

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

24 NOVEMBER 1998

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: D. Beamish, M. Bellemare, B. Hill, P. Hume, J. Legendre, A. Munter
and R. van den Ham

Regrets: W. Stewart

CONFIRMATION OF MINUTES

That the Planning and Environment Committee confirm the Minutes of the Meeting of 10 November 98.

CARRIED

POSTPONEMENTS / DEFERRALS - PLANNING

1. PROCESSING FEES FOR PLANNING APPLICATIONS

- Committee Coordinator's report dated 16 Nov 98
- Planning and Development Approvals Commissioner's report dated 09 Oct 98
- Addendum to staff report dated 16 Nov 98

Lesley Paterson, Senior Project Manager, Development Approvals Division, Planning and Development Approvals Department, noted the Addendum report (page 13 of the Agenda) addresses the issue raised at the last Planning and Environment Committee meeting. She indicated, provided a few assumptions are true (i.e. same number and mix of applications), this distribution of fees would still result in an average fee of \$10,600 per application.

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 9 December 98 in Planning and Environment Committee Report Number 20.

Committee Chair Hunter pointed out and Ms. Paterson confirmed, staff are saying if it is the will of Committee to further break down the fee structure, it would be staff's recommendation to proceed with 4 classes of fees (as set out in Table 1, page 14 of the Agenda). However, the recommendations contained in the original staff report dated 09 October 1998, are the preferred choice of staff.

Councillor van den Ham questioned whether the proposed four categories would in effect have the larger subdivisions subsidizing the smaller subdivisions. Ms. Paterson agreed the smaller applications would not likely be paying what it really costs to process their applications, while the larger subdivisions would be paying more than it costs to review their applications. Ms. Paterson also confirmed for the Councillor, it was staff's "starting point", to have cost recovery on these processes.

Councillor Hill stated she still had concerns with the increased fees, particularly for rural subdivisions which tend to be smaller, as she felt the increase would be onerous to small developers and would discourage what little development there is in the rural areas. She asked staff to comment on this. Ms. Paterson noted staff met with Mr. Chown, who agreed it would be difficult to contact the group of persons he felt the fees would be most onerous to, as they tend to be one-time developers. In light of this, it was agreed that the best approach was to show four categories that would together, result in 100% cost recovery. Ms. Paterson pointed out as well, in the smallest category where the fee is \$4000, there is a further recommendation that if the applicant attends a pre-consultation meeting the fee would be reduced by \$1,000.

Councillor Beamish referring to the average fee of \$10,600.00, questioned how, even at a conservative estimate of \$500 per day for staff time, it would take 20 full days of staff time to process each subdivision plan. Ms. Paterson stated it would take at least this amount of time to process each subdivision. She noted this would include developing all of the conditions, doing all of the review (as it is no longer circulated to any Provincial bodies) and, coordinating with the applicant, area municipality, O-C Transpo, etc.

Councillor Bellemare, noted the new Regional Official Plan encourages intensification/development within the Greenbelt and he asked if the proposed fee policy would encourage or discourage this type of intensification.

Pierre Dufresne, Ottawa-Carleton Home Builders Association (OCHBA) advised OCHBA represents all developers, both in the suburban area and within the Greenbelt. He noted it is the industry's opinion it would not be a function of the development fee process to either promote or discourage development within the Greenbelt. He went on to say the proposed fees were really an equalization, where real costs are being identified and paid by the applicants. Mr. Dufresne pointed out, typically development within the Greenbelt is undertaken through the part lot control process, rather than the subdivision approval

process. This is because the majority of these lands have previously been registered as blocks of land through prior development applications. He said this was one area identified in discussions with Regional staff, where the development industry wanted to make sure the fees charged to these applicants were applied equitably.

Councillor Bellemare then asked staff if the Region would normally receive subdivision applications within the City of Ottawa from smaller developers applying for 40 units and less. Ms. Paterson replied the vast majority of development applications in the City of Ottawa come in under the Part Lot Control By-laws. She noted the current fee for which is \$515 and staff are suggesting, where more than 15 lots are being created, this fee should be the same as for a small subdivision.

Councillor Munter asked Mr. Dufresne what the development industry was more concerned about - development fees or planning application processing fees. Mr. Dufresne replied the industry was very concerned about development charges and have initiated discussions with Regional staff about these concerns. He said the industry's position is the development charge must be transparent and understandable, with realistic costing structures. Mr. Dufresne stated when this occurs, the industry will be able to support the charge. He said this was also the industry's view with regards to the processing fees, in that it had to be equitable and transparent, such that the larger developers were not subsidizing the smaller developers.

