



Municipality of Dysart et al

Regular Council
STAFF REPORT

P.O. Box 389
135 Maple Avenue
Haliburton, ON
K0M 1S0
705-457-1740
www.dysartetal.ca
info@dysartetal.ca

To: Mayor and Members of Council
From: Jeff Iles, Director of Planning and Land Information
Date: 27 Feb 2024
Re: Amendments to the Official Plan and Zoning By-law
Permit Structures in the Minimum Water Setback and allow Shipping Containers in the Commercial and Rural Zones.

Recommendation:

Be it resolved that Council receive the staff report related to the Discussion to Amend Policies to Permit Structures in the Minimum Water Setback and Shipping Containers in the Commercial and Rural Zones.

And further that Council direct staff to obtain the services of a Planning Consultant to process an Official Plan and Zoning By-Law Amendment to permit structures in the minimum water setback.

Background Information:

At the Council meeting on September 26, 2023, Council directed staff to report back on the process for official plan and zoning by-law amendments related to storage containers, and small structures within shoreline setbacks (e.g., gazebo, outdoor sauna etc.).

At the Council meeting on October 24, 2023, Council passed a resolution directing staff to begin the process to amend the Official Plan and Zoning By-law.

The purpose of this report is to confirm the scope of the proposed amendments to the Official Plan and Zoning By-law, provide answers to Council questions, and outline the next steps to proceed.

Storage Containers:

Based on Council discussion it appears that Council would like to amend Section 3.5 of the Zoning By-law (below) to permit containers in the Commercial and Rural Zones in addition to the already permitted Industrial Zone.

Section 3.5 - Contained Outdoor Storage of the Zoning By-law provides provisions for storage containers. This section states that storage of goods in containers is not permitted in the zoned area, except in an Industrial Zone where it is permitted, subject to the following provisions:

- (a) Only freight containers and transport truck trailers shall be *used* as containers for contained outdoor storage.

- (b) Not more than three containers may be *used* for storage on any *lot* at any one time.
- (c) Contained outdoor storage shall be *accessory* to the *main building* on a *lot*, or, where a business owns two or more adjoining *lots*, contained outdoor storage may be *accessory* to the *main building* of that business on an adjoining *lot*.
- (d) Contained outdoor storage is not *permitted* in a *minimum setback area*.
- (e) Contained outdoor storage shall be located in a *rear yard* or a *side yard* of a *lot* or, where this is not possible, shall be concealed from view, as much as possible.
- (f) For the purpose of this section, "concealed from view as much as possible" shall mean concealed by a *fence*, or a wall or similar structure, or by a *planting strip*, or by painting the container a compatible colour. In the event of a dispute, the principles of the *Municipality's* Property Standards By-law as amended from time to time, shall apply.
- (g) Contained outdoor storage does not mean storage of goods, merchandise, or materials in an *accessory building*, legally *constructed* in compliance with the applicable *zone provisions*.

Council also discussed reducing the number of shipping containers from three (3) to two (2) but didn't settle on a decision. Staff seek direction from Council how they wish to proceed?

The Building Department confirms that shipping containers or trailers over 15 square metres (161 square feet) will require a building permit, and some sort of foundation.

Small Structures within Shoreline Setback (Gazebo, Outdoor Sauna)

Based on the discussion, Council seemed to favour the setbacks outlined in the Highlands East Zoning By-law, with some modifications as outlined below:

- Permit one (1) structure (a shed, an outdoor sauna, or a gazebo)
- Permit in all zones (Residential, Commercial, Industrial, Institutional, Rural etc.)
- A minimum water setback of 4 metres (13 feet).
- A maximum floor area of 15 sq. metres (161 sq. feet)
- Shore road allowance must be purchased.

The Building Department advises that a building permit is not required for storage structures (shed) under 15 square metres (storage) and 10 square metres for other structures (gazebo, outdoor sauna). They did advise that a Municipal Permit could be an option.

Staff seek confirmation from Council regarding the proposed changes.

Public Consultation

As of the date of this report, staff have received comments from the following:

1. Paula Miller, Chair of Redstone Lake Cottagers Association (RLCA)
2. Wendy Hampson, President of Lake Kashagawigamog Organization (LKO)
3. Deb Wratschko and Scott Durie, Co-Presidents of Kennisis Lake Cottage Owners Association (KLCOA)
4. Peter Dilworth, President of Miskwabi Area Cottagers Association (MACA)
5. Rich Arnold, Board Chair of Grace Lake Association (GLA)

The lake associations have similar concerns regarding the negative impact these changes will have on the quality of water of our lakes. They note that the removal of shoreline vegetation will remove important fish and wildlife habitat, cause shoreline erosion and reduce the filtration of nutrients and harmful pollutants.

