



Guideline for CA Fee Administration Policies for Plan Review and Permitting

Endorsed: June 24, 2019
Amended: December 9, 2019

Guideline for CA Fee Administration Policies for Plan Review and Permitting

Introduction

The following table outlines a methodology for the development of conservation authority fee administration policies for plan review and permitting. As an action from the June 13, 2011 CALC Committee meeting, Conservation Ontario (CO) staff undertook a review of five conservation authorities' (CA) fee administration policies for plan review and permitting to develop CO recommended guidelines, including common elements to be included in administrative policies and fee schedules to ensure consistency across CAs. The documents used included:

1. RVCA's *Administrative Procedures for Cost Recovery (User Fees) for Planning Act and delegated Regulatory Approvals* (2005);
2. GRCA's Board Report (2010) on *Permit, Plan Review, Title Clearance and Enquiry Fee Schedule*;
3. HCA's *Confidential Working Brief on Cost Recovery* (2011);
4. LSRCA's *Planning and Development Fees Policy* (2010) (2019 version used); and
5. TRCA Board Reports (2008, 2010, 2011) on the *Review and Proposed Adjustments to Existing Fee Schedules for Planning Services, Permitting and Environmental Assessment Review Services*

The five CAs were selected based upon an understanding that, at the time, they had recently completed or were in the process of completing a fee review and/or had been asked by their respective Boards to achieve 100% cost recovery for fees related to plan review and permitting. This guideline has since been supplemented with additional insight from Central Lake Ontario's Fee Implementation Guideline (updated in 2014) and Toronto and Region's *Moving Towards Plan Review Cost Recovery and Service Improvements* Fact Sheet (2012).

The columns in this guideline set out the (un-proclaimed) legislative requirements of the *Conservation Authorities Act* for CAs when developing fee policies and schedules, as well as the requirements defined in the MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997). As this guideline includes direct quotes from the MNRF Policy and Procedure, there are some references to activities which are not related to CA plan review and permitting functions. Where applicable, CO has provided guidelines which clarify the provincial requirements as well as provide additional guidance to support the development of robust fee administration policies and schedules for the CA plan review and permitting programs.

Note: This document is intended to be used as a reference by CAs when developing or updating their respective fee policies and schedules. While focused on fees associated with the CA planning and permitting programs, many aspects in this document can be used to inform the development of a comprehensive fee policy document and fee schedule for all applicable CA fees. It is noted that all fees charged by conservation authorities are subject to the Ministry of Natural Resources and Forestry's Policy and Procedure, any requirements outlined in the *Conservation Authorities Act* and to the conservation authority's Board approved policies.

This document was developed by CO staff with input from the Conservation Ontario Timely Reviews and Approvals Taskforce. The draft document was circulated to all CA CAOs/GMs, as well as forwarded to CA Planning and Regulations contacts for their review and feedback, and was subsequently updated. The final draft of this guideline was shared with external stakeholders for review and feedback, including the Association of Municipalities of Ontario (AMO), the Ontario Homebuilders' Association (OHBA), the Building Industry and Land Development Association (BILD), and the Residential Construction Council of Ontario (RESCON) prior to Council approval in June, 2019. Additional feedback was received by AMO in October and the document has subsequently been updated to reflect that input.

| | Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2) | MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997) | Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting |
|--|--|--|---|
| Conservation authority fees for programs and services | <p>Fees for programs and services (1) The Minister may determine classes of programs and services in respect of which an authority may charge a fee.</p> <p>Publication of list (2) The Minister shall publish the list of classes of programs and services in respect of which an authority may charge a fee in a policy document and distribute the document to each authority.</p> <p>Updating list (3) If the Minister makes changes to the list of classes of programs and services in respect of which an authority may charge a fee, the Minister shall promptly update the policy document referred to in subsection (2) and distribute the new document to each authority.</p> <p>Where authority may charge fee (4) An authority may charge a fee for a program or service that it provides only if it is set out on the list of classes of programs and</p> | <p>4.1 Conservation Authorities are entitled to set rates, charge and collect fees for services rendered.</p> <p>4.2 Conservation Authorities are encouraged to make programs and services more self-sufficient by applying the user-pay principle.</p> <p>5.3 For planning, and compliance-oriented activities such as regulatory or permitting services, the Conservation Authority fee structures should be designed to recover but not exceed the costs associated with administering and delivering the services on a program basis.</p> <p>5.1 Pursuant to Section 21(m.1) of the <i>Conservation Authorities Act</i>, Conservation Authorities may charge fees for the following services:</p> <ul style="list-style-type: none"> – Section 28 permit fees – Plan review – Response to legal, real estate and public enquiries – Extension services (e.g., technical advice/implementation of erosion control measures, forest management/tree planting, wildlife/fisheries habitat management, management of | <p>CAs may strive for 100% full cost recovery for services not supported through provincial grant funding; however, CA fees must not exceed the costs of delivering services. It is recognized that costs vary by watershed characteristics (i.e. the types of natural hazards needing to be addressed) and the services being delivered and by Board direction with regard to % cost recovery.</p> <p>CAs are encouraged to consider the applicability of other fees for services associated with planning application reviews (e.g. Environmental Assessments) when developing fee schedules.</p> |