At Committee Chair Hunter's invitation, Mr. Dufresne then relayed OCHBA's position. He noted he had sent a letter to members of Council (held on file with the Regional Clerk) which expressed OCHBA's support of the original staff recommendations. He said this was a fairer and more equitable approach than a per unit fee (as is the current practice) or that which is suggested in addendum of having the larger developers subsidizing the smaller developers.

Responding to questions from Councillor Beamish, Ms. Paterson advised, based on the previous five years, approximately 10% of the subdivision applications had been for 1 to 20 units, 25% at 21 to 40 units, 43% at 41 to 250 units and 22% over 250 units. She confirmed the maximum number of applications would be 30 per year.

Councillor Legendre asked staff if the Region had the ability, once an applicant had paid their fee, to charge additional fees in instances where a developer refused to abide by the established parameters of the development process. Ms. Paterson advised one of the options staff examined was recording actual staff time involved in processing each application; however, in an effort to balance cost recovery with simplification of the process, this option was not recommended. She noted staff are recommending additional fees for major revisions and a separate fee for each phase registered but there is no component that would charge an additional fee for "problem" developers.

Councillor Legendre questioned why, when the processing fees are being reviewed, the Region would not take the opportunity to introduce such a charge. Ms. Paterson indicated it would be difficult to design a standard procedure for the “exceptions”. She said the proposed policy was designed to meet 98% of the applications.

Barry Edgington, Director, Development Approvals Division, stated the Department has some discretion with respect to the criteria and adjustment of fees. He said, in instances where developers are not abiding by the conditions of the development agreement or are not cooperating with staff, the Region could possibly have some discretion to increase fees to recover these unique costs.

Tim Marc, Manager, Planning and Environment Law, opined the possibility of these additional fees should be in existence at the time the application is made. He gave hypothetical examples of inspections of watermains or additional planning reviews and noted these fees could be built into the application but should be established at the time the application is made. Mr. Marc noted in instances where a developer is violating the terms of the Subdivision Agreement or the Planning Act, the Region could issue a stop work order or seek a court order declaring the developer in violation of the Planning Act. He said however, it would be his opinion the Region could not use fees as fines.

Murray Chown, Novatech Engineering Consultants Ltd., referred to his letter to the Committee dated 16 November 1998 and stated the fee that initially caused him the greatest concern was the fee for Regional Official Plan Amendments (ROPA) which was recommended to be increased from \$4,472 to \$8,000. However, he stated the report indicates the Commissioner has discretion with respect to processing fees, which eases his concern somewhat and he said he would hope the Commissioner would exercise this ability in circumstances where an individual property owner applied for a ROPA and was unable to afford this fee.

With respect to the subdivision processing fees, Mr. Chown stated there was not a significant difference between the recommendations contained in the original report and the addendum report. He noted the initial staff recommendation reflects an approach for cost recovery, while providing some relief for developments of 40 units and less; the addendum provides further relief for applications of less than 20 units. Mr. Chown pointed out, given all of the costs associated with a development, the difference between \$4,000 and \$7,000 would be a “drop in the bucket”.

Councillor Beamish asked Mr. Chown if he felt the fee for a ROPA would be somewhat intimidating to the average citizen. Mr. Chown stated this was the cause of his initial concern, however, he did not realize at that time the Commissioner had discretion with respect to altering or waiving the fee. Councillor Beamish indicated the first line contact

with persons wishing to make ROPAs, would be staff in the local municipalities and he commented it would be unlikely they would provide information on the Commissioner's discretionary authority. Mr. Chown stated opportunities exist for the Commissioner to make this information known to the local municipalities and he felt sure they in turn would make this information known to applicants.

Responding to questions from Councillor Munter, regarding the profile of ROPAs, Joseph Phelan, Senior Project Manager, Land Use, advised the number of applications for ROPAs has typically been between 4 and 7 per year and the majority of these are for large developments (e.g. a large retail application or urban expansion). He advised approximately 64% of the applications are privately initiated and the balance are initiated by staff either as a result of Council direction or to bring certain aspects of the Regional Plan up to date. Mr. Phelan noted the Commissioner has exercised his discretion in waiving the fee for many of the site-specific applications and gave examples of churches in Kanata and Gloucester and the Perley Hospital in Ottawa.