References were also made to the Dysart et al Official Plan, which states that the primary objective of the plan is to enhance and preserve those environmental qualities which contribute to the attraction of the Municipality.

They reference the Official Plan and note that the policy directs to improve and restore the natural state of shorelines and shorelands.

Recommendations were made for Council to review the history of the Official Plan and the rationale for the current restrictions for structures in the waterfront setback. They note that the proposal is out of alignment with the Official Plan and will require significant changes to the policy.

It was noted that the proposed amendments contradict the intent of the Site Alteration By-law, which is designed to protect shoreline vegetation. 3 metres is permitted to be cleared around structures (decks, docks, stairs etc) and 5 metres around buildings (dwellings, sheds, gazebos etc.). On small lots, the effect from removing vegetation will be very pronounced.

Diagrams were provided that show the extend of vegetation that could be removed if the proposal were put into effect, severely reducing the amount of vegetation on the shorelines.

There is concern that the proposal will alter the natural look of our shorelines, aesthetics, visual landscape and privacy.

There is a concern about increase chemical pollution in the lakes, which will cause severe impacts to fish, reptiles, and other aquatic animals.

There is a concern that saunas, which include a drain for greywater, may cause environmental issues, without proper regulations and septic systems.

It was noted that Council, the Committee of Adjustment and staff should be commended for consistently enforcing the current water setback policies, regarding non-compliant shoreline structures.

It is mentioned that the proposal does not align with the cottage association lake plans, and that a public consultation process should be conducted.

Process to Proceed

The next step in the process is to explore an RFP to hire a Planning Consultant to update the Official Plan and Zoning By-law and conduct the public consultation process.

Council budgeted up to \$23,000 for 2024, for Planning Consulting fees.

Given the extensive comments received to date, Council may wish to begin an enhanced public consultation process once we have retained the services of the consultant.

Summary:

The purpose of this report is to confirm the scope of the proposed amendments to the Official Plan and Zoning By-law, provide answers to Council questions, and outline the next steps to proceed.

Staff have provided the public comments received to-date.

The next step in the process is to explore an RFP to hire a Planning Consultant to update the Official Plan and Zoning By-law and conduct the public consultation process.

Council budgeted up to \$23,000 for 2024, for Planning Consulting fees.

Given the extensive comments received to date, Council may wish to begin an enhanced public consultation process, once we have retained the services of the consultant.

Financial Impact:

Council budgeted \$23,000 for 2024, for Planning Consulting fees.

During the process to amend the Official Plan and Zoning By-law, costs may be incurred for legal review and advertising.

Plan/Policy Considerations:

[Official Plan:](#)

- Section 2.1.2 Importance of Natural Environment
- Section 2.2.1 Protection and Enhancement of the Environment
- Section 2.2.2 Promotion of a Strong Community
- Section 2.2.4 Promotion of Economic Sustainability and Vitality
- Section 3.2.7 Closing and Conveyance of Road Allowances
- Section 3.7.2 Flood Hazards
- Section 4.6 Lot Size and Shape
- Section 5.1 Water Resources
- Section 5.1.2 Lakes and Rivers
- Section 5.2 Lake Capacity
- Section 5.3.4 Significant Natural Heritage Features
- Section 6.3 Non-conforming Uses
- Section 7 Haliburton Village Urban Policy Area
- Section 7.3 Commercial Areas
- Section 7.4 Mixed Use Areas
- Section 8 Hamlet Areas
- Section 8.3 Non-residential Uses

- Section 9.2 Resort Commercial Areas
- Section 14.6 Highway Commercial Uses
- Section 14.7 Recreational Commercial Uses
- Section 15.2.2 Special Area LSP-2: Percy Lake
- Section 16.2 Lake Plans
- Section 16.8 Public Involvement

Strategic Plan: The following goals and objectives of the Municipality of Dysart et al's Strategic Plan provide direction for Council consideration:

1. Establish a growth vision and plan for Dysart et al.
2. Protect and respect the natural environment.
3. Advance an “open for business” approach to economic development and tourism.
4. Promote and renew the downtown core.