| | Un-Proclaimed Provisions of the Conservation Authorities Act (Section 21.2) | MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997) | Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting |
|---|---|--|--|
| | <p>services referred to in subsection (2).</p> <p>Amount of fee (5) The amount of a fee charged by an authority for a program or service it provides shall be, (a) the amount prescribed by the regulations; or (b) if no amount is prescribed, the amount determined by the authority.</p> | <p>forests/recreational land owned by others, technical studies)</p> <ul style="list-style-type: none"> – Community relations / information / education services (e.g., tours, presentations, workshops, demonstrations, special events) – Sale of products (e.g. reports, maps, photographs) – Any services under other legislation (e.g., EPA, LRIA, PLA) authorized under agreement with the lead ministry <p>This is provided the service is not supported through provincial grant funding.</p> <p>5.4 Conservation Authority fees should be determined in such a manner as to not deter applicants from receiving due process.</p> | |
| Conservation authority fee policies and fee schedules for planning and regulations services and programs | <p>Fee schedule (6) Every authority shall prepare and maintain a fee schedule that sets out, (a) the list of programs and services that it provides and in respect of which it charges a fee; and (b) the amount of the fee charged for each program or service or the manner in which the fee is determined.</p> | <p>5.2 Each CA must develop written policy on a fee administrative guideline, which includes:</p> <ul style="list-style-type: none"> - A fees schedule - A process for public notification about the establishment of or any proposed changes to any fee schedule - A clearly defined review and revision process - An process for appeals for fee structures proposed or in place <p>5.3 Fees for planning services should be designed/administered in conjunction with the appropriate planning authorities, in</p> | <p>Eligible direct costs applied to a CA’s fee schedule should be specified in the CA fee administrative policy. Eligible direct costs for the plan review and regulations program could include:</p> <ul style="list-style-type: none"> – Staff salary, training and overhead (pension contributions, benefits, CPP, EI, vacation, professional memberships, staff adjustments, etc.) for planning and regulations staff – Appropriate percentage of salary and overhead for staff/consultants that support the plan review and regulations function (e.g. administration, geomatics (GIS) and information technology, engineering, |

| | Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2) | MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997) | Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting |
|--|--|--|---|
| | | <p>accordance with Sect. 69 of the <i>Planning Act</i>.</p> <p>5.5 When developing fee schedules, CAs should consider:</p> <ul style="list-style-type: none"> - The fees of neighbouring CAs - Nature/level of fees charged by local municipalities/ministries/other agencies for similar services - Setting fees dependent on complexity of applications/level of CA effort | <p>surface water and groundwater specialists, source water protection, natural heritage, property management, senior staff/management)</p> <ul style="list-style-type: none"> – Compliance costs (e.g. inspections of approved permits, potential violations and enforcement.) – Office Space (lease, building maintenance, heat, lights, water, computers, network, printers, etc.) – Vehicle costs (acquisition, depreciation, maintenance, insurance, gas, etc.) – Equipment and software (mobile phones, cameras, GPS, safety equipment, software acquisition and development etc.) – Permit and planning legal expenses (e.g. annual expenses and contingency reserve) and insurance (e.g. errors and omissions) – Maintenance and development of public resources (website improvements, fact sheets) – Administrative costs (paper, postage, faxing, courier, etc.) |

| | Un-Proclaimed Provisions of the Conservation Authorities Act (Section 21.2) | MNR Policies and Procedures for the Charging of Conservation Authority Fees (1997) | Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting |
|--|--|---|---|
| | <p>Fee policy (7) Every authority shall adopt a written policy with respect to the fees that it charges for the programs and services it provides, and the policy shall set out,</p> <ul style="list-style-type: none"> (a) the fee schedule described in subsection (6); (b) the frequency within which the fee policy shall be reviewed by the authority under subsection (9); (c) the process for carrying out a review of the fee policy, including the rules for giving notice of the review and of any changes resulting from the review; and (d) the circumstances in which a person may request that the authority reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. | <p>5.2 Each CA must develop written policy on a fee administrative guideline, which includes:</p> <ul style="list-style-type: none"> - A fees schedule - A process for public notification about the establishment of or any proposed changes to any fee schedule - A clearly defined review and revision process - An process for appeals for fee structures proposed or in place <p>5.3 Fees for planning services should be designed/administered in conjunction with the appropriate planning authorities, in accordance with Sect. 69 of the <i>Planning Act</i>.</p> <p>5.5 When developing fee schedules, CAs should consider:</p> <ul style="list-style-type: none"> - The fees of neighbouring CAS - Nature/level of fees charged by local municipalities/ministries/other agencies for similar services - Setting fees dependent on complexity of applications/level of CA effort | <p>CAs must develop a fee administrative policy endorsed by their Board. The fee administrative policy should be made accessible to the public on the CA website.</p> <p>In addition to the provincial requirements, the fee administrative policy should include:</p> <ul style="list-style-type: none"> - A list of eligible costs for calculating conservation authority fees for plan review and permitting and the percentage cost recovery target - A statement that inflationary costs (Cost of Living Adjustments) as well as explanatory notes may be applied to fee schedules without undertaking formal consultation. - A provision outlining the process for payment / collection of fees. - Provision(s) outlining exceptions to the application of fees established on the CA fee schedules. - Provision(s) which outlines the approach taken by the CA (and any applicable transition policies) when applications subject to a technical review transcend multiple annual fee requirements and/or different fee policy documents. Such an approach would outline the process and appropriate fee schedule to be used by the CA for applications which have multiple stages of collection (such as plan of subdivision). |
| | <p>Fee policy to be made public (8) Every authority shall make the fee policy available to the public</p> | <p>5.2 Each CA must develop written policy on a fee administrative guideline, which includes:</p> | <p>Following endorsement from the conservation authority Board, the approved administrative policy and current fee schedule(s) should be</p> |

