



Board of Directors Special Meeting Minutes

Date: August 20, 2021                      Time: 9:00 a.m.  
Royal Canadian Legion Branch 116, Strathroy

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**Present:** John Brennan, Pat Brown, Terry Burrell, Bill Dennis, Joe Faas, Chair; Larry Gordon, Vice Chair; Aaron Hall, Frank Kennes, Brad Loosley, Betty Ann MacKinnon, Kevin Marriott, Mark McGill, Steve Miller, Frank Nemcek, Lorie Scott, Mike Stark, Jerry Westgate, Tim Wilkins

**Regrets:** Al Broad, Dan McMillan

**Staff Present:** Donna Blue, Manager of Communications; Erin Carroll, Director of Biology; Melissa Deisley, Director of Planning and Regulations; Sarah Hodgkiss, Manager of Planning and Natural Heritage; Sarah Hume, Payroll/ Accounting Clerk; Ashley Fletcher, Administrative Assistant/ Board Coordinator; Brian McDougall, General Manager; Tim Payne, Manager of Forestry; Tracy Prince, Director of Finance; Girish Sankar, Director of Water Resources; Steve Shaw, Manager of Conservation Services;

**Guests Present:** Jason Cole and Ken Melanson, County of Lambton; Tim Dobbie, Paul Emerson and Laurie-Anne Poole, Tim Dobbie Consulting Ltd.; Greg Houston, Municipality of Chatham-Kent

The Chair welcomed everyone to the meeting. It was requested that each Director declare a conflict of interest at the appropriate time, on any item within this agenda in that a Director may have pecuniary interest.

**BD-21-63**

**Dennis - Loosley**

**“That the Board of Directors adopts the agenda for the meeting as presented.”**

**CARRIED**

A presentation was provided by Tim Dobbie, of Tim Dobbie Consultants Ltd.

**1. Introduction**

The St. Clair Region Conservation Authority play an integral part in the development application process review of the seventeen municipalities located in the SCRCA area. In October 2020, the Board of Directors of the SCRCA engaged Tim L Dobbie Consulting to do a development application process review. This report contains the results of that review as well as several recommendations for the Board of Directors.

The review has been a series of detailed discussion with all parties involved in the development application process in the SCRCA. These included SCRCA staff,

members of the SCRCA Board of Directors, staff of the seventeen municipalities and two counties, as well as many representatives of the development community. This activity has given us a good understanding of the development application processing in the area.

We have also chosen to compare seven other Conservation Authorities in Ontario to provide insight into best practices from other Conservation Authorities. This comparison has provided us with valuable information that is helping to frame our recommendations to the Board of Directors of the SCRCA.

## **2. Study Methodology**

The review process started with detailed discussions with the appropriate staff at the SCRCA. Brian McDougall, General Manager, put together a small staff advisory team to deal with our process on a regular basis. The staff team included, in addition to Brian, Sarah Hodgkiss (Planning Ecologist), Melissa Deisley (Regulations Coordinator), and Chris Durand (Manager of GIS/IT). This team met regularly throughout the process with the consultants including Paul Emerson, Laurie- Anne Poole and Tim Dobbie. In addition to this team, seven other staff members who work closely the Planning & Regulations department were interviewed by the consultants.

Each member of the SCRCA Board of Directors was invited to participate in an interview with the consultants. More than half of the board members participated in the interviews, and they provided excellent input to the review.

The consultants met with select staff of the 17 member municipalities and 2 counties within SCRCA's watershed. These meetings were carried out by Zoom with two consultants and up to three members of the municipal staff including the CAO, a planner and a public works or drainage superintendent. Some municipalities had their own internal consultants on the call who were involved in their development review process. Tim L. Dobbie Consulting Ltd. was asked to make a presentation to the Lambton County CAO group to update the CAOs on the process we were following with this project. The consultant also met with both the Manager of Planning and Development Services and the Chief Building Official for Lambton County as well as the Director of Planning for Middlesex County, with one or two members of the SCRCA staff advisory team joining in these meetings.

