

Seven Sisters Community Association
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Reply to Allison Mantrone-Cardinal
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October 19, 2010

Honorable Ron Lemieux
Minister of Local Government
Province of Manitoba
Legislative Building — Room 301
Winnipeg, MB R3C 0V8

**RE: Objection to By-law 27/10 — known as The Whitemouth Reynolds
Planning District Development Plan**

Dear Sir:

Please be advised that this letter constitutes a formal objection by the Seven Sisters Community Association of Seven Sisters Falls, MB, to the above-mentioned By-Law.

The Seven Sisters Community Association (SSCA) was formed September 2009 by concerned citizens to address ongoing issues our community has with the development agreement between the R.M. of Whitemouth and Manitoba Hydro for the decommissioning of the Seven Sisters Falls Townsite. That agreement was decided upon through a process that included little consultation and input from the residents of the area — despite Manitoba Hydro's public mandate of community consultation and engagement, and the RM of Whitemouth's responsibility to allow its residents to participate in determining the future of their own communities.

The Association currently has 170 members and is growing. Our mandate is to promote and encourage the development of Seven Sisters Falls, River Hills and the surrounding area while respecting its beauty and natural environment. We want to ensure resident participation in all development plans and decisions that impact our community's future.

The SSCA objects to By-Law 27/10 for the following reasons:

#1. Contrary to the Manitoba *Planning Act*, the Technical Review comments were not made publicly available more than 30 days before the public hearing.

Manitoba's *Planning Act* (s. 114.1) requires that the technical review comments must be made available for public review more than 30 days before the public hearing. However, the technical review comments for By-law 27/10 were received less than 30 days before

the hearing, and were not made available to the public until the evening of the hearing on August 16th, 2010.

Following the Whitemouth Reynolds Development Plan's first reading on June 14, 2010, it was forwarded to the Technical Review Committee. Replies from the various government agencies (copies included with this letter) were received on the following dates:

- July 14, 2010 — from the Manitoba Minings Branch
- July 27, 2010 — from Manitoba Water Stewardship
- July 29, 2010 — from Manitoba Agriculture Food and Rural Initiatives
- August 11, 2010 — from Manitoba Conservation
- August 12, 2010 — from Manitoba Local Government

When SSCA Member Allan Matras contacted Marc Brown, Community Planner (Manitoba Local Government, Beasejour Office) approximately two weeks prior to the August 16th Public Hearing to get copies of the Technical Review Committee replies, Matras was told by Brown that *"they would only be available at the Aug. 16th Public Hearing."* This is a direct violation of the guidelines as outlined in the *Planning Act*.

#2. Contrary to guidelines outlined in the *Government of Manitoba Community Land Use Planning Guide*, there was a lack of community participation in developing the Plan.

The public consultation process for this plan was inadequate. The vast majority of our members were not aware of the proposed plan until shortly before the public hearing was announced. They expressed anger that they were not adequately consulted on a plan that will impact their lives and the lives of their children and grandchildren over the next 20 years.

While the Planning District Board did the minimum of what is required to solicit community participation — it was not enough to satisfy the "spirit and intent" of community engagement as outlined in the *Government of Manitoba Community Land Use Planning Guide*.

"Land use planning for change begins in the community. You and your neighbors are the people that know your community best. The *Planning Act* sets out a number of ground rules and processes to follow that ensure planning practices are consistent across the province. Within these rules and processes, planning is flexible and is designed to be adapted to your community conditions. In Manitoba, the province and communities are partners in planning."

Unfortunately, By-law 27/10 lacked community engagement with the residents of Seven Sisters Falls, and this is evidenced by:

A Poorly Planned Public Engagement Process

As far as we can tell, the public engagement process for this plan consisted of three meetings, all held in Elma, Manitoba

- The first meeting, an open house held in May 2009, was attended by 60 people.
- The second meeting, a planning workshop held June 25, 2009, was attended by 36 people. This meeting was by invitation only — each Municipality submitted a list of names of people they wanted to be invited.
- The third was a public meeting, held December 9, 2009, at which 38 people attended.

