

Havelock Belmont Methuen (HBM) Official Plan

Submission #6 to Peterborough County Planning Department by Ambrose Moran Dated May 16 2013

Water Set Backs

BACKGROUND

Peterborough County OPA #2 approved by MMAH introduced policies intended to protect and enhance water quality. A major thrust of that OPA related to Shore land area was to require 30 meter setback with certain exemptions. That OPA had requirement for lower tier municipalities to put in place planning policies and regulation to implement the 30 meter water setback. HBM adopted OPA #8 with policies related to the 30 meter setback for both structures and septic systems.

HBM adopted a new OP in November 12 2012 and made application to County of Peterborough to approve the new OP and repeal the existing Twp OP and OPA #3 and possibly OPA #8 although not specifically referenced in adoption bylaw 2012-54

COMMENT

The same night, that the HBM Council adopted the new OP, they a passed a new Comprehensive zoning bylaw(or major amendment to existing Bylaw) to implement the polices of their new OP despite the fact the OP was not approved. That zoning effectively reduced the water setback from 30 meters to 50 feet for most lots on Jack Lake. The proposed approach is to accept the setback which existed on the date a lot was created.

I would estimate that 98% of the waterfront lots on Jack Lake (and other lakes in HBM) were created when the setback was 50 ft.

In 2009 HBM increase the water setback through a comprehensive zoning bylaw amendment 2009-65 which was referred to by HBM as a “Housekeeping Bylaw” . At the time, HBM explained that this was required to comply with the County of Peterborough OP policies related to 30 meter setback policy.

In 2012 the same Township passed a bylaw to reduce the water setback for 100 ft to 50 ft for most lots. So how can a 50 ft set back implement a County of Peterborough 30 meter set back policy?

So, in reviewing the proposed new HBM OP—what is more important than what is in the new OP –is what is not in it. This document appear to be intentionally or accidently silent about restricting development as per the County OP Policies regarding the 30 meter setback for both structures and septic systems. And of course, the policies previous in place related to set back in the HBM OP-8 may or may not have been repealed depending on the wording of Adoption Bylaw 2012-54

It is apparent to me that the proposed new HBM OP is challenging the Peterborough County OP policies and undermining efforts to require development to be regulated based on the upper tier OP.

Of concern in the proposed HBM implementing zoning bylaw which effectively does not regulate near shore development other than based on "WHATEVER COUNCIL DECIDES IT WILL APPROVE."

So basically the approach in the watered down proposed OP and associated implementing bylaw is that there are no regulations or guidelines or expansion formulas or planning restrictions identified and anyone who would like to build close to a lake simply put their proposal along with the Planning Fee to COUNCIL who will decide if the proposal represents good planning. So effectively, decisions will be political decisions rather than planning decisions.

RECOMMENDATION

That Peterborough County Planning cautiously review the lack of development controls in the proposed HBM OP relative to new waterfront structures and expansion of existing structures located close to lakes.

And

Ensure appropriate policies are included to enhance setback of septic weeping beds taking into account what authority exists in the Planning Act relative to the Ontario Building Code Act.

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