In order to engage the development community, the consultant asked for names and contact information of developers, technical consultants (e.g. Engineers, ecologists), contractors etc. from each municipality as well as from the staff of the SCRCA. This resulted in us sending out 125 emails inviting a response from the development community. Fifty of those emails went to all members of the Sarnia Homebuilders Association who contacted us separately.

In our process we did not interview members of the general public, but we feel it necessary to include their voice as a very large, important consumer of SCRCA planning and regulations services. In fact, regulations permitting requires the most staff resources of the department and handles a significant and increasing case load. With respect to increased wait times for services, regulations permitting has the larger bottleneck and therefore a larger voice as far as customer satisfaction is concerned than planning review.

The final phase of our work involved reaching out to seven Conservation Authorities to collect data and best practices to compare to SCRCA in terms of application review and processing. The other Conservation Authorities' staff were each interviewed by two members of the consulting team. The other Conservation Authorities requested copy of this final report to the SCRCA Board of Directors.

We note that all of the meetings described above were completed over Zoom due to the COVID-19 situation, with most people working from home. We also recognize that everyone who was interviewed is facing a very significant increase in the development activity in the SCRCA watershed. According to the Lambton County staff, applications have increased by 50% over the previous year for the first three months of 2021.

### **3. The Role of the SCRCA in Development Application Processing**

The following section provides background context on governance issues regarding Conservation Authorities as well as a review of the recent legislation changes impacting the SCRCA.

#### **Conservation Authority Regulations**

In the 1970s the "Fill, Construction, and Alteration to Waterways" regulations were enacted under the Conservation Authorities Act. These replaced floodplain regulations from the 1960s and gave Conservation Authorities broad powers to regulate floodplains, associated steep slopes and some defined wetlands. Through the 1980s and 1990s, many other wetland areas (provincially and locally significant) were identified and became part of the regulated areas.

Also, through the 1990s, the Department of Fisheries and Oceans began to focus more on the protection of fish habitat on inland watercourses (not just oceans boundary waters and large lake systems). Many Conservation Authorities negotiated agreements with the DFO and became the local delivery agents for their regulations that were made under the Federal Fisheries Act.

As urbanization began to intensify across Ontario, storm water management became a major concern. Conservation Authorities also began to play an important technical advisory/regulatory role in assisting municipalities to address this issue.

In 2006, the Minister of Natural Resources approved the individual "Development, Interference and Alteration" Regulations for all CAs consistent with Ontario Regulation

97/04. The St. Clair Region Conservation Authority's individual regulation stemming from this process is Ontario Regulation 171/06. Through these regulations, CAs are empowered to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and large inland lakes shorelines, watercourses, hazardous lands and wetlands. These regulations ensure conformity of wording across all CA's and complement municipal implementation of provincial policies under the Planning Act. Development taking place on lands that meet the definitions in the Act and text of the Regulation may require permission from individual Conservation Authorities to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. They also regulate the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or the changing or interfering in any way with a wetland.

The following objectives provide the basis for the decision-making process for implementing the Authority's regulation and permit process:

- Prevent loss of life,
- Minimize property damage and social disruption
- Reduce public and private expenditure for emergency operation, evacuation and restoration,
- Minimize the hazards and unnecessary development of riverine flood plains and flood and erosion susceptible shoreline areas which in future years may require expensive protection measures,
- Regulate works and development which, singularly or collectively, may reduce riverine channel capacities to pass flood flows resulting in increased flood levels, and creating potential danger to upstream and downstream landowners,
- Control filling and/or drainage of natural storage areas such as wetlands and valley lands,
- Encourage the conservation of land through the control of construction and placement of fill on existing or potentially unstable valley slopes or shoreline bluffs,
- Reduce soil erosion and sedimentation from development activity,
- Control pollution or other degradation of existing and potential groundwater aquifer(s) and aquifer recharge areas, created by fill activities: and
- Control water pollution, sedimentation and potential nuisances due to floating objects and debris.

### **Planning Role**

Concurrent with the evolution of the Conservation Authority regulations, the Conservation Authorities also took on a more proactive role as a commenting agency under the Ontario Planning Act (1990). Depending on the watershed needs, and the technical expertise of individual CAs; these comments could address a very wide range of issues (i.e., CA regulated areas, fish habitat, storm water management, other natural

heritage features, and more recently climate change etc.).