According to Canada's 2006 Census, the combined total of the populations of Whitemouth and Reynolds aged 20 and over is **2,125**. Based on this figure and the total count of people in attendance at the three meetings, *an average of only 2.1% of the population over age 20 attended each meeting — quite a small percentage.*

PLEASE NOTE that a recent request was made for the sign-in sheets from the public meetings in order to determine how many residents of Seven Sisters (we believe no more than 4 or 5) actually attended one of the three meetings, but the request was denied. The SSCA will be filing an Application for Access Form under The Freedom of Information and Protection of Privacy Act (FIPPA). However, we do know the following:

- At no time did any member of the Planning District Board, or the company contracted to write the plan, contact the SSCA to engage our community in this planning process.
- Not one member of the Whitemouth Reynolds Planning District Board is a resident of the communities of Seven Sisters Falls or River Hills.

A Statistically Meaningless Survey

At the December 2009 Public Meeting, a survey questionnaire was distributed to all 38 attendees. Only 10 surveys were filled out and returned. Based on the population figure of 2,125, only a half-percent of residents over age 20 participated in the survey; Ninety-nine and a half percent did not.

Thus, the survey is statistically meaningless — definitive decisions cannot be made based on such a small survey sampling of a population.

To remedy this, consultations and meetings should be held in each individual community, and this latest draft of the plan should be revised based on public input from these consultations.

#3. The SSCA has serious concerns with the plan's proposed partnership between the RM of Whitemouth and Manitoba Hydro to develop Surplus Hydro lands located in Seven Sisters.

The Manitoba *Planning Act* was created to provide standards for development throughout Manitoba as well as to offer protections to citizens affected by development. According to Section 121 (2) (c) of the Act, Manitoba Hydro is exempt from the regulations and standards imposed on any other developer. This exemption was granted

so that Hydro can create and quickly decommission temporary town sites for workers who are building dams.

Hydro is not in the real estate business and its engineers are not community planners nor are they experienced sub-division developers. Over the past few years, residents of Seven Sisters have watched Hydro, with the approval of our RM Council, circumvent the *Planning Act* in the Townsite. This included the removal of existing sidewalks and the installation of culverts and draining ditches in their place. This occurred without first informing the purchasers of the affected homes and lots that the sidewalks would be taken away and not replaced.

It is the Association's position that Hydro should conform to the "spirit and intent" of the standards of the *Planning Act* when developing permanent sub-divisions that will be inhabited by the general public. This should be done out of moral obligation to those impacted by a development. Failure to do so makes this a public policy issue.

It is also SSCA's position that the RM of Whitemouth has allowed Hydro to circumvent the act and has failed to protect the citizen's interests. Our association's legal counsel, David G. Newman, has advised us that the RM is complicit and equally to blame, and can be held liable.

Our members have also expressed concern that such a partnership will discriminate against other developers who show interest in the lands. This may result in a lack of competition, a decrease in quality of development, and an increase in cost to those who wish to purchase lots or homes.

If this section regarding the partnership between the RM of Whitemouth and Manitoba Hydro is to remain in this new plan, the Association seeks to include safeguards that protect the citizen's interests and the spirit and intent of the Manitoba *Planning Act* as to the standards and relevant By-Laws for development. We also require that the Seven Sisters Community Association be written into the section as an equal partner to ensure community consultation in any future development with Hydro.

#4. The Manitoba Government Agencies that reviewed the plan all expressed a number of concerns with the way it is written.

In fact, some of the technical review documents received back from the agencies were five or six pages long. Each of the departments recommended against proceeding with second reading. Several concerns were identified:

- Use of inconsistent terminology;
- Use of language from the previous *Planning Act*, which was replaced in 2006;
- A suggested twenty-year review period, when the act requires a review every five years at minimum;
- Exclusion of provincial parks, wildlife management areas, protected areas and railroads from the Whitemouth Plan maps;
- Inconsistencies with Manitoba's Onsite Wastewater Management Systems Regulation;
- Policies which failed to satisfy the *Planning Act* and/or *Public Land Use Policies* (PLUPs).