Ted Phillips, Richcraft Homes, urged the Committee to support the recommendations contained in the original staff report. He referred to comments made by Councillor Legendre with respect to developers who do not abide by the terms of the subdivision agreement and noted Richcraft would encourage the Region to develop a system to penalize those developers who are ruining things for developers who are "playing by the rules". Mr. Phillips stated it was important to treat those developers who are attempting to abide by the rules, fairly and equitably and he felt the original staff report did this.

Councillor Beamish asked staff if the proposed fee for ROPAs of \$8000 represented cost recovery. Ms. Paterson replied the existing fee simply covers the cost of advertisements and some of the clerical work. The proposed fee represents an average of what other regions are charging, but does not come close to representing full cost recovery. She noted the applications are so variable it would be impossible to find one common fee.

Councillor Legendre indicated he would be moving a motion to remove the third bullet under Criteria for Reviewing and Adjusting Fees (i.e. the application is in support of a major economic development initiative that will have a significant positive impact in the community). He stated he did not agree the Commissioner should have discretion to remove or adjust the fee on such an application and noted the fee would be an insignificant amount for a major development. The Councillor felt if the proponent wanted to have the fee waived/adjusted, they could make this request to the Committee.

Councillor Munter lifted his motion (tabled at the last meeting), to add a bullet under Criteria for Reviewing/Adjusting Fees, namely, "a community group or concerned resident without the means to pay the full fee".

Chair Hunter then read the following two motions put forward by Councillor Beamish.

That the fee schedule and the application form clearly indicate that for ROPA applications “the Commissioner has discretionary authority to lower this fee”.

That the subdivision processing fees be set at 1 to 20 units - \$4,000; 21 to 40 units \$7,000; and, 41 units and over - \$12,000.

Councillor van den Ham stated he would be supporting the recommendations contained in the original staff report and indicated he would not be supporting Councillor Beamish’s motion to alter the fees. He calculated the difference in cost to be approximately \$100 to \$150 per lot and noted this would not be a significant cost in a development. With respect to Councillor Munter’s motion, he stated he would not be supporting this as he felt it would be difficult to determine a person’s ability to pay. As well, he felt the existing option of incorporating such an amendment in a staff initiated “housekeeping amendment” would address this issue.

Councillor Munter indicated he too would be supporting the original staff recommendations and agreed with Councillor van den Ham that these fees would not represent a huge cost to developers. He said he felt staff had put together a good plan that simply tries to recover most of the Region’s costs in processing these applications. However, he said there are people, such as community groups and individuals who want to participate in the planning process, for whom these fees would represent a large cost. The Councillor felt his motion introduced a further consideration for the Commissioner when reviewing/adjusting a fee, that would take into account the Region’s intent to have a planning process, not just for developers but also for the community.

Councillor Legendre suggested Councillor Munter’s motion be amended by adding the words “having a significant social impact”, which he felt recognized not just a concerned resident, but a social benefit to the project which is driving the need for the application. Councillor Munter did not agree to accept this as a friendly amendment, so Councillor Legendre moved an independent motion.

Moved by J. Legendre

That the words “having a significant social impact” be added to Councillor Munter’s motion.

LOST

NAYS: D. Beamish, P. Hume, R. van den Ham and G. Hunter....4
YEAS: M. Bellemare, B. Hill, J. Legendre and A. Munter....4

Moved by A. Munter

That the report be amended under the criteria for reviewing/adjusting a fee, to include:

- **a community group or concerned resident without the means to pay the full fee.**

CARRIED

YEAS: M. Bellemare, B. Hill, J. Legendre, A. Munter and G. Hunter....5
NAYS: D. Beamish, P. Hume and R. van den Ham.....3

Moved by D. Beamish

That the fee schedule and the application form clearly indicate that for ROPA applications “the Commissioner has discretionary authority to lower this fee”.

CARRIED
(P. Hume dissented)

Moved by J. Legendre

That the Commissioner’s discretion to waive or adjust fees in the case of major economic development initiatives that will have a significant positive impact in the community, be removed.