In the 1990s, the province moved to a one-window commenting role for Planning Act applications, through the Ministry of Municipal Affairs (MMAH), for Provincial Ministries. In 1995, a Memorandum of Understanding with MMAH and the Ministry of Natural Resources (MNR) clarified the role of Conservation Authorities. Conservation Authorities were delegated natural hazard responsibilities related to floodplain management, hazardous slopes, Great Lakes Shoreline and connecting channels, and erosion. The technical basis for this commenting role derives from the Ministry of Natural Resources Natural Hazard Technical Guides.

At this time, many Conservation Authorities were given the opportunity to negotiate Memorandums of Understanding with their municipal partners and provide technical advice in areas where the Ministry of Natural Resources and Ministry of the Environment were no longer directly involved at the local level.

Conservation Authorities were circulated planning applications by the municipality and participated in pre-consultation meetings as a commenting authority. They provided their comments and had the opportunity to appeal to the LPAT (formerly OMB).

The Planning Act is implemented through the Provincial Policy Statement (PPS), which was most recently updated in 2020. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. Provincial plans and municipal official plans provide the framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

In accordance with the Planning Act, municipalities are responsible for the implementation of the natural heritage policies of the PPS. SCRCA provides natural heritage technical review and commenting services on behalf of our member municipalities, as per their request to provide this service, due to a lack of technical expertise at the municipal and County level.

### **2020 Amendments to the Conservation Authorities Act**

On November 5, 2020, the province introduced proposed amendments to the Conservation Authorities Act through Bill 229. These proposed changes will impact some of the programs and services that CAs deliver as well as their role in planning and permitting. The province has indicated that these changes will improve transparency and consistency, strengthen provincial and municipal oversight, and streamline CA roles

in land use planning and permitting.

It is anticipated that regulations to implement the Act, and further define the mandatory programs and services, will be released for public comment in December and early in the new year.

### **Proposed Amendments**

- Will narrow the objects of the CAs to (i) mandatory programs and services, (ii) municipal programs and services (ie. service agreements between municipalities and CAs), (iii) other programs and services (that would require municipal agreements if levy dollars used).
- Remove the CAs as a public body under the Planning Act and name them under the MMAH one window for purposes of appeals.
- Remove the power of CAs to expropriate lands.
- Direct appeals of CA permit decisions through LPAT.
- Authorize the Minister of MNR to take over a permit application under Section 28 of the CA Act.
- Limit the ability of CA officers to enter land without a warrant to specific situations only.
- Municipalities may only appoint elected municipal councilors to the CA boards (no members of the general public).
- Minister of MNR may appoint a member to CA boards that represents the agricultural community.
- Limit the terms for Board Chairs and Vice-Chairs.

The proposed amendments to the CA Act are designed to make the Conservation Authorities more accountable to the province and the watershed member municipalities. These changes will be further refined as the province implements these amendments through new regulations, policies and other legal instruments.

Under this new policy regime, it is critical that the St. Clair Region Conservation Authority be fully engaged with their municipal partners to further define the role of the CA in land use planning and permitting.

It is important to focus on being “value added” and “service delivery oriented” and understand that the SCRCA’s role is to protect life and property from natural hazards such as flooding and erosion, and to protect, manage and restore our natural systems, including woodlands, wetlands, waterways and lakes, but at the same time be cognizant of the need to help facilitate economic growth.

While finding this balance may at first appear to be a difficult task, it can be done through an understanding of the applicable legislation, and clear communication

between all parties involved in the process.

#### **4. Development Application Processing Inputs**

This part of the report provides a summary of the input that we have received through this review from all of the partners in development application processing. The reader will see that there is a mixture of supportive and critical comments from the partners. The consultants believe that there is a way to build on the supportive comments and recognize the critical comments to put the SCRCA in a very positive position with respect to development moving forward.

However, it should also be understood that many of the respondents (some staff, Board members, municipalities and developers) expressed a cynicism that this could become another report that sits on the shelf, with no action taken. It was suggested that "we have been down this road before, and nothing was done". There is a strong desire among the parties to see that improvements are forthcoming. The status quo is not acceptable.

