



City of Peterborough

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Jim Hunt, Chairman
Trent Conservation Coalition
Source Protection Committee

Attention: Mr Hunt

Dear Mr Hunt:

**Re: Response to Pre-consultation
Draft Polices Source Water Protection**

City Council received the Notice of Pre-consultation inviting comments on the Draft Polices being developed to protect sources of municipal drinking water. The Draft Polices were considered and City Council is providing the following comments in response to the polices as they have been developed to date:

Comments Regarding the Draft Policies:

General:

- The City is concerned with the Province imposing generic polices that may provide an additional level of protection for municipal drinking water that is not required in the case of the City of Peterborough. The result of the proposed policies will be an additional level of protection that may be necessary in other municipalities, but will result in an increase cost to the City with no significant improvement to the safety of drinking water in Peterborough. The City is requesting that the province pay for the cost of implementing the additional level of protection that it has determined to be required to protect municipal drinking water systems permitted in Ontario.

- The City is concerned with implementation of policies that cross jurisdictional boundaries. While the City appreciates the attempt to preserve local autonomy regarding land use decision making, the City is concerned with the downloading of costs that may result in requiring an urban municipality to address rural land use problems that have been allowed to exist within an adjacent municipal jurisdiction. In addition, it is unclear how one municipality responsible for its water quality will ensure another municipality addresses matters under its jurisdiction.

Land Use:

- Once the Source Protection Plan is finally approved by the Ministry of Environment, the City will be responsible for updating the Official Plan and Zoning By-law as necessary to implement the plan. There may be a period of time during which the City's Official Plan policies are being updated that property owners may wish to engage in activities that are subject to the new Provincial Policies and will challenge the municipality's position on such activities. The City is concerned with cost that may be incurred as its position based on the policy direction may be initially tested in the court system. The City is requesting that the Province be prepared to fund the costs to municipalities should they become engaged in defending their position under such circumstances.
- Some policies affecting land use will require City-initiated amendments to the Official Plan and Zoning by-law. The City is concerned that such policy and zoning by-law amendments will be subject to appeals to the OMB by land owners seeking compensation for a change to their zoned rights. The City is asking the Province to be prepared to respond to such appeals providing support to municipalities' efforts toward implementing the policies and defending appeals at the OMB.
- It is anticipated that there may be costs to the City concerning compensation to land owners where rights to land use are being affected by new policies. The City is requesting the province be prepared to compensate property owners that would suffer a loss of rights to land use as a result of policy implementation.

Risk Management Plans:

- Some policies may require Risk Management Plans to address mitigation measures for certain activities. It is anticipated that the City will have to appoint a Risk Management Official. The initial work load of a RMO may be significant but it will likely diminish over time. Depending on the number of activities that may require policies that call for on Risk Management Plans, there may not be the requirement of a RMO on a fulltime basis. There may not only be costs for the service of such a person but also costs in terms of staff time for negotiating a shared use agreement between authorities that would required the services of the RMO.
- The cost of a RMO is uncertain. Municipalities could elect to share the services and costs of such a person who may be permanently employed by the City, the Health Unit

or by the Conservation Authority. Shared use agreements for the services of the RMO will have to be reviewed and renegotiated from time to time.

- It can be expected that the cost of a Risk Management Plan could vary significantly from property to property. The cost may be based on what would be involved depending on a review of proposed and existing activities in relation to how the activity may already be managed by existing instruments in place or how the activity is proposed to be carried out. For this reason it is difficult to comment on this policy requirement depending on whether the cost of preparation of a specific Risk Management Plan is to be borne by the proponent of an activity or not.

It is acknowledged that municipal staff will be required to devote time to a new area of business associated with this initiative and while this is expected as responsibilities change, the new costs associated with risk and compensation should be borne by the Province.

Thank you for the opportunity to provide comments on the Draft Policies prepared for the Source Water Protection Plan. Should you have any questions regarding these comments, please contact the City of Peterborough's Planning Division at 705 742-7777 ext 1880.

Yours truly,

Malcolm Hunt, MCIP RPP
Director, Planning & Development Services