Site Alteration By-law

Attachments:

[Letter - Redstone Lake Cottage Association - Waterfront Setback](#)

[Letter - LKO to Dysart - Buildings Within Setback - Nov 23 2023](#)

[Letter - KLCOA to Dysart - 2023-11-21 - OP and ZBL Shoreline Structure - BoD Approved](#)

[Letter - MACA to Dysart - structures in waterfront setback](#)

[Letter - Grace Lake Association to Dysart Council - Nov. 19 2023](#)

[Letter - PLRA to Dysart including excerpts from PLRA Lake Plan and 2005 survey-Nov 24 2023](#)

Approved by
Jeff Iles, Director of Planning and Land Information

Tamara Wilbee, CAO

Mallory Bishop, Clerk

Status:
Approved
- 20 Feb
2024
Approved
- 20 Feb
2024
Approved
- 20 Feb
2024

Mayor Murray Fearrey
Deputy Mayor Walt McKechnie
Councillor Pat Casey, Councillor Ward 1
Councillor Nancy Wood-Roberts, Councillor Ward 2
Councillor Tammy Donaldson, Councillor Ward 3
Councillor Carm Sawyer, Ward 4
Councillor Barry Boice, Councillor Ward 5

Municipality of Dysart et al
P.O. Box 389
Haliburton, Ontario
K0M 1S0

Re: Proposed Changes to the Dysart et al Official Plan and Zoning By-laws 2023 – Permitted Structures in the Waterfront Setback

The Redstone Lake Cottagers Association's board members are aware of proposed changes to the Dysart Official Plan (OP) and Zoning By-laws (ZBL) that would allow structures to be built within waterfront setbacks.

We are concerned that the proposed changes to the OP and ZBL will negatively impact the quality of the water in our lakes, which is our association's mandate to protect. Our knowledge of lake ecosystem health leads us to believe that the removal of vital shoreline vegetation which be required for the construction of structures within the waterfront setback will remove important fish and wildlife habitat, cause shoreline erosion, and reduce the filtration of nutrients and harmful pollutants.

It is our position that if such significant changes to the OP and ZBL are to be considered further, a fulsome public consultation process should be carried out to allow our members to learn more about what could be gained and what could be lost by such changes. Further, we urge the council members to take a data-driven approach to this decision so that our members can fully understand the rationale for the decision that is made.

Regards,
Paula Miller
Chair
Redstone Lake Cottagers Association
president@redstonelake.com

cc: RLCA Board of Directors
Tamara Wilbee, Chief Administrative Officer, Dysart et al
Jeff Iles, Director of Planning, Dysart et al
Mallory Bishop, Clerk, Dysart et al



*Lake
Kashagawigamog
Organization*

November 23, 2023

Mayor Murray Fearrey
Deputy Mayor Walt McKechnie
Councillor Pat Casey, Councillor Ward 1
Councillor Nancy Wood-Roberts, Councillor Ward 2
Councillor Tammy Donaldson, Councillor Ward 3
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K0M 1S0

Re: Proposed Changes to the Dysart et al Official Plan and Zoning By-laws 2023 – Permitted Structures in the Waterfront Setback

Dear Members of Council:

The Lake Kashagawigamog Organization has turned this issue over every which way and we're not seeing a clean solution. Our recommendation would be to maintain the status quo and do not permit buildings or new types of structures inside the minimum water setback. Structures like a deck are permitted and could continue with some modifications. Our reasons for defending the status quo are set out below:

1. In reference to 2.2. of the Official Plan it is worth considering this section in full. It states that the **primary** objective of this Plan is to enhance and preserve those environmental qualities which contribute to the attraction of the Municipality. It is the primary objective - not a secondary objective or additional objective but the primary objective - as set out by the architects of the Official Plan to be used to guide councils and staff in making wise land use decisions. It is in our opinion that allowing buildings and additional structures into the buffer zone do not comply with the objectives of this clause.

2.2.1 PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT

The primary objective of this Plan is to enhance and preserve those environmental qualities which contribute to the attraction of the Municipality. All development proposals will be assessed for compliance with this objective.

In particular, it is the objective of this Plan that development:

- promote a healthy and sustainable natural environment;
- protect the natural characteristics and visual aesthetics of shorelines and, wherever possible, improve and restore the natural state of shorelines and shorelands;
- preserve the natural state of the shoreline as much as possible, and where the shoreline has been impaired by past activities, restore the shoreline's natural features including but not limited to native vegetation;
- protect significant natural heritage features;

LKO, Box 121, Haliburton, ON K0M 1S0

- conserve significant cultural heritage resources and cultural heritage landscapes; and
- proceed only where any affected lakes have capacity for additional development.