##### **A. Staff of the SCRCA**

The consultant interviewed eleven staff members involved in the development application processing. The following represents the comments heard from the majority of the staff.

- Staff indicated that the three main issues facing the SCRCA are funding, staff turnover resulting in loss of institutional knowledge and the need for additional staff to meet the increased development applications in the SCRCA area.
- The previous fifteen months have been difficult given the virus, the increase in the development activity and the inability to fill the manager position in the planning and permits area.
- Staff indicated that they have been under significant pressure brought to bear by increased applications received at the seventeen municipalities. Staff indicated that they are working as hard as possible to keep up to the development applications received. The SCRCA staff have also mentioned that on occasion some municipalities did not bring them in at the start of the development application processing. This has provided additional challenges for the staff.
- Staff indicated that the interactions between staff involved in the development application processing and other departments at the SCRCA are working well.
- Staff believe that the position of Manager of Planning and Regulations currently vacant, should be replaced by a "Director" when filled.
- Staff indicated that the work carried out by the Planning and Regulations group is done in a very cooperative and professional environment. Staff indicated that they are not trying to stop development but are trying to promote development in appropriate areas.

- To improve the development application process, a better relationship is required between the SCRCA and the seventeen municipalities. Development applications need to be complete, and each municipality needs to ensure that the SCRCA is involved by the municipalities at the beginning of the process.
- Staff confirmed that there is a significant increase in applications.
- Staff supported a need for a memorandum of understanding with the municipalities in order to clarify the relationship between the SCRCA and the municipalities. Staff indicated that they have started work on this item but due to the workload with increased applications, the project is not completed.
- Staff suggested that they would be interested in having a closer relationship with the Board of Directors by perhaps updating key development issues at each board meeting.

### **B. Members of the Board of Directors**

- The Board members indicated that they thought the development application processing abilities of the staff was excellent, and they emphasize the importance of natural habitat and proper control of draining issues.
- The Board recognized the existing staff shortages as well as the increase in development activity. They expressed that their hope for the future would be a more expedited process regarding development applications.
- The Board mentioned that in their response to development applications, staff should clearly indicate those that are required under legislation by the Conservation Authorities, and those comments that are just recommendations or suggestions. (For the past 2 years, the SCRCA staff are doing this and using the template from Conservation Ontario)
- The Board members felt that there should be an increase in the level of service provided to the municipalities in the SCRCA area. There should be increased communication with municipalities and customer service standards that are implemented and enforced. (This is included in the recently amended changes by the Province).

### **C. Municipalities in the SCRCA Area**

The consultants interviewed fifteen of the seventeen municipalities in detail. The following represents the majority views of the municipalities.

- When asked to describe the three major issues facing the Municipality in development application processing, they indicated that the number of applications has increased significantly, the parcels of land that developers are trying to develop are the lands remaining that have significant issues to be dealt with before development and the Conservation Authority are not staffed up enough to respond to all this development.
- While each municipality has its own development review process, there are a number of commonalities. The majority of the municipalities use predevelopment



- review meetings, require a complete application, try to give the developer a total list of the requirements up front, and have various forms for public input.
- Municipalities commented on the relationship with the SCRCA development staff as very specialized, professional and knowledgeable. The municipalities indicated that given the shortage of staff in the Conservation Authority, they have noted greater delays in their response.
  - The municipalities also provided some critical comments about the SCRCA response to development application processing. As an example, municipalities stated:
    - That the SCRCA does not communicate very effectively
    - They need to meet with us when the application is first dealt with
    - They comment on things not required.
    - Often waiting for weeks to get a response.
  - The municipalities thought that the Conservation Authority should present their budgets to councils with goals and objectives to get buy-in. On major development applications, be present at Council and develop a better process with each municipality. From the municipalities' point of view, they support having a better relationship with the Conservation Authority.

#### **D. The Development Community**

The interviews with the development community included discussions with developers, planning consultants, engineering consultants and drainage officials. The development community are involved in all types of construction activities including residential commercial and industrial. The level of development in the SCRCA area is extremely busy and the development community is hoping that will continue.

