

Full Authority
15 June 2023
Agenda Item: 9

Todd Bertram Delegation Statement Response for 15th of June 2023 CVCA Board Meeting

Background

Staff report as per the following motion:

FA Motion G 45/23

Moved by: Dave Burton

Seconded by: Dean Graff

To receive the delegation and to direct staff to provide a report for the next Board meeting.

Carried.

CVCA Responses

Statements/Questions by Mr. T. Bertram with a response is provided for the Board's information.

1. Has the CVCA or any Board Member taken the initiative to inquire as to why it took 3 months, 3 ignored reminders and a delegation to the Board of Directors to get these 10 issues addressed?

CVCA staff have been under pressure from the extreme workload placed on the staff of the regulations and planning program. In addition, this same group of staff have other duties and priorities which must be addressed as well. For example, staff are involved in dam operations, monitoring, installation of new equipment, administering floodplain mapping projects and other duties as required. These additional components of the overall workload are time sensitive and if delayed, it would be to the detriment of this organization's programs and services. Therefore, responding to public inquiries such as Mr. Bertram's questions and statements is typically not given the same level of priority, as this work detracts from the time which needs to be allocated to permits, planning and the time sensitive duties.

2. In the past 3 months, what steps have the Board and Management of the CVCA taken to improve on this?

Management has identified a number of steps to help improve the functionality of issues imposed on the regulations and planning program due to the workload. This started with the request in 2022 to

increase the CVCA staff complement to address deficiencies in various areas of expertise. For example, current staff have to cover off the skills of a biologist, GIS specialist, environmental planner, violations officer and an engineer to name a few. One additional position was requested, however the Board determined the budget would not be increased.

Internal changes were adopted and brought forward at the February 2023 Board meeting for the Board Member's information and to share with their respective councils and the public if deemed necessary. They are as follows:

1. Revamped the application form to help ensure all of the correct information is received in a timely, orderly and legible format. This will assist with communication efforts between the applicant and CVCA staff which will eliminate time consuming back and forth messaging.
2. Revamped the Property Inquiries process with the internal reallocation of a CVCA staff person for that portion of the program
3. Re-evaluating the inquiries to ensure the correct staff resources are allocated appropriately.
4. Will review the application process (steps).
5. Streamlined the triage process.
6. Improved tracking procedures.
7. Meet with applicants as much as possible on site during the pre-consultation stage.
8. Pilot Project to meet with Building Officials as soon as possible to explore areas where assistance can be provided and better understand each other's requirements.
9. Improve Planning communications – meet with planning staff similar to the above noted pilot project.

3. Can CVCA please explain how a shore dock that is removed every year, that sits at the shoreline has less of an impact on the control of flooding than that of a permanent one?

A shore dock has less impact on the control of flooding simply due to the fact the structure is not permanently situated in the floodplain. A removable dock taken out of the floodplain will no longer have its mass in the floodplain, therefore it will not be displacing any water.

4. Can the CVCA tell me how a permanent boathouse impacts the control of flooding?

Once again, a permanent boathouse will displace flood water. That displaced water must go somewhere which will impact the extent of the floodplain. It will also cumulatively have an effect downstream in the watershed as the water moves through the system. Quite simply any structure in the floodplain will have an impact on the control of flooding.

5. I would ask that the Board reconsider this regulation to allow permanent docks and boathouses where appropriate.

O. Reg. 159/06: CROWE VALLEY CONSERVATION AUTHORITY: REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINES AND WATERCOURSES itself can only be changed by the Provincial government. The policies which have been previously approved by the

CVCA Board to support the implementation of the above noted regulation can be changed by the Board. However, the appropriate time for the CVCA Board to consider changing the CVCA Watershed Planning and Regulations Policy Manual will be influenced by a new Provincial Regulation replacing all of the 36 individual conservation authorities' regulations. Changing the Policy Manual to support a regulation that will no longer be in effect in the near future does not make sense, it would simply create a situation where two revisions of the Policy Manual would be required in a short period of time. Once the new Provincial Regulation is enforceable, there is a chance the transition period could be limited, therefore not replicating efforts to update the Policy Manual would be more efficient.

6. If we were in a time of a natural hazard that you speak of, do you really think someone is going to be hanging out in a storage attic of a boathouse?

Realistically, the CVCA highly doubts anyone is going to be "hanging out in a storage attic of a boathouse". Although, certain images do come to mind of people clinging to anything above the water during a flood.

The CVCA is concerned that the storage space in the attic of a boathouse will be converted to habitable space by the current owner or future owners. Once that has occurred, then those inhabitants are at the same risk as a resident of a home or a cottage. As well, this also means the structure with its changes is now going to be vulnerable to flood damage, which in turn add to the cumulative impact of a flood scenario. The CVCA, (as all conservation authorities) represents the Provincial interests to reduce the burden of flooding on the Province and its resources since municipalities typically will declare an emergency (and rightfully so) to have access to Provincial funding, which all taxpayers are ultimately responsible for during an emergency situation. The Province's intent is to not add to the yearly "average bill" of one hundred million dollars for flood damage, let alone the chance of risking loss of life. More people and development located in the floodplain will only increase the odds of people getting hurt or dying unnecessarily. Conservation authorities have been handed this responsibility and have been recognized across Canada and internationally as a success to address this issue. They are a unique jurisdictional organization that has proven this role to guide development out of hazards works for the short and long term.

