

Central Lake Ontario Conservation Authority (CLOCA) Fee Policy; approved November 22, 2022, and amended on March 19, 2024

Legislation

Under the *Conservation Authorities Act (CA Act)*, Central Lake Ontario Conservation Authority (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 a Conservation Authority agrees to provide on behalf of a municipality under a Memorandum of Understanding (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 a Conservation Authority determines are advisable to further the purposes of the *CA 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. Central Lake Ontario Conservation Authority 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 two 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. Central Lake Ontario Conservation Authority staff will advise of this requirement prior to undertaking the billable work.

Only technical reports that relate to CLOCA's 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 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 an 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.

For Plans of Subdivision/Condominium, major resubmissions and major revisions will be subject to a surcharge and will be invoiced 50 per cent at draft approval and 50 per cent at final approval. Technical review fees for plans of subdivision will be collected in two phases: 50 per cent at draft approval, 50 per

cent at final approval. This fee is calculated based on land area (hectares), of the total draft plan area. Payment of the first 50 per cent of the per/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 per cent of the per/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 condos).

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. Master Environmental Servicing Plan 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 per cent payable (includes existing conditions report/field work, first MESP submission/review)
3. Prior to First Submission Comments – 20 per cent payable
4. Prior to issuance of final MESP approval by CLOCA – 30 per cent payable

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.

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 application 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 (CAO). 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.

If a Conservation Authority receives a request for reconsideration of a fee charged for an application for a permit, the Conservation Authority shall make its decision within 30 days after receiving the request. Further, that if a decision is not made within 30 days of receiving the request, the person who made the request may appeal the amount of the fee directly to the Ontario Land Tribunal.

If after reconsideration of a fee charged for an application for a permit a Conservation Authority orders a person to pay the fee, the person shall pay the fee in accordance with the order. A person who pays a fee may, (a) when paying the fee, indicate to the Conservation Authority writing that the fee is being paid under protest; and (b) within 30 days after payment of the fee, appeal the amount charged by the Conservation Authority upon reconsideration to the Local Planning Appeal Tribunal.

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 Conservation Authority's 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 five years. During a review, notice shall be provided on the Conservation Authority's website that the review is being undertaken and that comments can be provided. A subsequent posting on the Conservation 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 Conservation Authority's website a minimum of five days prior to the Board of Director's consideration. 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 on the Conservation Authority's website.