



The Corporation of the Township of
NORTH KAWARTHA

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Crowe Valley Conservation Authority
Attn: Board of Directors and General Manager
70 Hughes Ln
Marmora, ON
K0L 2M0

September 20, 2022

Attention: Crowe Valley Conservation Authority (CVCA) Board of Directors and General Manager

This is a follow up letter, being sent on behalf of the Council of the Township of North Kawartha, stemming from the deputation from the CVCA General Manager Tim Pidduck and Board Chair Jan O'Neill at our August 9, 2022 Council meeting. They were invited to discuss on-going complaints and concerns from our ratepayers and local builders and contractors related to CVCA processes and requirements. Our hope was to gain some clarity and insight into these issues, and determine how to address and resolve these concerns. Unfortunately, this did not happen and raised even more alarm with the apparent dysfunction of CVCA processes and procedures. Below is a summary of our concerns based on the complaints we have received over the past couple of years.

Pre-Consultations and Property Information Forms (PIF)

Residents and Builders pre-consult with CVCA at the same time they pre-consult with the Township for their projects. CVCA is taking longer than 21 days to provide feedback. In some instances, there isn't any acknowledgement of the PIF being submitted at all. Municipal feedback and comments from other regulatory agencies are provided well before any feedback is received from CVCA. Often when comments are received, they indicate that a site visit has not taken place. Residents and/or their representatives are waiting weeks and months to submit their applications only to have the CVCA come back with requests for further studies like an EIS or other geotechnical studies. This compromises the projects with unreasonable delays and costs. Often times an entire construction season is missed and projects have to be delayed until the following year. In some instances, applicants have given up completely and cancelled their plans. This impacts growth in the Township and additional assessment value for the Township.

Another concern is that the CVCA offices are still not open to the public making it difficult to attend the office, meet with staff and submit applications and payment.

Fees

Unlike other Conservation Authorities that have a flat fee system for permits, CVCA fees are not clear nor consistently applied. We understand that some applicants have to wait until a site visit is completed and/or PIF feedback is received before they can submit payment. This is extremely inefficient and leads to circumvention of the service expectations and timelines as outlined in Section 7 of the Conservation Authorities Act. One contractor explained that for standard tear down and rebuild projects with new septs, the CVCA fees range from just under \$500 to nearly \$1000. In neighbouring CAs the same projects are charged a flat fee of \$395 or \$500. In some instances, CVCA permit fees are more than double township building permit fees and don't include any site visits unlike the several undertaken by the township. When the CVCA decides to do a site inspection more fees are charged.

Overall Permit Timelines

If applicants are successful with the PIF process and proceed to submit a permit application, the process can take months causing serious delays for final approvals and project completions. Contractors and property owners are constantly calling and/or emailing CVCA staff requesting a status update. As mentioned previously, other regulatory comments and feedback are received and included in the applications for zone amendments (ZAs) and minor variances (MVs) that come to Council. Often we are told there hasn't been any comment from CVCA.

There have been several applications where the CVCA has expressed 'no concerns with the application', it gets approved and the property owner proceeds with their project only to have CVCA refuse to issue the required permits. The reasons often given are: more studies are required; they have flood plain or erosion concerns or they do not believe the structure will be used as it was intended or approved by Council. It would be beneficial to Council to have CVCA's concerns identified, prior to making a decision. You can imagine the hardship and frustration this causes, when the CVCA is pre-consulted and circulated at the beginning of the municipal planning relief process and none of these CVCA requirements are brought up until many property owners are ready to build.

Supplemental Studies and Extra Application Requirements

Feeding into the extreme delays in CVCA response times are the requests for supplemental studies, demands for further setbacks, and late site visit requests. Several contractors expressed their frustration with the continuous requests for Slope Stability Studies and other geotechnical studies. Especially when other CAs rarely request them and only when it's clearly necessary. This adds thousands of dollars and huge delays for these projects. In one instance a contractor requested a site visit to demonstrate that the proposed cottage was being built 100ft back from the high water mark, on a granite outcrop and pinned to the bedrock. The CVCA refused and insisted on a SSS.