LOST

NAYS: M. Bellemare, B. Hill, P. Hume G. Hunter, A. Munter and R. van den Ham.....6
YEAS: D. Beamish and J. Legendre.....2

Speaking to his motion on subdivision processing fees, Councillor Beamish noted staff have indicated there is an average of 30 subdivisions applications per year and 22% are in the over 250 units category; approval of his motion would result in a loss of revenue of \$3,000 per subdivision over 250 units, for a total loss of revenue of approximately \$18,000. He felt it would be proper for the Region to assist smaller development applications and, although some might think the application processing fees are insignificant compared to development charges, he pointed out all of these fees are

cumulative. The Councillor stated his motion would have the Region subsidize the smaller developers, while not penalizing the larger developers.

Moved by D. Beamish

That the subdivision processing fees be set at 1 to 20 units - \$4,000; 21 to 40 units \$7,000; and, 41 units and over - \$12,000.

LOST

NAYS: M. Bellemare, P. Hume G. Hunter, A. Munter and R. van den Ham.....5
YEAS: D. Beamish, B. Hill and J. Legendre.....3

The Committee then considered the original recommendations as contained in the staff report dated 09 October 1998, as amended.

- 1. That Council approve the following in accordance with the attached report:**
 - a. That Council adopt an amendment to the Regional Regulatory Code, Part 6.3, to implement the fees outlined in this report;**
 - b. That the new fee will apply to applications submitted after Council adopts this report. Applications in process, will be phased into the new fee structure in a way that does not increase their anticipated costs, in accordance with this report.**
- 2. That the report be amended under the criteria for reviewing/adjusting a fee, to include:**
 - a community group or concerned resident without the means to pay the full fee.**
- 3. That the fee schedule and the application form clearly indicate that for Regional Official Plan Amendment applications “the Commissioner has discretionary authority to lower this fee”.**

CARRIED as amended
(B. Hill dissented)

REGULAR ITEMS - PLANNING

2. GIS AND THE MUNICIPAL APPLICATIONS PARTNERSHIP -
OVERVIEW AND STATUS REPORT

- Planning and Development Approvals Commissioner's report
dated 10 Nov 98

Louis Shallal, Director, Geomatics Division and Dave Johnston, Manager, GIS Branch, appeared before the Committee on this item. Mr. Johnston, provided Committee with a presentation and overview of the staff report.

Councillor van den Ham asked if this project would potentially generate revenue for the Region in the future. Mr. Shallal replied the Region would be selling some of the mapping products and, if there are requests for custom requirements, the Region will charge for the data. He noted there has been some interest from technology firms interested in purchasing the base mapping that went into the development of the GIS. Mr. Shallal emphasized the benefits of GIS are in the day-to-day operation.

Councillor Legendre commented that for him, the biggest potential for dollars was in the increased efficiency; citizens will be able to go on-line and obtain their information, without having to interact with an individual. Mr. Shallal added the GIS will be able to do relational analysis, which was not previously possible. Mr. Shallal confirmed at Councillor Legendre's request, that proposals will be available as part of the data on the browser (e.g. zoning change) and citizens will have many options to query the data base.

Councillor Legendre stated he was disappointed the MAP application will be going live with only 160 users in January and then adding only 500 users six months later. He asked staff to expand on this. Mr. Johnston replied the numbers being used are primarily municipal staff who will be using this application on a day-to-day basis as part of their business functions. The next step involves Internet or public access and those numbers are not being counted in the projections. Mr. Shallal added the number of users will increase as the various applications (e.g. roads and traffic, property information system, development tracking, etc.) come on-stream. Mr. Johnston stated the system should be available to Councillors between January and March, 1999.

Councillor Munter expressed his support for this project and stated he was pleased to see the resulting benefits.

Mr. Shallal confirmed for the Councillor that potential revenue will not come from the selling of the technology but rather from selling the product of the technology. Councillor Munter stated his complaint about this is that the public sector took the risk (in terms of

money from the Province, Region and local municipalities), but the return on investment in terms of the technology goes to Systemhouse.

Councillor Munter noted the report states approximately one-third of any revenues are directed to development of new applications and he asked staff to explain this. Mr. Johnston explained, as new partners are brought in (acquire the MAP applications), approximately 30% is directed specifically to developing new applications that the existing partners can then take and use, free of charge. By way of example, Mr. Johnston noted Vancouver will be developing some applications the Region did not have in its list of priorities; these will be available to the Region at no additional cost. Mr. Shallal added that Vancouver is paying in the order of \$1.6 million to join the partnership and approximately one-third of this amount will go to developing new applications that the Region will get free of charge.

