

**CVCA Full Authority Board**  
**16 November 2017**

**Service Delivery Review**  
**Regulations/Planning Department**

As per the Crowe Valley Conservation Authority's Board direction, staff have circulated a survey to three similar conservation authorities regarding the regulations program as part of the Service Delivery Review exercise.

The three conservation authorities that were chosen were the Lower Trent Region, Kettle Creek and Sault Ste. Marie. These authorities were selected primarily because they compared well with either the CVCA's financial position, they were a neighbouring authority, have approximately the same number of staff and are faced with many of the same "general" issues of a smaller authority. As well, they each represent a region of the province, the Kettle from the southwest, the Sault from the near north and the Lower Trent from eastern Ontario.

Not only do all three comparators offer the regulations program/service, all thirty-six conservation authorities in the province have been engaged in the implementation regulations and for many years more than the CVCA.

The CVCA's regulation department has been in existence since the inception of Ontario Regulation 159/06 in late 2006. The implementation of the regulation began in 2007 and was in accordance with the *Conservation Authorities Act, R.S.O. 1990*. Since the regulation was new to the CVCA, there were "growing pains" to ensure it was being administered in a manner acceptable to the intent of the regulation. Although the learning curve was steep and there has been a significant transition and evolution of the program, staff are positive the Authority has been meeting its objectives both provincially and locally.

The Service Delivery Review's intent is to examine whether the regulations department has been effective and efficient in reaching its objectives and establish a baseline of service. The method to make that determination has been to relate the CVCA's operations to the above noted comparators.

Does the CVCA need to continue to be in the regulation service? The answer is an unequivocal yes. As stated above, the CVCA has adopted a regulation in 2006 and made the commitment to uphold the intent of the regulation and fulfill the provincial directive. The regulation component of the CVCA's core mandate enables the Authority to deliver a key part of the flood management program, protect environmental features and ensure the Provincial concerns are addressed. In essence, by identifying the flood plain, the CVCA ensures 1) the public is not exposed to flooding risks which could cause harm or

death, 2) directs development to appropriate locations and 3) reduces social disruption and expenses that would otherwise be borne by the taxpayer. In addition, natural features are protected which have not only an environmental value, but is also a key cog in the protection of existing property and people located in the flood plain. Wetlands act as a sponge to absorb excess water during spring freshets and rainfall events. The reverse is true when drought conditions exist, the slow release of water into the watershed helps the environment deal with hot dry extremes. Evidence of both scenarios have recently been experienced in the Crowe watershed. As well, the preservation of wetlands and the protection of all watercourses ensures natural habitat are preserved, which also contributes directly and indirectly to the tourist based economy of the watershed. This natural habitat also helps to build resiliency as the watershed copes with climate change.

### **Service Review Analysis**

In general, the CVCA matches very well to its comparators. The statistical and anecdotal information provided corroborate the broad sense that the CVCA has a regulations department which has been effectively delivering at the very least, an equivalent and capable program in the first ten years of the operation.

For example, the regulations department serves a watershed which is 2000 sq. km. in size with a small population. However, due to the nature of the development in the watershed, the CVCA has reviewed and processed more permits than the other three conservation authorities. This achievement has been accomplished with either approximately the same number or fewer staff in comparison. One Authority did have a slightly smaller staff complement, but the total number of permits was nearly one-fifth the total completed by the CVCA. On a permit basis, the CVCA completion ratio exceeded all of the comparators. The CVCA was able to complete 93.42 permits per staff, while the Lower Trent stood at 61.81, the Sault was at 80.00 and Kettle was 23.53.

In addition, there is definitely a correlation between the size of the authority and the staff expertise/support staff available for the regulations department. The larger the authority, the more varied the staff resources. The exception for the smaller authorities is when a staff person has more than one skill brought to the regulations program. For example, the Sault and the Lower Trent have regulation officers who are also engineers, but that is the only way they would ever have an engineer on staff.

CVCA turnaround time seemed to be average. The lower ratio of permits completed to staff complement could be interpreted as more time was spent on individual permits.

Violation totals are interesting. The CVCA's total is low in comparison to the number of permits processed and significantly lower than the Lower Trent. The other two authorities faced with similar financial and staffing resources have virtually no violations. One could surmise there is a correlation between the number of permits and violations or perhaps, there is a relationship between the number of staff and violations. All of the

authorities noted violations will be dealt with, but an enforcement focus is not the preferred route due to a lack of financial resources.

In terms of complaints by the public about the program, the CVCA falls in line with its comparators. No other authority tracks its complaints. Generally, the complaints are “generic” in nature, wait times are too long, the regulation is too restrictive and permits should not be required.