All new development and the redevelopment of existing properties will be considered within the context of sound environmental planning.

2. Council has recently approved a Site Alteration Bylaw to protect shorelines with a setback of 30 metres. This bylaw restricts most development and sets out guidelines. It seems to us that allowing additional development in the buffer area contradicts the intent and provisions within the Site Alteration Bylaw, a bylaw initiative that involved considerable time and effort by staff, council, and the public.
3. Allowing buildings such as sheds and saunas on the minimum water setback will greatly increase the impervious footprint on our shorelines with the attendant consequences for water quality and the natural look of our shorelands. Non motorized boats such as kayaks can be stored on open racks and associated equipment in an outdoor storage box. Allowing additional accessory buildings such as sheds on the waterfront open the door to permanent vs seasonal storage and clutter. There is more clutter on waterfronts including recreational boats, inflatables, and swim pads than in any other time in the past. The township cannot regulate this use, but it can regulate buildings on the shoreline.
4. The clearance of vegetation permitted around structures and buildings as set out in the Site Alteration Bylaw is surprisingly large. (3 metres on all sides for structures and 5 metres on all sides for buildings.) On small lots that exist on Lake Kashagawigamog and other lakes with a long history of development the effect is very pronounced. Please see illustration in appendix A
5. The buildings are one thing, but the clearing of vegetation around the buildings will clear more vegetation than the building footprint itself. It has been clearly researched and documented that native vegetation including herbaceous plants and shrubs prevents a whole host of problems affecting lake quality and is the easiest and most cost-effective method for protecting the land, the water, and the ribbon of life.
6. Continue to allow structures like decks in the minimum setback but decrease the permissible clearance of vegetation to 1 metre on all sides. (Site Alteration Bylaw).
7. Buildings and structures should be more clearly defined in all applicable bylaws.
8. The zoning bylaw currently includes hot tubs and swimming pools as structures. It should be noted that these "structures" require use of many chemicals/products, such as pH/alkalinity balancers, non-chlorine shocking agent, sequestering agents, disinfectants (chlorine, bromine, or sodium dichlor), defoamers in their care and maintenance.

Many of these compounds such as chlorine and bromine are well known environmental hazards. Chlorine in water reacts with living tissues and organic matter causing acute necrosis (cell death) in fish. Since fish gills are sensitive and exposed directly to the aquatic environment, gill necrosis can lead to respiratory difficulty and asphyxiation. Chlorine and chloramine are toxic to fish, other aquatic animals, reptiles, and amphibians. Unlike humans and other household pets, these types of animals absorb water directly into the blood stream through their skin. From the ecological effects and risk assessment for bromine, it was determined that it is highly toxic to freshwater fish and aquatic invertebrates. (The salt chlorinator unit used in saltwater tubs and pools generate hypochlorous acid and sodium hypochlorite and chlorine gas.

https://www3.epa.gov/pesticides/chem_search/cleared_reviews/csr_PC-008701_30-Jun-05_a.pdf; [US EPA - Pesticides - Fact Sheet for Bromine](#))

The risk to the environment of the periodic draining or leaking of pools and hot tubs is high. Due to the environmental hazard risks if there is leakage or drainage of water from swimming pools or hot tubs into the lake, these "Structures" should not be permitted in the shoreline setback.

9. As well, there are environmental concerns for "Buildings" such as saunas (with a drain) in the setback area due to the greywater produced. Other local authorities have defined specifications that require saunas to have a leaching pit for grey water drainage or to be hooked up to a septic system.

Lake quality, concerns about development and healthy shorelines are issues that ranked high on the last LKO lake survey. Our volunteers have and continue to assist property owners to protect or improve their shorelines. We would wish that Dysart Council would support these efforts to reach for high standards in stewardship.

Educating new property owners of the uneven development of our lakes and the perceived inequality between new properties and grandfathered properties is key. The protection of our shorelines, aquatic life, water quality and aesthetic experience is what we hold in common. The whole idea of exceptions i.e., grandfathered properties and legal nonconforming, is to eventually bring properties into conformity. It takes time, decades perhaps, but that is the foundation on which our planning bylaws rest.

We are in support of the status quo and believe that this minimum standard should be upheld. No two lakes in Dysart et al are equivalent and great care should be taken when establishing bylaws when the repercussions are unequal. This restriction has served the township well for the last decade.