- Developers who have developed for a number of years in the area indicated that they were aware of the shortage of staff at the SCRCA however they did say that recently the SCRCA are significantly behind in dealing with development.
- The majority of the developers hoped that the SCRCA would engage additional employees to deal with the developments that are occurring in the SCRCA area.
- Several developers mentioned that they felt that the Upper Thames provides much better service to the development community than the SCRCA.
- Every developer had their own story to relate regarding their relationship with the SCRCA. Most developers recommend that the Conservation Authority hire enough people to deal with the present level of development and that staff of the SCRCA should work much more closely with the municipalities going forward.
- The majority of the developers contacted indicated that the fee charged to developers is not the issue, it is the level of service being provided by the SCRCA. The developers favour increasing the fees to pay for a much-improved level of service for the development community.

## **E. Input from Other Conservation Areas**

Part of the work program is the review of what other Conservation Authorities in Ontario do with respect to development application processing in their area.

The following seven Conservation Authorities were chosen as comparable by both the consultant and the SCRCA team. These include:

Ausable Bayfield Conservation

Cataraqui Conservation

Grand River Conservation Authority

Nottawasaga Valley Conservation Authority

South Nation Conservation Authority

Saugeen Conservation

Upper Thames River Conservation Authority

The following is a list of comments and best practices.

- Most Conservation Authorities have memorandums of understanding with municipalities, but everyone acknowledges them out of date.
- Most CA's have acknowledged that they should be updated with new regulations coming out of the Province of Ontario.
- Conservation Ontario has provided a template for planning comments with most distinguishing between mandate and advisory comments.
- Permit applications and planning application numbers are increasing significantly.
- Several CA's issue clearance letters for minor things, rather than go through a full permitting process.
- All CA's provide some form of triage to the processing of permit applications.
- No CA's achieve full cost recovery through the fees; some achieve 50%, others less than that. Many are considering increasing fees.
- Fee structure can vary for developers versus private citizens or municipalities.
- All CA's attend pre-consultation meetings (when it applies to them).
- Outreach and communication with their municipal partner and watershed residents are considered to be critical (website, open forums, municipal information days, municipal presentations).
- Proper technical resources are also crucial i.e., floodplain mapping, Lidar etc.
- Input from in-house staff with technical expertise is very important.
- Individual staff members can and should process both planning and permit applications.
- These staff members should be responsible for a specific geographic part of the watershed leading to a much more efficient operation.
- Staffing numbers for planning/regulation staff in all CA's is higher than

the SCRCA.

- It is very helpful if CA's Planning staff have some municipal experience so they can understand the municipal process. The CA needs to see itself as a partner in the municipal planning process.
- Tone and respect in written responses and conversations is extremely important.

A comparison chart, showing information on each of the Conservation Authorities including the SCRCA was reviewed. It demonstrates:

- The numbers provided include a number of municipalities in each Conservation Authority.
- The number of permits and planning applications for both 2018 and 2020.
- Those who are using memorandums of understanding with their municipalities.
- The number of planning and regulation staff is included.
- The amount of the general levy from the municipalities expressed as a percentage of the conservation authority budget.

We received additional comments from each of the seven comparators and we will be using these in the next chapter of the report relating to consultant's observations.

## **5. Consultant Observations and Recommendations**

### **5.1 Observation: Principles of a new relationship with municipalities**

**We suggest that the principles of a new relationship with municipalities in the SCRCA area would consider the following:**

- i) Staff of the SCRCA need to become an integral part of each municipality's development application processing team. This would require the SCRCA to work with a schedule of development application processing provided by each municipality.
- ii) There would be agreements on common timelines and best practices related to customer service with respect to communication standards for the development community, residents and municipal staff.
- iii) The SCRCA should develop a practice of response to development applications distinguishing between mandate and advisory comments.
- iv) The memorandum of understanding with municipalities must include reference to times when the SCRCA would be able to attend the municipalities Council meetings. This includes during budget time when the general levy is being discussed, at any time that an important development application is being considered by Council, and any other locations where there is mutual agreement that a presentation as required by the SCRCA.
- v) With the hiring of the new General Manager and the subsequent filling of the Director of Planning and Regulation by the end of the year, consideration should be given to the development of a key contact role whereby the SCRCA would provide each municipality with a key contact. This model is used by other

conservation authorities to monitor activities in each municipality to ensure that the SCRCA stays current with all issues in the municipality with a view to protecting the reputation and performance of the SCRCA.