The CVCA has one of the smallest budgets in the province. As such, the Authority has determined that those who propose development in the regulated area should pay for the permit, not the general levy of the CVCA. The CA Act allows for fees to be charged and the CVCA has taken full advantage of this revenue stream to pay for regulation expenses. Therefore, it is not surprising the percentage of fees to cover the expenses is quite high, shifting the burden to those who wish to develop in the regulated area. The CVCA is at 80.55%, while the comparators are at or below 38%. As a side note, the LTRCA has made significant increases for 2018 and beyond.

The CVCA’s legal budget is below two out of the three comparators. Two of the comparators also agree the allocation of resources should be higher.

The internal tracking system for the CVCA is adequate, but not wholly digitized as the comparators. Other resources such as mapping are outdated at the CVCA, but the other authorities seem to be in the same state.

All comparators have indicated their office is open to the public and regulations staff are available to discuss applications immediately if required. In addition, the CVCA and two of its comparators have a small overall staff complement. Therefore most staff are familiar enough with the regulations program to provide a minimum level of service to the “walk in or phone in” public if key regulations staff are out of the office. Vacation time has been identified as an issue to cover off key personnel in the Kettle response. Fortunately, the CVCA has (had) two Provincial Offences Officers (POO) to help minimize the impact of this issue. As well, the CVCA like the Lower Trent, has introduced property inquiry forms to help alleviate some of this pressure. The forms can be received and dealt with when the officers are available.

All of the comparators and the CVCA continually strive to make improvements to the delivery of this service for the public and internally to cope with increasing numbers. Development has been increasing at every conservation authority as the ripple effect from the GTA continues to have an impact on the surrounding areas. New builds, infill and reconstruction of cottages are all drivers to increasing the number of applications for permits. In the case of the CVCA, the extension of the 407 and close proximity of the Crowe watershed contributes significantly to the development pressures. Therefore, this may be the explanation for a higher number of permits issued even though there is a lower population base in the CVCA in comparison to the other conservation authorities.

Regarding violation resolution, all of the comparators and the CVCA seek to resolve the issue by further discussion. A “soft” approach is preferred by all and given the ratio of violations to court cases, all respondents have a high percentage rate of success. Only the Lower Trent had any violations which had to be settled in court and it was less than 10% of the violations issued. Therefore, it can be concluded the smaller authorities are actively seeking to diffuse and resolve violation scenarios.

The CVCA has taken the position to issue permits without Board approval.

Regarding communication (education and outreach) with the public regarding the regulations program, the CVCA compares favourably with these comparators. All methods of communication are used at one time or another during the course of the year. The website, social media (facebook and twitter) brochures newsletters, meetings with municipal staff and presentations to cottage associations have been effective. However, word of mouth and one to one meetings have been probably the most effective means to convey the message about the program and the CVCA’s implementation “culture”.

The Service Delivery Review of the regulations department has also identified gaps in the program at the CVCA. For instance, in comparison to the other authorities surveyed, the CVCA lacks up to date tools and resources such as a permanent Geographical Information System (GIS). During the first ten years of the program, the CVCA relied completely on the Source Water Protection (SWP) program to provide the necessary GIS resources for the CVCA. The Authority “borrowed” and benefitted from the availability of staff with the necessary GIS expertise. This reliance on the SWP program to support the regulations department seemed like a natural fit, but it resulted in dependence on a program’s funding which the CVCA had no control or input over. Hence, when the funding was cut severe enough, the GIS position was terminated affecting not only SWP, but the regulations department. Fortunately, the CVCA was able to hire a regulations officer who had enough GIS technical skills to maintain enough expertise in house and allow the program to operate efficiently.

In addition, there are assets which will need to be updated. Updated flood plain mapping, and orthophotos would provide sound scientific data to aid regulations staff in their decisions. The improved technical information may also result in not just greater accuracy, but also assist with the increasing workload and potentially reduce the number of site visits.

In conclusion, the current allocation of CVCA resources indicates that the Authority has been “doing more for less”. However, this could be a recipe for an untenable situation over the long haul and compromise the program which could reduce the overall effectiveness of water management of the Crowe watershed to the detriment of public safety.

## **Recommendations**

1. The staff compliment be increased to adequately address increasing pressures that are being experienced by the regulations and planning department.
2. Reduce the staff to permit ratio to remove pressure from staff while fulfilling obligations to the public.
3. Create a reserve to prepare for future violation and litigation expenses
4. Expand the outreach and education component of the Regulations and Planning Department to ensure compliance with the CVCA's regulation and provide the public with the assurance the regulation is implemented
5. Recommend technical support be current and kept up to date to assist staff with fulfilling their duties for the regulations and planning department such as:
  - a) Regularly update ortho photos when opportunities arise to partner with other agencies and organizations
  - b) Update flood plain mapping and the CVCA's engineered study to confirm the 1:100 level and make changes as a result of climate change implications
  - c) Increase GIS capabilities, which would include additional staff training, maintenance of programs and updating the database layers