While some of these concerns have been rectified in the version of the plan under your review, the plan's authors have ignored others.

One of the concerns that was ignored, pointed out by the Land Program Branch of Manitoba Conservation, involves the fact that —

“not all designated Crown Lands within the Planning District (i.e. provincial parks, wildlife management areas, ecological reserves, protected areas, etc.) are identifiable on all applicable mapping products...”

The SSCA believes this concern must be addressed, especially due to the fact that the Whitemouth Falls Provincial Park lays adjacent to lands identified by the RM of Whitemouth and Manitoba Hydro as surplus lands to be developed **and the park is not identified on any of the maps.**

According to Manitoba Conservation policy, developments and the use of land within one mile of a designated provincial park will be referred to Manitoba Conservation for review and comment. This is to ensure that the future development will not adversely affect the sustainability of the area.

Whitemouth Falls Provincial Park is rich in archeological history— and has shown evidence of having been inhabited for thousands of years while being used as a meeting place by Canada's original inhabitants. **It is home to the oldest burial site located in Central Canada (the Bjorklund Site, estimated at 8,000 to 9,000 years old) as well as another burial site (the Whitemouth Falls site) and the only burial mound yet found on the Winnipeg River.** The area around these sites remains rich in archeological artifacts.

It is important to the SSCA and area residents that the area remains protected and that any development nearby is monitored and approved by the appropriate government agencies as well as the area's residents.

#5. There is no process written into the plan by which the plan can be enforced or appealed.

It is clear to the SSCA that this plan was created from a generic template and then modified to fit the goals and requirements of the two municipalities. The plan's language is so broad and generic as to be open to the interpretation of the Planning District Board and the municipalities. In addition, the plan includes little written about how and if the plan's guidelines will actually be implemented and enforced by the two municipalities and the Planning District Board.

What is also lacking is a democratic and transparent procedure by which zoning and other decisions made by an RM can be appealed to the RM and, if necessary, on to the Planning District Board. Our members support such an appeal process and the development of a mediation board, and require that this be discussed and written into the Plan.

#6. The plan's goals to close the infrastructure gap are incomplete.

Members of the SSCA are outraged by the plan's lack of acknowledgement of the need to seek the cooperation of local and provincial authorities in providing the essential services of fire protection and adequate ambulance services to Seven Sisters Falls and River Hills. A growing community and now the home of a high-density subdivision known as the Hydro Townsite, Seven Sisters Falls must currently rely on the Town of Whitemouth and surrounding areas to provide these necessary services.

When fire recently broke out in the local Whiteshell Baptist Church, it took firefighters more than 30 minutes to arrive at the scene from Whitemouth, Pinawa and Lac du Bonnet. The resulting half-million dollars worth of damage would have been a fraction of that if there had been a pumper truck and trained local volunteers on hand in Seven Sisters that morning.

According to local Home Insurance providers, insurance premiums in this area are calculated based on statistics that, if a house catches fire in Seven Sisters Falls, it will burn to the ground. Our home insurance can cost up to twice as much as similar areas that have local fire protection.

IN CONCLUSION...

It is the SSCA's opinion that, considering the scope of concern over the plan and the changes made to it following the August 16th public hearing, the Planning District Board should resubmit the plan for another technical review and public consultation, then call another public hearing. This should have been done before it was passed into second reading then sent to your office for approval.

It is the hope of the SSCA that the matters raised in this letter will cause you to refuse to grant approval to the By-law at this time, and until all the aforementioned concerns are addressed along with proper public consultation as per Manitoba's *Planning Act* guidelines.

Sincerely,

Allison Mantrone-Cardinal
Secretary/Spokesperson
Seven Sisters Community Association
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