7. And as for the “risk to property”...well, I guess everyone takes that chance building anything on or near a lake. Should we equally deny any and all development in these areas due to this risk?

Regrettably, the public does not know where flooding will occur, to what extent to be able to assess the risk exposure. Hence, there is a need for a public agency to guide development out of flooding hazards.

8. How many “public safety” incidents have occurred in the past 50 years that would cause an authority to disallow all boathouses?

The CVCA does not have this information available to respond to this question. The Province may have this particular statistic.

9. Regardless of the rationale as to why this proposed boathouse has been denied, Tim Pidduck did offer an option in his reply on March 3rd.....“You can appeal the decision to the Watershed Advisory Board”. Well, this option would have been nice to know back in September. Ok.....sounds good...How do I do so?was asked on April 4th. No reply..... It was asked again on April 17th....finally a reply from a Regulations Officer indicating “The next available Board Meeting dates to hold the Hearing are September 21, 2023 or November 16, 2023. Which one would you like?” This is absurd! You expect the paying public to wait an additional 5 to 7 months to be heard?

In September, Mr. Bertram was presented with options to the development proposal to consider. This is part of the normal process when a proposal is facing constraints due to CVCA policies. At this point in the discussion, staff determined the applicant would review the recommendations to ensure compliance with the policy and continue the conversation to arrive at a scenario that would satisfy policies. Mr. Bertram gave no indication at this time the applicant was not going to adopt one of the recommendations. Therefore, staff did not advise or provide the option to request a hearing.

There was no further contact from Mr. Bertram until mid-January. Regulations Officer, Kelsey Davidson was off sick and I replied on her behalf on the 27th of January 2023. I stated there were two outstanding issues and referenced Ms. Davidson’s recommendations sent to Mr. Bertram on the 2nd of September 2022. I also informed Mr. Bertram if the CVCA receives the required information, then a permit could be issued immediately. Conversely, should Mr. Bertram’s client choose to submit the application without adhering to the CVCA recommendations and requirements, then the client may certainly exercise her option to request a hearing. I also noted staff would be able to assist with this course of action.

Staff would like to note that the application in question was not complete until payment was received the week of the 29th of May 2023 and there has not been any payment received for a hearing. Therefore, providing a date for a hearing is premature.

10. How do we move forward on this so that we can start construction this September?

Staff have received on the 2nd of June a revised proposal for the boathouse which is currently being reviewed by staff. Progress has been made, however there are two particular items that are still outstanding issues and do not meet policy. Once staff communicate this and the necessary changes are made, the application may move forward and still meet a September date to start construction. Adherence to CVCA policies is the key.

11. Regulation Report - Will the CVCA address this issue?

The Regulation Report to the CVCA was briefly discussed at the 18 May 2023 Board meeting. The issues brought forward likely do not appear to make sense from the public's perspective. This document takes information from an internal tracking form which is to be used for CVCA staff purposes, reporting to the Board and also to Conservation Ontario.

The example of zero days to issue a permit is not misleading. The "clock starts ticking" when the application for processing is complete (all information required by the CVCA and payment is received). Yes, the CVCA may have most of the information on file for an application and it may appear like the CVCA is delaying the issuance of a permit. However, in the case of zero days for a turnaround, if staff can issue a permit immediately after receiving the required data or payment, then staff will do so and hence the zero day recording of the work processed.

CVCA staff have reviewed the report and made modifications for the Board. The change includes the addition of an Application Submitted column to help make it clearer to the Board regarding turnaround timelines. Staff have also combined the Permit Type and Project Details columns into a Proposed Activity column to reduce some of the repetitive nature of the information.

The CVCA cannot use this form for the public as suggested. The CVCA would have to disclose too much personal information, which is contrary to MFFIPA restrictions.

12. Why does the CVCA waste their time and our money on permits such as this?? What impact does this sign present that warrants the requirement for a permit??

This question was addressed at the 18th May 2023 Board meeting during the delegate's presentation. A permit was not required.

13. Why is the CVCA profiting from the amount of fill that is brought onto a job site? What efforts did the CVCA's incur to require a charge of an extra \$360?

The CVCA does not profit from fill required for a job site. Fill is part of the definition of development as per the Conservation Authorities Act as follows:

Definitions

(25) In this section,

“development” means,

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- (c) site grading, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“aménagement”)

The CVCA is allowed to charge a fee for this type of development. As a reminder, the CVCA does not recover all of the cost of the Regulations and Planning Program, therefore the CVCA does not profit from the implementation of the program.

14. Will the CVCA and Board of Directors be taking the initiative to review their restrictive and excessive regulations and if so, when and how?

Please refer to the answer to Question #5.

Board Discussion

TP