| | Un-Proclaimed Provisions of the Conservation Authorities Act (Section 21.2) | MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997) | Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting |
|--|--|--|--|
| | <p>in a manner it considers appropriate.</p> <p>Periodic review of fee policy (9) At such regular intervals as may be determined by an authority, the authority shall undertake a review of its fee policy, including a review of the fees set out in the fee schedule.</p> <p>Notice of fee changes (10) If, after a review of a fee policy or at any other time, an authority wishes to make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, the authority shall give notice of the proposed change to the public in a manner it considers appropriate.</p> | <ul style="list-style-type: none"> - A fees schedule - <i>A process for public notification about the establishment of or any proposed changes to any fee schedule</i> - <i>A clearly defined review and revision process</i> - An process for appeals for fee structures proposed or in place | <p>made available to the public online through the CA website</p> <p>The CA fee administrative policy should outline the consultation process for the CAs' fee policy. The consultation process should clearly state the method(s) by which stakeholders will receive notice and an opportunity to comment on both the policy and the fee schedule during the review/revision process. When developing their fee policy and fee schedule(s), conservation authorities should consult with:</p> <ul style="list-style-type: none"> i. Stakeholders such as the Building Industry and Land Development Association, local Ontario Home Builders' Associations, etc. (i.e. common users / clients of the program) ii. Neighbouring conservation authorities (e.g. comparison of services, eligible costs and percentage cost recovery proposed to and/or approved by the Board iii. Municipal partners (e.g. proposed significant changes to fee schedules, defining/distinguishing the service(s) provided) <p>– The CA fee administrative policy should outline a process for the review/revision of the conservation authority fee policy and the fee schedule(s), outlining the frequency within which the review will be conducted by the authority and the process for notifying the public on</p> |

| | Un-Proclaimed Provisions of the <i>Conservation Authorities Act (Section 21.2)</i> | MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997) | Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting |
|---|--|---|--|
| | | | <p>proposed changes. It is recommended that fee schedules should be reviewed at minimum every five years and more frequently, dependent upon the type and rate of growth within a watershed. At the time of the review of the fee schedules and the associated consultation feedback, a CA Board has the opportunity to consider the necessity of a further review/revision to the fee administration policy.</p> |
| <p>Process for mediation of fee disputes</p> | <p>Reconsideration of fee charged (11) Any person who considers that the authority has charged a fee that is contrary to the fees set out in the fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to the authority in accordance with the procedures set out in the fee policy and request that it reconsider the fee that was charged.</p> | <p>5.2 Each CA must develop written policy on a fee administrative guideline, which includes:</p> <ul style="list-style-type: none"> - A fees schedule - A process for public notification about the establishment of or any proposed changes to any fee schedule - A clearly defined review and revision process - <i>An process for appeals for fee structures proposed or in place</i> | <p>CAs must develop a written fee administration policy which includes an appeals process per MNRF requirements. The fee appeal process should include the following elements:</p> <ul style="list-style-type: none"> – the applicant should request an administrative review of the fee first by the CA General Manager or Chief Administrative Officer (or delegate) and then if not satisfied, by the CA Board of Directors or sub-committee designated to hear fee-related matters. – the applicant should specify the reason(s) for the request for an administrative review. |
| | <p>Powers of authority on reconsideration (12) Upon reconsideration of a fee that was charged for a program or service provided by an authority, the authority may,</p> <p>(a) order the person to pay the fee in the amount</p> | | |

| | Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2) | MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997) | Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting |
|--|---|--|--|
| | originally charged; (b) vary the amount of the fee originally charged, as the authority considers appropriate; or (c) order that no fee be charged for the program or service. | | |