

# Kawartha Conservation Fee Policy and Schedule

Effective January 1, 2023  
FIN007



**KAWARTHA  
CONSERVATION**

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## Table of Contents

Fee Policy .....	2
Policy Purpose.....	2
Background .....	2
Legislation .....	2
Policy Scope .....	4
Policy Principles .....	4
Exemptions and In-Kind Services.....	5
Review Process and Public Notification.....	5
Implementation .....	6
Planning and Regulation Fees (Section 28 Permits, Planning Act and Technical Reviews)....	6
General Fees .....	6
Stewardship Fees .....	6
Education and Community Programming Fees .....	6
Refunds .....	7
Appeal .....	7
Date of Effect .....	8
Transition .....	8
Fee Schedule .....	9

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# Fee Policy

## Policy Purpose

The purpose of the Fee Policy and Schedules is to inform the public and our municipal partners of the fees charged for programs and services delivered by Kawartha Conservation.

## Background

Amendments to the Conservation Authorities Act were undertaken in 2020 to clarify the programs and services that conservation authorities provide. Following this, *O. Reg. 686/21 Mandatory Programs and Services* provided additional clarity regarding the programs and services that Conservation Authorities are required to provide.

In April 2022 the *Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee* ("Minister's List") was published. Conservation Authorities may only charge a fee for a program or services that it provides if it is set out in the Minister's List. The Minister's List replaces the *1997 Policies and Procedures for the Charging of Conservation Authority Fees* which was approved by the Minister of Natural Resources and Forestry.

## Legislation

The Conservation Authorities Act (CAA) Section 21.2 allows for conservation authorities to charge fees for services. This policy serves to fulfill the requirement for a written fee policy and fee schedule with respect to the fees that it charges for the programs and services it provides. The Minister has defined three categories in which Conservation Authorities can charge fees.

### Category 1: Mandatory Programs

The CAA Section 21.1 Mandatory programs and services and *Ontario Regulation (O. Reg.) 686/21 Mandatory Programs and Services* outline mandatory (Category 1) programs that may be funded by municipal apportionment, provincial grants, or self-generated revenue with the user pay principle as appropriate.

Mandatory Programs and Services include:

- Administration of Conservation Authorities Act (CAA) Section 28 and 28.1 including technical advice and studies;
- Response to legal, real estate and public inquiries regarding a CAA Section 28 and 28.1 and natural hazard inquiries under the Planning Act;
- Activities requiring a permit made pursuant to section 29 of the CAA;
- Review and commenting on applications under other legislation noted under the Mandatory Programs and Services Regulation (O. Reg. 686/21) and associated inquiries.
- Access to authority owned or controlled land for recreational activities not requiring direct authority or other staff involvement.

### **Category 2: Municipal programs and services**

Section 21.1.1 of the CAA outlines Category 2 Municipal programs and services, “An authority may provide, within its area of jurisdiction, municipal programs and services that it agrees to provide on behalf of a municipality situated in whole or in part within its area of jurisdiction under a memorandum of understanding, or such other agreement as may be entered into with the municipality, in respect of the programs and services”

Municipal programs and services include but are not limited to:

- Commenting on Planning Act applications for technical and policy matters other than for consistency with natural hazard policies, such as related to natural heritage, storm water management, or other matters requested by a municipality, county, corporation or individual.
- Municipally focused services (e.g., technical advice/implementation of erosion control measures, forest management/tree planting, wildlife/fisheries habitat management, water management, management of forests/recreational land owned by others, technical studies)

### **Category 3: Other programs and services**

Section 21.1.2 of the CAA defines Category 3 Other programs and services, “In addition to programs and services described in sections 21.1 and 21.1.1, an authority may provide, within its area of jurisdiction, any other programs and services that it determines are advisable to further the purposes of this Act.”

Other programs and services include but are not limited to:

- Extension Services (e.g., technical advice/implementation of erosion control measures, forest management/tree planting, wildlife/fisheries habitat management, water quality monitoring, management of forests/recreational land owned by others, technical studies)

The following Category 3 programs are considered pre-approved, and do not need to be incorporated into a cost apportioning agreement to enable the charging of CA fees.

- Recreational activities that are provided on land that is owned or controlled by the authority with the direct support or supervision of staff employed by the authority or by another person or body, or with facilities or other amenities maintained by the authority, including equipment rentals and renting facilities for special events.

- Community relations to help establish, maintain, or improve relationships between the authority and community members.
- Public education services to improve awareness of issues relating to the conservation, restoration, development, and management of natural resources in watersheds in Ontario.
- The provision of information to the public.
- The sale of products by the authority.

## Policy Scope

This policy is in accordance with legislation under the *Conservation Authorities Act* amendment effective January 1, 2023. This policy applies to all classes of programs and services for which Kawartha Conservation may charge a fee.