- vi) The MOU would allow the SCRCA and each municipality to deal with technical issues with respect to development such as the recent issue on drainage matters.

### **5.1 Recommendation**

That the Board of Directors of the St. Clair Region Conservation Authority support the development of memorandums of understanding with all of their municipalities. This is a requirement of changes made by the Province of Ontario with respect to Conservation Authorities. The Board supports that the MOU use would contain all of the necessary technical issues associated with the development application processing, but they would also include all the “principles” of a partnership as developed in this report.

### **5.2 Observation: Three Additional Technical Staff**

We believe that the SCRCA needs to bring in three additional technical staff as soon as possible in order to keep up with the significant increase in the development application processing being incurred by the seventeen municipalities in the SCRCA watershed. The estimated cost of the 3 new positions is \$280,000 which could be funded through a 10% increase in the levy and a 10% increase in the fees for both 2022 and 2023

### **5.2 Recommendation**

That the Board of Directors of the St. Clair Region Conservation Authority support increasing the capacity of the complement of staff from the current six, to 9. The timing of these 3 staff joining the SCRCA would be subject to the appropriate funding.

### **5.3 Observation: Sustainable Funding for the SCRCA**

The SCRCA staff have indicated to us that funding is one of the key issues they deal with quite regularly. With the increase in the development activity in the SCRCA watershed, it is essential that funding be in place to allow the SCRCA to carry out its duties effectively. We believe that there are two areas of funding that could be increased including development fees and the general levy for municipalities.

We understand that the Board of Directors in the past have been reluctant to raise development fees. This is understandable as in the past, municipalities in the area were working hard to attract development. At the present time however, the municipalities are receiving significant increases in the amount of development applications, and we believe that the development community would prefer to pay more fees for a consistent and predictable development application process.

General levies appear to be quite low compared to the seven conservation authorities that we compared. We suggest that the Board make this a key work plan item with both the new General Manager and new Director of Planning and Regulation to bring to Council a realistic revenue strategy for the 2022 budget and beyond.

SCRCA staff are currently completing a draft of the 2022 budget for consideration by the Board of Directors in September of this year. This draft budget assumes an increase of 10% in both the general levy as well as development fees. (This was approved previously by the board) in order to fund the additional staff (3) recommended by this report it would be necessary for the board to approve an additional 10% for both the general levy and development fees in both the 2022 and 2023 budgets.

### **5.3 Recommendation**

That the Board of Directors of the St. Clair Region Conservation Authority direct staff to consider the cost associated with the addition of 3 new technical employees and other corporate priorities to be funded by increases in both the levy and fees in the draft 2022 and 2023 budget.

### **5.4 Observation: Technologies**

The amount of technology available for staff to do their work can have a large impact on efficiencies and service delivery. SCRCA IT staff were able to implement some significant changes that allowed staff better keep track of all activities as well as steps to facilitate access to information and maps while working remotely. Planning and Regulations staff have a “Case Manager” database that allows for recording and tracking of all “cases” within the department. This includes payment tracking and also reporting. In addition, there has been investment in a digital document management system that has all but eliminated all paper files in the department since 2018. The GIS team has also done their best to ensure that mapping is readily available both internally and to the public. That said, advancements in technology are always ongoing and because there are many other Conservation Authorities performing the same tasks, there are likely other technologies that might be available that would promote even greater efficiencies. For example, the Grand River Conservation Authority has an online permit application system that is almost completely automated.

### **5.4 Recommendation**

That the Board of Directors support the investigation of additional technologies either from other Conservation Authorities or Municipal partners that might further enhance service delivery.

## **6. Appendix A – Submitted from SCRCA Staff**

The St. Clair Region Conservation Authority (SCRCA) plays an integral role in the development application review process of our seventeen member municipalities located within the SCRCA's watershed. The Authority also plays a regulatory role for development or site alteration within areas defined under the Conservation Authorities Act. The same regulatory role also covers activities on municipal drains including extensive maintenance works, addition of outfalls, new municipal drains and drain enclosures.