Councillor Munter had further questions concerning the intellectual property rights of the application and the revenue to be derived from it. Mr. Shallal opined the cost of the marketing effort that SHL is incurring compared to the revenues being generated would be fairly close.

The Councillor asked if discussions had taken place with staff of the Land Ambulance Service. Mr. Shallal anticipated discussions would take place when the ambulance dispatch system is in place. He relayed his belief there is potential to decrease the response time for ambulance services with this technology.

Responding to questions posed by Councillor Hume, Mr. Shallal stated the Region is the dominant force in the partnership. He said the fact the actual database will be located at the Region and all access will be through client services at Region, illustrates this fact. With respect to the marketing effort, this is a partnership where each partner is responsible for marketing to other municipalities and international agencies. The Region does have a central role in this and although there have been incidences where others have taken the lead role, this situation has been rectified.

Councillor Beamish had questions concerning the revenue SHL would be receiving as new partners join. Mr. Shallal explained as municipalities enter into the partnership they pay a fee; part of this fee goes towards the actual software acquisition (i.e. the VISION software); another part of the fee goes to the specific application the partner municipality wants (which the Region has access to at no charge) and one third of the money goes towards whatever application the Region wants. In addition, the Region will receive a 50% reduction, on the maintenance and support contract for the next 5 years.

Councillor Beamish felt this was a "sweet deal" for SHL. Mr. Shallal explained SHL has contributed approximately \$9 million (\$4 million of which was a grant from the Province).

The Region put in \$1.8 million plus \$0.6 million in staff time for a total of \$2.4 million. He said SHL has not yet made very much money from the MAP and in fact, SHL has expended more than the allocation that they started with, by adding more person days (with no cost to the Region) in order to meet the Region's deliverables. Mr. Shallal noted SHL has contributed over 12,000 development days, which translates into approximately \$11 million.

Responding to further questions from Councillor Beamish with respect to how SHL would make their money, Mr. Johnston explained one-half of the remaining two-thirds of the fee paid by the municipality joining the partnership goes to support the implementation of the software at that particular location. SHL would get paid for deploying the software and customizing it for the partner municipality. Mr. Shallal added SHL's success will depend on being able to bring more partners into the partnership. He pointed out, if the Region were trying to develop these applications on its own without this partnership, the cost would have been much greater and it would not have been possible to deliver the product as presented.

Chair Hunter stated although this may be true, if the Region had waited until someone else had developed the application, we may have been able to purchase it "off the shelf" for much less. Mr. Shallal pointed out the application was developed to reflect the Region's business environment (e.g. property information, road construction, etc.) and he advised there is no GIS software available that can be purchased off the shelf that you can simply load the information into and it will give you everything you are asking for.

Councillor Hill asked if the system would be able to provide land designations for all of the land in the rural areas. Mr. Shallal advised all eleven local municipalities are full partners and each parcel of land in every municipality will be on this system. He noted the Region will be responsible for loading Regional Official Plan designations and each of the local municipalities will be responsible for loading data on their designations.

The Committee then considered the staff recommendation.

That the Planning and Environment Committee receive this report and a presentation from staff on the status of GIS in the Region and the Municipal Application Partnership (MAP) for information.

RECEIVED

COUNCILLOR'S ITEM

3. RECOGNITION OF THE RIDEAU WATERWAY
AS A CANADIAN HERITAGE RIVER
- Councillor Wendy Stewart's report dated 14 Nov 98

Charles Billington, Rideau Valley Conservation Authority; Cam McNeil, Chairman, Nominating Committee; Peter Au, Director, Rideau Environmental Action League and Chairman of the Natural Environment Sub-Committee; and Brian Grimsey, Head of Planning for the National CHRS Program, Department of Canadian Heritage appeared before the Committee on this item. Mr. Billington distributed a package of information on the Canadian Heritage Rivers System (CHRS) to members of Committee (held on file with the Regional Clerk).

Mr. Billington advised the CHRS is a voluntary Provincial/Federal partnership which recognizes outstanding rivers based on citizens' nominations. The process for this nomination involves a citizens' group who believe in the outstanding value of their river. This group would then carry out research and prepare a nomination document, highlighting the outstanding features of the waterway. The CHRS Board (made up of volunteers from every Province and Territory in Canada) reviews and recommends its approval; and finally approval is sought from the Provincial Minister of Natural Resources and the Federal Minister of Canadian Heritage.

