, the new fee will apply on the date CLOCA receives the application for review from the municipality. In this scenario, CLOCA staff will be responsible for working with an applicant to collect any difference in the required fee to ensure the appropriate fee is remitted to correspond with the timing of CLOCA's review services.

Finally, 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.

### **Reconsideration of Planning and Permitting Fees**

An applicant may request the reconsideration of a planning and/or Section 28 permitting fee. Any request will be heard, in the first instance, by the Director of Planning and Regulation and subsequently, if necessary, the Chief Administrative Officer. A decision will be made to either: order the payment of the fee, vary the fee amount or charge no fee. Consideration shall be given to: scope of work required to administer and review the application and supporting technical reports; and if the municipality has modified their application fee.

### **Reconsideration/Refund for Other Fees**

For all other fees, (excluding planning and Section 28 permitting), the CAO has the discretion to waive fees for activities that support the Authorities objectives (e.g., a permit application fee for a stewardship project).

Cancellation and Refunds related to bookings for use of conservation areas/facilities are outlined in the required agreement.

### **Review of Fee Policy and Fee Schedule**

The Fee Policy will be reviewed a minimum of every 5 years. During a review, notice shall be provided on the Authority's website that the review is being undertaken and that comments can be provided. A subsequent posting in the Authority's website shall be posted if any changes are proposed to the Fee Policy. Any changes to the Fee Schedule shall be posted on the [Authority's](#) website a minimum of 5 days prior to the Boards consideration require approval from the Board of Directors. Fee schedules will be reviewed on an annual basis.

### **Effective Date**

The Fee Policy and Fee Schedule will take effect upon approval by the Board of Directors.

### **Posting on Website**

The Fee Policy will be posted in the Authority's website.