Conservation Ontario Client Service and Streamlining Initiative

When asked about this program during the deputation on August 9, 2022 we were told that CVCA is a part of this initiative. How long has CVCA been involved? Who is the 'Client

Service Facilitator'? How is this person assisting to reduce 'red tape', regulatory burden and increasing the speed of approvals? Have any reports tracking the permit review timelines been compiled and submitted for review?

Conflicts with Municipal Bylaws and Over-Reach of Core Mandate

As a municipality with waterfront properties we are obligated to conform to a variety of legislative requirements including the PPS. With existing properties located within the water yard (30m) we encourage property owners to move their structures further away from the high water mark. There have been several instances where CVCA has required property owners to move buildings closer to the high water than what was circulated and approved by Council. This results in further delay, when applications are required to be re-circulated for an additional public hearing, due to moving closer to the water's edge. There does not seem to be a compromise between provincial and municipal regulations. Other examples include requiring the removal of other structures located outside the floodplain.

We have received complaints from residents who have received all the necessary municipal approvals for accessory structures like garages and boathouses only to have their CVCA permits refused because CVCA staff believe the structure will not be used for its intended and approved purpose. For example: An approved garage located beyond the 30m set back is considered living space by the CVCA, therefore the permit is denied. A boathouse being constructed without garage doors or a marine railway, is not considered a boathouse by the CVCA, and therefore not approved. Enforcement of permitted use of structures falls under the jurisdiction of the Township's Chief Building Official and By-Law Enforcement Officer. When applicants sign zone amendment applications, their signatures are commissioned as true representation of the facts contained in the application. Also, requiring a separate application for building permits after concurring with the ZA or MV is an onerous and unnecessary delay, especially when the CVCA had no concerns with the proposed amendment at the time of original circulation and approval.

Erroneous Calibration of Water Level Gauge on Chandos Lake

We know that the CVCA has received several letters on this matter from the North Kawartha Economic Development Cooperative (NKEDC) along with a deputation from the Chair Barry Rand. We have also heard from our local building community including surveyors that the water level gauge on Chandos Lake is reading one metre higher than the actual water level. Rather than correcting this error, Chandos Lake property owners are required to spend extra time and resources to get a site specific flood assessment completed in addition to the usual survey requirements. This is onerous, costly and unreasonable for our ratepayers especially when the solution is simple. CVCA needs to correct the water level gauge and convert the 30 years of records gathered with it from (Canadian Geodetic Vertical Datum) CGVD28 to the official elevation standard of CGVD2013. The MNRF's Flood Hazard Identification and Mapping Program's Technical Requirements identify that the height reference system CGVD2013 should be used. LiDAR data would also be available through the County of Peterborough. The reluctance to make this correction is baffling.

Fear of Reprisal and Backlash

Underlying all these issues and concerns, are the very real fears of reprisal and backlash for residents navigating the CVCA permit process. Folks are afraid to speak up about their concerns because they don't want their building plans to be compromised with further delays and/or their permits denied. Other ratepayers are so frustrated that they are considering legal action. Builders and Contractors are also discouraged with the delays, lack of communication and burdensome permit process. We have heard over and over that these challenges are specific to the Crowe Valley Conservation Authority and are not being experienced in dealings with other Conservation Authorities. North Kawartha Council is deeply troubled by these comments as it appears that there is a high level of dysfunction with CVCA's organization and processes.

We are circulating this letter to all member municipalities in the Crowe Valley Watershed as we believe that, outside of the inaccurate water level records and inappropriate flood assessment process on Chandos Lake, the issues and concerns that we have highlighted are happening in other communities as well. We are also circulating our MPP and the Minister of Natural Resources and Forestry in the hopes that the Province will be able to provide some assistance in addressing our concerns.

Sincerely,

Carolyn Amyotte
Mayor

cc. Councils of: The Township of Faraday, Wollaston Township, Township of Limerick, Township of Tudor and Cashel, Municipality of Marmora and Lake, Township of Havelock-Belmont-Methuen, Municipality of Highlands East, Municipality of Trent Hills and Township of Stirling-Rawdon
MPP Dave Smith, MNRF Minister Smith