The speaker explained the Rideau Nominating Committee has had three volunteer committees of experts (on history, recreation and environment) working over the past six months pulling together documentation that will prove the Rideau waterway from Ottawa to Kingston deserves this title and to be placed among Canada's top rivers.

Mr. Billington then expanded on the benefits for communities and rivers of having the CHRS designation. He said once a waterway is accepted, the river is promoted nationally and internationally. Municipalities can use this recognition to increase tourism, business development opportunities, awareness and use of the waterway and also to increase leverage for grants from public and private sources.

Mr. Billington noted that much misinformation had been circulating about the nomination of the Rideau waterway (e.g. it has been called "a leghold trap", "a slippery slope to communism" and "a United Nations conspiracy of internationalist socialist forces"). He vehemently declared these statements to be untrue. Although the Nominating Committee understands there are legitimate concerns about the heritage designation (which they are making every effort to address), he stressed this is simply a river recognition program. The speaker advised CHRS recognition carries no restrictions or regulations of any kind;

it will have not have any effect on private property rights nor will it disrupt, alter or override any municipal decision making powers or responsibilities.

Mr. Billington went on to say no new governing body will be formed as result of this recognition and there will be no downloading of costs to municipalities; Parks Canada will continue to remain the key funder and manager of the Rideau waterway. He advised the Rideau Canal Management Plan, which has been in existence for three years, will continue to be the management plan used if the Rideau waterway is designated a CHRS. He pointed out only the main channels of the waterway are proposed for recognition; not the entire watershed area.

In concluding his remarks, Mr. Billington stated although the economic benefits of designating the Rideau waterway as a CHRS are hard to quantify, they are not hard to foresee – increased tourism, new jobs, grants and new business opportunities. He referred to a letter appended to Councillor Stewart's report from Don Gibson, National Program Manager, CHRS which clearly spells out the municipal reality of CHRS. Mr. Billington also encouraged the Committee to seek input from the business community or the local Chambers of Commerce, as well as from MP's and MPP's with ridings on the Rideau and from municipalities on CHRS designated rivers. He urged the Committee to support the efforts to have the Rideau waterway recognized as a CHRS.

Responding to questions from Councillor Legendre, Mr. Billington explained, because the Rideau is a federal navigable waterway, as well as a Provincial river, this is a joint nomination to the Federal Government and the Province of Ontario. The nominating committee is seeking support from municipalities along the Rideau in an effort to show the broad base of support that exists. He said the committee is currently preparing the nomination document and will be submitting it to the CHRS Board early in the new year.

Councillor Legendre questioned why the Ottawa River is not a CHRS designated river. Mr. Grimsey stated he had heard this question asked many times and he noted there are a number of significant rivers in Canada that are not part of program; which shows this program has significant room to grow. He agreed the Ottawa River deserves to be recognized as an outstanding Canadian river and the CHRS Board is simply waiting for a group to come forward with an expression of interest in having this river looked at.

Councillor Munter thanked the delegations for their work on this program and stated it was unfortunate circumstances dictated that the delegations had to explain what this program is not about, rather than what it is about. He congratulated and encouraged the delegations for the work they have done in recognizing and celebrating the very existence of Region - the Rideau waterway.

Councillor van den Ham stated it was his understanding the Federal and Provincial governments want to do this. He questioned why the delegations would have to go to each community to get support if there are none of these perceived downsides; why would the Federal and Provincial governments not simply designate these waterways as having heritage significance.

Mr. Billington stated the program is set up such that it has to come from the people in the community involved; a “grass roots” nomination from people who care enough about their outstanding river that they want to get it into the system.

Mr. McNeil added when he first encountered the idea, he felt the Rideau was so obvious it should have been “grandfathered”. However, he said having gone through the process, he gained appreciation for the incredible value of the actual process. He said in gathering the information for the nomination document he has learned a great deal, met new people and saw new opportunities. He advised the information gathered will be compiled in some format (e.g. CD) and provided to schools and libraries along the Rideau River.

Councillor van den Ham stated when he, like a lot of rural resident, hears something is going to be designated “heritage”, he fears there will be restrictions on property owner rights. Mr. McNeil, stated as a resident along the Rideau River, he too shared this view. However, he emphasized giving the Rideau this heritage designation, has nothing to do with the ongoing existing management.

Responding to questions from Councillor Hume concerning how the Rideau Canal could be considered a heritage river, Mr. Billington explained the CHRS Board had recently decided to consider rivers with impoundments on them; this left the door open for a nomination of the Rideau. The nominating committee is trying to take into account the waterway from one end to the other because of its historical significance. It would make no sense to call it a “river”, but it is acceptable under the CHRS criteria as a waterway.