### **Workload and Staffing**

The increasing number of development applications and regulatory permit requests submitted to SCRCA for review and comment has significantly increased the workload within the Planning and Regulations Department over the past decade. Staff have been added to catch up to this trend when required. In 2010, two staff undertook most of the workload associated with development application commenting and regulatory permitting. By 2015, that number had doubled to 4 and by 2018, the staff providing these services had increased to 6.

It is important to note that in addition to the CA's evolving role in application review, it is increasingly common that the lands being proposed for development are complex in terms of natural hazards and natural heritage constraints, which require additional complex technical studies. The staff added to the department over the past decade have the expertise to advise and review these studies, which are necessary to meet provincial policy.

### **Fees**

Staffing increases are costly, therefore at the direction of the Board of Directors, in 2019, SCRCA staff undertook a comprehensive fee comparison, comparing SCRCA's development application review fees with surrounding Conservation Authorities and Municipalities. A report was presented to SCRCA's Board of Directors, recommending annual increases to both municipal levy and planning review and permit fees to work towards a financial balance of cost recovery for SCRCA. This process is ongoing, but additional updates to both the levy and fees will be necessary to cover the costs of an increased level of service being requested by our stakeholders.

Given the regulatory nature of the work done in the Planning and Regulations Department, complaints from applicants are not unexpected. However, there have been increasing complaints from landowners and developers on the speed of response and cost of permits in the last two years. While the staff do obtain positive feedback from many of their interactions, the negative feedback is often communicated more quickly and frequently than the positive and is more likely to be carried forward to others (e.g.

Board members, Councillors, etc.).

### **COVID-19**

Early 2020 brought a number of challenges to the Department. Within 4 weeks, 2 experienced staff, including the department manager, left for positions outside the organization, then the world plunged into the COVID-19 global pandemic. Staff, already reeling at the loss of their colleagues and the added workload they were being asked to undertake, were then asked to work from home and continue to meet the demands of the watershed's development community. Then in June and August of 2020, the department lost two more staff members, one temporarily to parental leave, and one to retirement.

Spinoff effects of COVID-19 resulted in increased numbers of building permit requests, as well as real estate transactions, and demand for subdivisions to move forward to meet an increase demand for housing. Clearly this was no small task and staff within and outside the department worked tirelessly to keep up with the workload under these new conditions. However, despite staffs' valiant attempts to keep up, wait times increased and complaints increased as well. The pandemic hampered hiring to fill the vacant positions further slowing the response to concerns being expressed by the community.

With respect to reviewing applications through our regulatory process (Ontario Regulation 171/06), there has been a significant increase in case load over the past 2 years and less staff at the SCRCA available to handle processing permits efficiently. In August 2020, Regulations staff was reduced to one staff member and therefore there has been a significant backlog in applications and processing inquiries. Existing vacant positions have since been filled, however it should be noted that there is a huge learning curve and specialized training to all positions in the Planning and Regulations Department, and therefore it takes time to get new staff up and running to the point where they can independently sign off on permits.

### **Customer Service Improvements**

SCRCA staff have made a number of changes over the last three years to ensure the highest level of service possible with the resources we currently have. These include:

- Creation of a digital document management system to better manage storage and access to documents (including site plans, technical reports, applications, permits, etc.)
- Creation of a Case Manager database, by IT staff, to assist with:
  - tracking all contact information, communications and fees
  - associated with permits and planning applications, and
  - improved reporting and management of processing timelines.

- Note: This tool was critical for staff to continue flow of work while working from home during the COVID-19 shutdowns.
- A full-time Planning and Regulations Assistant/Clerk position was created in 2019 to improve response time to the increasing number of phone calls and emails directed to the department.
- The Assistant position was backfilled three times between June 2020 and April 2021, due to difficulty retaining staff for a one-year parental leave contract.
- Planning and Regulations staff have implemented standard practices as per Conservation Ontario and CA Collaborative recommendations. This includes a template for Municipal Plan Review responses.
- Staff from other departments have been recruited to handle additional case load (i.e. the Manager of IT/GIS has handled all real estate inquiries since 2020 and members of the administrative department have assisted with phone calls and fee collection).
- It is important to note that while this work is critical, this is taking other SCRCA staff from their already busy full-time jobs in other departments
- Staff issue clearance letters for minor development (i.e. pole barn, grain bin), rather than going through a full permitting process
- Staff work on applications in the order they are received, but do triage files to ensure emergencies, or simple permits can go ahead without further hold up
- SCRCA staff attend pre-consultation meetings whenever it is requested by Municipal staff.

