



Lower Trent Conservation Fee Policy and Schedules

*This manual outlines Lower Trent Conservation's policies
for setting and charging fees*

Approved by Lower Trent Conservation Board of Directors – XXXX X, 2022

RES: G

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Table of Contents

Page

POLICY

Purpose.....	1
Legislative Framework	1
Policy Principles	2
Process and Public Notification	2
Implementation	2
Refunds	2
Appeal	2
Date of Effect	3
Transition	3
Review Process	3

FEE SCHEDULES

Schedule 1: LTC Planning and Regulations Fees

Schedule 2: LTC General Fees

Schedule 3: LTC Stewardship Services Fees

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 Lower Trent Conservation.

Legislative Framework

The *Conservation Authorities Act (CAA)* Section 21.2 allows for conservation authorities to charge fees for services.

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 principal as appropriate.

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”

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.”

Category 1 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 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.

Category 3 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, management of forests/recreational land owned by others, technical studies)
- 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 Principles

This Fee Policy and associated Schedules have been prepared in conformity with the *Conservation Authorities Act*. The Fee Schedules are based on the user-pay principle. 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.

Process and Public Notification

The Fee Policy and Schedules has been established by the Lower Trent Conservation (LTC) Board of Directors following consultation with local stakeholders and the public.

Consultation includes direct e-mail to key stakeholders (e.g., municipalities) and posting the notice for comment for review and/or revisions to the Fee Policy and Schedules on the LTC website for a minimum of 30 days. Comments received will be presented to the Board of Directors prior to any approval.

Implementation

It is the objective of LTC to provide an effective and efficient delivery of services. To achieve this objective:

- Land use proposals will be reviewed in a timely fashion.
- Comments on applications under the *Planning Act* will be provided in time for the legislated public meeting or hearing.
- Permit applications under the *CAA* generally will be processed within timelines outlined in Conservation Ontario's "Annual Reporting on Timelines Template for permissions under Section 28 of the Conservation Authorities Act". These timelines were developed by the Timely Review and Approvals Taskforce and received endorsement by the CO Council in December 2019.
- Fees will not exceed the costs to deliver the service.

Exemptions to the application of these fees include:

- Non-profit conservation groups contributing to the protection and restoration of the natural environment, such as Ducks Unlimited (DU), Nature Conservancy of Canada (NCC), Ontario Federation of Anglers and Hunters (OFAH) for permit applications, *Planning Act* applications, inquiries, and site assessments;
- LTC municipalities forming part of the permit applications, inquiries, and site assessments (excluding exceptional circumstances where considerable staff time is required to conduct major technical reviews and enforcement matters).

Refunds

Lower Trent Conservation does not issue refunds for services or products once the application or order is submitted and the payment has been processed. Under exceptional circumstances, refund requests will be considered and may be approved by the Chief Administrative Officer. If a refund is approved, a 10% refund fee will apply.

Appeal

The fee appeal process will be based on the principles of fairness, opportunity, and notification. The only fees that would be considered for an appeal are those found under planning and permitting.

Consideration of appeals will be directed to the Chief Administrative Officer (CAO). The appellant must submit in writing to the CAO the reasons for the appeal request. The CAO will review the request, consult with staff and the proponent. The appeal will be dismissed, upheld or the fee altered. If the appeal is dismissed, the proponent is required to pay the fee amount. If the appeal 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 an appeal to the LTC Board of Directors can be requested.

The appellant must submit in writing to the CAO the reasons for the appeal request to the Board of Directors. The written request must identify a request to present the appeal before the Board of Directors. Once heard, the appeal will be dismissed, upheld or the fee altered. If the appeal is dismissed, the proponent is required to pay the fee amount. If the appeal is upheld, the fee could be waived or varied from the original amount. Any appeal decision requires a resolution passed by the Board of Directors. The appellant will be notified of the Board's decision.

Date of Effect

The Fee Policy and Schedules becomes effective as of the date set by the LTC 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.

Review Process

This Fee Policy and Schedules will be reviewed annually by LTC staff to monitor effectiveness and any changes will be brought forward to the Board of Directors for consideration. Consultation is required if changes are applied to the Policy or Schedules (as noted under Process and Public Notification) prior to Board approval. Approval of the updated Fee Policy and Schedule will require passage of a resolution by the Board of Directors.

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