Councillor Hume noted the Rideau Canal is significantly regulated under the Historic Canal Regulations and asked how the CHRS designation would affect this. Mr. McNeil stated there would be no change in this regard and likened the CHRS designation to the “Order of Canada”.

David Underwood, Association of Rural Property Owners (ARPO), stated the “notion” of nominating the Rideau as a heritage waterway is a fine idea, noting that clearly this waterway has been key to the development of this country. He agreed residents and school children should have more knowledge about this historical river. However, he said there were things about this whole process that troubled him. He felt it odd that other Canadian rivers of equal or greater historic value, such as the Ottawa River or the St. Lawrence River, have not been nominated.

Mr. Underwood referred to a letter from Mr. Cam McNeil, dated 13 November 1998 that was distributed to members of the Committee. Mr. Underwood stated he too had been at the 9 November 1998 meeting of the Council of Merrickville-Wolford and disputed that comments attributed to Mr. Hindson were actually made. He also voiced his objection to the second last sentence of the letter, which said “don’t be duped by some smooth-talking traveling salesman” and felt this should be withdrawn.

The speaker felt it important for the Committee to consider why three States and a large number of local and county governments in the United States have totally rejected a similar concept. As well, Trent-Severn and Merrickville-Wolford have also rejected the notion of heritage river designation. He advised they rejected it simply because the plan imposes an extra layer of non-elected governance over local elected representatives. Mr. Underwood then referred to a document written by Councillor Lorne Caldwell of the Village of Merrickville-Wolford (copy on file with the Regional Clerk). He noted Merrickville-Wolford had initially supported the heritage designation, however, after Mr. Caldwell researched the matter, Merrickville-Wolford rescinded their support.

Mr. Underwood opined, if there is a management plan in effect for the Rideau River and the RVCA is also looking after it, then no additional management is necessary. He also felt the role of the nominating committee had not been made clear. Mr. Underwood went on to say Parks Canada responsibilities are up to the controlled water elevation (the high water mark) however, the CHRS group’s vision document speaks of programs and activities to be developed with groups that the speaker felt would have interests beyond the high watermark.

In conclusion, Mr. Underwood stated ARPO is most concerned that this heritage designation on the Rideau waterway is just another layer of bureaucracy. Quoting from an Ottawa Citizen article, Mr. Underwood read “designating the River is a political and bureaucratic exercise that will needlessly stir up the fears of property owners who have already seen significant intrusions on their rights in the last three decades”. And further, Mr. Underwood questioned the need for the government to tell the citizens of the historical significance of the Rideau waterway.

Having heard from all public speakers, the matter returned to the Committee.

Committee Chair Hunter noted this program has been in place for some twelve years and he asked Mr. Underwood if he had examples of residents on other rivers that have received this designation and have experienced any negative impacts, as a result. Mr. Underwood could not offer examples however, he stated it makes him very nervous when a special interest organization advises him they are acting on his behalf, noting these people are not elected or accountable.

Councillor Hill stated she was very familiar with the concerns of the landowners along the Rideau River. She said they are so over-regulated they are not able to do anything, noting their actions are controlled through seven pieces of Federal legislation and five Provincial Acts, in addition to the Regional and Local Official Plans. As well, they are regulated by such bodies as the RVCA, the Ministry of Natural Resources and the Ministry of the Environment.

The Councillor noted in 1993, the Rideau Canal was designated a heritage canal; then it was designated an historical canal and the heritage canal regulations were revoked; everything this group is saying they are going to do (i.e. recognition and status) is already being done. The Rideau Canal already has recreational and tourist activities (e.g. skating, boat tours) and there are already historic sites along the River (Watson's Mill).

The Councillor related examples of people who have lived along the Rideau River for years and when they tried to sell their land, the title searches found deposited on title, deeds advising that Heritage Canada owns part of their land. These Deeds are dated between 1826 and 1831 but were only registered on title between 1980 and 1993. She said it is no wonder residents along the Rideau are afraid of a heritage designation.

Referring to the CHRS Charter, Councillor Hill found the following statement most troubling: "this charter will be completely reviewed by all ministers responsible for the Canadian Heritage Rivers System during the fiscal year commencing April 1, 2006 in regard to any required revisions and its renewal". The Councillor urged the Committee not to support the designation of the Rideau as a heritage waterway.