### **Municipal Partnerships**

It is important that SCRCA staff and Municipal staff have open two-way communication and a mutual understanding of respective roles and timelines in both planning and regulations (including drains). This will be addressed through the updates to the MOU's required under Provincial policy.

SCRCA staff make themselves available to provide preliminary comments on applications at the outset of the application process when they are made aware of the applications and the appropriate fees are provided. During the COVID-19 lockdowns, SCRCA staff continued to attend meetings over virtual platforms with municipal staff, developers, consultants, etc. Due to existing staff capacity, SCRCA does not have the ability to handle last-minute requests, or to 'fast-track' applications, therefore we request to be made aware of applications as early in the process as possible to help to inform applicants on any constraints or required studies. Due to the nature of some of the technical studies (e.g. Hydrogeological studies, environmental impact studies), there may be temporal or seasonal constraints that applicants will have to consider.

The Municipalities have continued to recognize that the CA staff possess training and knowledge related to natural hazards and natural heritage that current Municipal staff do



not possess. The CA's reports form an important part of Municipal reports on Planning Act applications.

Staff are often told by landowners that they were not aware that they required a permit through SCRCA until they were well into their municipal building permit application process. Again, two-way communication with the CA and Municipalities will help to streamline the process for landowners.

The current staff complement is not sufficient to deal with the increasing number of development applications that staff are handling. In order to achieve the service level that is being requested by Municipalities, developers, etc., additional staff will be required. Additional staffing to the Planning & Regulations department could include technical positions such as a permanent Engineering Technician, and additional Regulations Officer(s) to review applications and associated technical studies, as well as administrative positions such as an additional clerk to handle phone calls, process payments, screen applications, start files, etc. The department needs to be able to deal with incoming applications in a timely manner, as well as take back jobs that staff members from other departments are currently taking on (i.e. legal inquiries, document management, etc.)

## **Closing**

### **SCRCA's Strategic Goals include:**

1. Develop and maintain programs that will protect life and property from natural hazards such as flooding and erosion,
2. Protect, manage, and restore our natural systems including woodlands, wetlands, waterways, and lakes, and
3. Build a stronger and more valued organization through business excellence.

SCRCA's Planning and Regulations staff are committed to providing a high level of service to the watershed's landowners and stakeholders, while ensuring that development is directed away from natural hazards and natural heritage features, to help create safe, livable communities. We look forward to strengthening our partnerships, improving transparency of our processes, and embracing tools and technologies to provide the best level of service possible.

A question and answer period followed the presentation, as well as discussion amongst attendees regarding options of cost recovery models. Input was also provided by guests from the County of Lambton, Jason Cole and Ken Melanson.

**BD-21-64**

**Loosley – Scott**

**“That the Board of Directors acknowledges the presentation of the Planning Department Service Delivery Review Report provided by Tim Dobbie Consultants Ltd. And further that staff be directed to include the report recommendations in the draft 2022 budget.”**

**CARRIED**

Correspondence from the Federation of Canadian Municipalities was reviewed.

**BD-21-65**

**Burrell – Miller**

**“That the Board of Directors acknowledges the correspondence from the Federation of Canadian Municipalities, dated July 22, 2021 approving SCRCA’s request for funding under the Municipal Asset Management Plan, and directs staff to acquire proposals and further delegates the Chair and General Manager to approve the selected vendor and sign an agreement for services, subject to confirmation that all costs to undertake the work will be covered through the available funding.”**

**CARRIED**

**BD-21-66**

**Burrell – Scott**

**“That the meeting be adjourned.”**

**CARRIED**



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**Joe Faas**  
**Chair**



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**Brian McDougall**  
**General Manager**