This policy does not include instances where the authority is already authorized under another statute to charge a fee for a program or service. Under *Part IV* of the *Clean Water Act, 2006*, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority. When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

## Policy Principles

The Fee Policy and Schedule have been prepared in conformity with the *Conservation Authorities Act*. When developing fee schedules, the following principles apply:

- Conservation authorities are entitled to set rates, charge, and collect fees for services rendered.
- Conservation authority fee recovery direction/standards for programs and services are set by the Members of the authority.
- A fee may only be applied when the User-Pay Principle is considered appropriate, which is when there is a class of persons that directly benefits from a program or service delivered by an authority.
- Direct and indirect costs associated with the program or service are included in the calculation of the overall cost.
- Fees shall be reviewed for market comparison to similar operations and opportunities in the industry, including trends.
- Fees are adjusted for inflation on an annual basis, where feasible, to offset increased costs and impacts to levy for municipalities.
- Fees should be established with due regard to legislative requirements and the ability to sustain programs.
- The fees and revenues for planning and permitting services are designed to assist with recovering the costs associated with administering and delivering the services on a program basis. These fees do not exceed the cost of the service.
- When appropriate, fees associated with municipal and other programs and services provisions to enable the charging of fees are included in agreements with municipalities.

## Exemptions and In-Kind Services

Kawartha Conservation may waive or discount fees and/or provide in-kind services for non-profit groups aligning with the protection or restoration of the natural environment. Exemptions will be reviewed on a situational basis contingent on the scope of the project or request, resources required, and budgetary considerations. These fee exemptions and/or in-kind services must be approved by the CAO.

Exemptions to the application of fees established on the Fee Schedules include:

- Participating and local municipalities forming part of the Authority for planning applications, inquiries, permits, and review of environmental assessments (EA) receive exemptions for fees.
- Crown corporations or agencies may be exempt from the regulatory approval process under the Conservation Authorities Act.
- Federal undertakings are exempt from the regulatory approval process under the *Conservation Authorities Act*,
- National and Ontario Energy Board Applications are a matter of exclusive federal or provincial jurisdiction, respectively, with the board itself being responsible for all decisions. Through these processes, proponents are required to consult community stakeholders, including conservation authorities. Kawartha Conservation can choose to comment on these applications through the commenting process established by the NEB or OEB. While there are no provisions that would allow for us to charge review fees for participation in a NEB or OEB process, if conditions for NEB or OEB approval specifically require our involvement, appropriate fees will be negotiated on a project-specific basis.

## Review Process and Public Notification

The Fee Policy and Schedule has been established by the Kawartha Conservation Board of Directors. We will review the Fee Policy and Schedule every three years or as needed. Recommended changes will be brought forward to the Board of Directors and if the Board considers the changes, then a public consultation process will occur. The Fee Schedule will be reviewed and updated on an annual basis.

Minimum consultation on updates to the fee policy and fee schedules will include a draft proposal to the Board, followed by the posting of a notice for comment for review and/or revisions to the Fee Policy and Schedules on the Kawartha Conservation website for a minimum of 30 days. Comments received will be reviewed, proposed changes drafted as may be appropriate and presented to the Board of Directors prior to any approval.

In depth reviews of the fee policy or fee schedule in line with the scope of review or type of schedule being reviewed will also involve direct communication and engagement with key stakeholders (e.g., municipalities, key agencies, or organizations) as deemed applicable.

Inflationary fee updates will be applied annually, indexed to the Consumer Price Index. These changes aren't intended for public consultation, however, a minimum 30-day notice period for these updates will be provided.

## Implementation

Our fee schedules adhere to the “Policy Principles” and the implementation of the fee schedules is further defined below.

### **Planning and Permitting Fees (Section 28 Permits, Planning Act and Technical Reviews)**

Kawartha Conservation administers its fee schedule for Planning and Permitting with the intent of achieving a full cost recovery for the issuance of permits, responding to planning act and technical reviews. We also ensure fees will not exceed the cost of the service, as prescribed by legislation.

There is a balance between user fees directed towards cost recovery of services provided and municipal levy supporting aspects which are not cost recoverable through the issuance of permits or commenting functions. There are also significant resources directed to pre-consultations, proposals, and inquiries prior to application submissions and compliance efforts. It our objective to provide an effective and efficient delivery of services consistent with *the Client Service Standards for Conservation Authority Plan and Permit Review*, endorsed by Conservation Ontario Council, June 24, 2019.

### **General Fees**

The intent is for the general fee schedule to be reviewed and updated annually. This fee schedule includes administrative fees, conservation areas fees and other fees.