Councillor Munter acknowledged the discussion that had taken place on this issue was legitimate, however, he said the designation of the Rideau waterway would "not change the world". He felt it was a good community driven initiative that would bring some attention and profile to the Rideau waterway both nationally and internationally. Although people in eastern Ontario probably know about the Rideau waterway, it is not well known throughout the rest of Canada. He felt that anything that could give a bit of a profile to this piece of the Region's heritage should be supported.

Councillor Legendre expressed his support for the nomination of the Rideau waterway as a Canadian Heritage River and he congratulated the nominating committee for their work on this project. He felt the fears expressed about bureaucracy were not substantiated by the CHRS charter and pointed out in this program's twelve year history, there has been no evidence brought forward that a heritage designation is a negative step. The Councillor felt Ontario has an abysmal record in terms of protecting things of heritage value and he would have preferred it if this initiative had more teeth.

Committee Chair Hunter stated it is clear to anyone who knows the Rideau and Gananoque Rivers that it is a heritage system, with or without the designation. He stated although he could recognize the concerns raised about over-regulation, he said he had not seen proven, the fact that this designation would add another layer of regulation. The Chair pointed out an increasing number of rivers are being added to the system each year. He said although he could understand why some would ask why bother with this designation when the Rideau already has heritage status, he stated if there was community support, the designation would go forward with or without Regional Council's support. He advised he would be supporting the recommendation.

Councillor Hill commented that she could not see that this initiative was driven by the community, as none of the people on the nominating committee appeared to be property owners in this area and felt this was going forward without the residents' knowledge.

Although public delegations had already been completed and Committee discussion was underway, a further request to participate was made. The Chair ruled this could only occur if the Committee agreed to set aside its normal procedural practices.

Moved by Betty Hill

That the Committee allow one additional member of the public to speak.

CARRIED
(A. Munter dissented)

With leave of the Committee, Fran Johnston, offered the following comments. Ms. Johnston said if this program is exactly what the nominating committee says it is, she would fully support it. However, referring to the CHRS 1997-1998 Annual Report, Ms. Johnston offered examples of a river where camping had been completely eliminated; another where aircraft landings will be modified; and, other examples which she felt illustrated that "nature is going to override humanity". She stressed this plan, as it stands, is going to the high water mark; however, other places in the Annual Report speak to areas beyond the high watermark.

Chair Hunter advised the example provided by Ms. Johnston concerning camping on the Bloodvein River, was not as a result of the heritage designation but rather because the Province of Manitoba had declared the area as the Atikaki Wilderness Park.

Ms. Johnston went on to say the residents along the Rideau are afraid there will be change without their input. Referring to Parks Canada Management Plan (page 49, para. 3), Ms. Johnston quoted "Parks Canada will actively support the incorporation of wetland conservation policies into municipal plans and processes. Municipalities will be

encouraged to designate privately owned wetlands and adjacent natural areas as environmental protection areas in their official plans”. She felt this illustrated the effect this designation will have on property owners. She went on to quote from page 18 of the management plan, noting “The government responsible for managing a designated river will assume the costs of the development and operation contemplated in the management plan”. She said although this program appears to be a Provincial and Federal responsibility, she cautioned these costs could very well be downloaded to the Region.

The Committee then considered the report recommendation.

Moved by J. Legendre

That the Planning and Environment Committee recommend that Council support the effort to have the Rideau Waterway from Ottawa to Kingston recognized as a Canadian Heritage River

CARRIED

(B. Hill and R. van den Ham
dissented)

INQUIRIES

Councillor Munter indicated he had learned that the stormwater from the new Home Depot site on Palladium Drive, Kanata will flow untreated into the Carp River, which itself flows directly north into the Ottawa River. Due to a subdivision approval that apparently dates back more than a decade, the proponent has not been required to retain and filter stormwater before it goes into the watercourse. This is obviously a concern as road salt, oils and any other products thrown out on the Home Depot site will drain into the river. He asked that staff prepare a report for Committee consideration that addresses:

- What steps can be taken to rectify this problem on this site?
- What steps can be taken to make sure that other development in this business park, located at or near the Carp River does not drain unfiltered into the river?

OTHER BUSINESS

ADJOURNMENT

The meeting adjourned at 6:30 p.m.

COMMITTEE COORDINATOR

COMMITTEE CHAIR