### **Stewardship Fees**

Fees for trees, tree planting and stewardship services are reviewed and updated annually to reflect market pricing. User fees are balanced with program costs and are in alignment with the *Kawartha Conservation Stewardship Strategy 2020-2030* and other strategic initiatives. The cost of these fees are based on the following principles:

- Tree and native plant costs are based on full cost recovery plus administrative fees of 15% are applied to orders.
  - Pricing on individual tree species are streamlined into deciduous trees, conifers, shrubs, and specialty trees categories. Individual species within these categories have differing prices, streamlined pricing is based on a combination of most popular tree, reasonability, and market conditions.
- Planting services are completed on a cost recovery basis, with a handling fee applied to cover project management costs. Net costs for customers may be reduced by grants available to Kawartha Conservation
- Programming and achieving planting targets are dependent on sustainable funding received through funding opportunities such as 50 million trees, Forest Ontario, Highway of Heroes, etc.

### **Education and Community Programming Fees**

Education and community programming fees are reviewed annually. Programs are funded through a number of avenues including fees charged directly to the school classes participating, fees charged



directly to the School Board, user fees, and through corporate, foundation or government donations and sponsorships of specific programs. The objective of full cost recovery is applied to these fees.

## Refunds

Kawartha Conservation does not issue refunds for goods or services once the application or order is submitted, the payment has been processed and works have been partially or substantially completed. Works might include but aren't limited to administration procedures, review of applications and initiation of product orders or service requests.

Under exceptional circumstances, refund requests will be considered and may be approved by the Chief Administrative Officer or Director, Corporate Services. If a refund is approved when works have been initiated and not substantially been advanced, a 50% refund fee will apply. This fee may be waived or adjusted with CAO approval in extenuating circumstances.

In cases where goods or services have been requested, once the application or order is submitted and the payment has been processed but works haven't been initiated, a 10% refund fee will apply, if approved by the CAO or management.

In cases where payment is accepted by Kawartha Conservation due to error, there is an event cancellation, or we are unable to fulfill the order, a choice will be provided to customers for a full refund or an alternative date, good or service.

## Fee Reconsiderations

The fee **reconsideration** process will be based on the principles of fairness, opportunity, and notification..

**Requests for fee reconsiderations** will be directed to the Chief Administrative Officer (CAO). The appellant must submit in writing to the CAO the reasons for the **reconsideration** request. The CAO will review the request, with consultations as appropriate with the proponent and/or staff. The **request for reconsideration** will be dismissed, upheld or the fee altered.

If the **request** is dismissed, the proponent will be required to pay the fee amount. If the **request for reconsideration** is upheld, the fee could be waived or varied from the original amount. The applicant will be notified of the CAO's decision.

If the applicant is dissatisfied with the decision from the CAO, **a request for reconsideration** to the Board of Directors can be requested.

The appellant must submit in writing to the CAO the reasons for the **reconsideration** request to the Board of Directors. The written request must identify a request to present the **fee reconsideration** before the Board of Directors. Once heard, the **request** will be dismissed, upheld or the fee altered.





If the request for reconsideration is dismissed, the proponent is required to pay the fee amount. If the request for reconsideration is upheld, the fee could be waived or varied from the original amount. Any reconsideration decision requires a resolution passed by the Board of Directors. The appellant will be notified of the Board's decision.

### **Reconsideration of Fees for Permit Applications**

Requests for reconsideration of a fee charged for a permit made under subsection 28.1 (2) of the Conservation Authorities Act must be made in writing to the CAO.

The CAO will review the fee with consultations as appropriate with the applicant and/or staff and will make a decision within 30 days after receiving the request. If a decision to reconsider the fee is not made within the 30-days of receiving the request, the applicant making the request may appeal the amount of the fee directly to the Ontario Land Tribunal.

Requests for reconsideration may be upheld, dismissed, or the fee amended.

Once the reconsideration is complete, the applicant must pay the associated fee based on the decision. If the applicant is not satisfied with the reconsideration decision, they can:

- a) Pay the fee and indicate in writing, that the payment of fee is being made under protest; and,
- b) Within 30 days after payment of the fee, appeal the amount to the Ontario Land Tribunal.

### **Date of Effect**

The Fee Policy and Schedules become effective on the date approved for implementation by the Board of Directors.

### **Transition**

The establishment of this Fee Policy and Schedules supersedes and replaces all previous fee policies and/or schedules.

The Policy also applies to proposals not previously invoiced, such as draft approved plans of subdivision which predated any fee schedule.

An exception applies for multi-year agreements that have been committed to through agreement prior to the Fee Policy and Schedule that extend beyond January 1, 2023. Upon cessation of these agreements, the fee policy and schedule will be applied for renewing agreements.



## Fee Schedule

The Fee Schedules corresponding to the Fee Policy are identified below.

Schedule 1: Planning Fees

Schedule 2: Permitting Fees

Schedule 3: General Fees

Schedule 4: Stewardship Fees

Schedule 5: Education and Community Programming Fees