Sincerely,

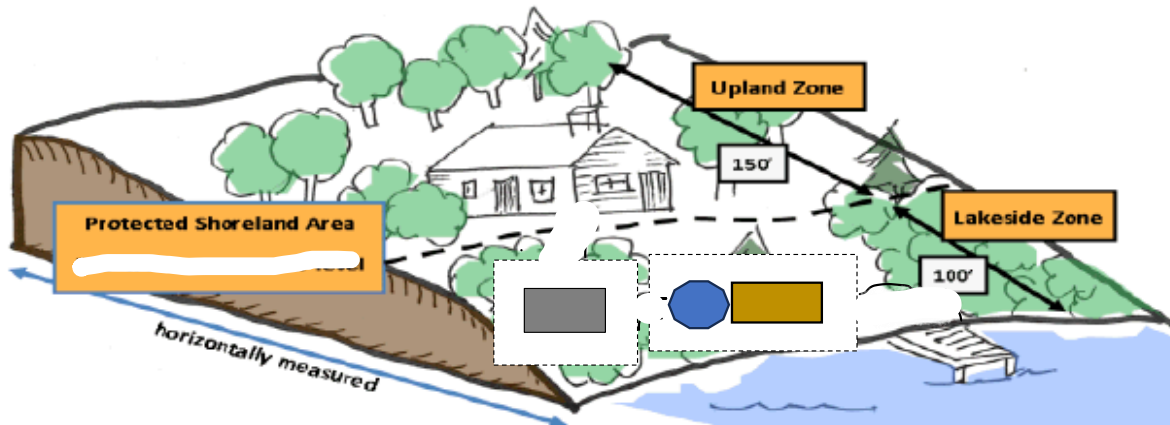
Wendy Hampson
President, LKO

705-854-1410
President@lko.ca

cc.

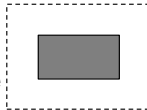
LKO Board of Directors
Tamara Wilbee, Chief Administrative Officer, Dysart et al
Jeff Iles, Director of Planning, Dysart et al
Mallory Bishop, Clerk, Dysart et al

Appendix A

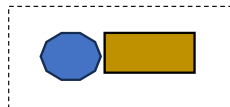


Legend:

15 sq metre (3.5 x 4) shed with 5 metre clearance vegetation on all sides
Total 14 m x 13.5 metres



- 1) 20 sq metre (4 x 5) deck/patio with hot tub (3 x 3) with 3 metre clearance of all vegetation permitted.
Hypothetical total: 14m x 10m



Notes:

Assuming a 150' (45 m) wide lot a shed, a sauna with deck and a 5-metre wide pathway totals 33 metres. This means that over 73% of the width of a 45-metre lot could be cleared under this scenario.

A 3-metre clearance of vegetation around structures in the setback currently permitted including docks, boardwalks, and paths. (Saunas, hot tubs, pools proposed)

The new site alteration bylaw permits a 5-metre path to the water and allows 25% of a lot to be cleared. Is this clearance in addition to the 3 metres clearance permitted around structures such as decks and patios?

In the October 24, 2023 Council meeting, there was some discussion about potentially considering the Highlands East bylaw for "structures" inside the minimum water setback for Dysart et al. It is noted that the Highlands East bylaw only allows one type of a building – specifically gazebos and would therefore not be applicable to all types of buildings or structures or to be used as a minimum water setback.

Highlands East generally permits a gazebo within front yard abutting a waterbody subject to:

- a minimum water setback of 4 metres (13 feet)
- a maximum floor area of 15 sq. metres (161 sq. feet)



November 21, 2023

Mayor Murray Fearrey
Deputy Mayor Walt McKechnie
Councillor Pat Casey, Councillor Ward 1
Councillor Nancy Wood-Roberts, Councillor Ward 2
Councillor Tammy Donaldson, Councillor Ward 3
Councillor Carm Sawyer, Ward 4
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Municipality of Dysart et al
P.O. Box 389
Haliburton, Ontario
K0M 1S0

Re: Proposed Changes to the Dysart et al Official Plan and Zoning By-laws 2023 – Permitted Structures in the Waterfront Setback

We have been following the updates to the Dysart Official Plan and Official Plan (OP) and Zoning By-laws (ZBL) and commend Dysart staff and Council on the progress to date.

In the September and October council meetings, some discussion among councillors led to a request to staff to return with proposed changes to the zoning-bylaws regarding structures that could be permitted in the waterfront setback. We have some concerns that perhaps the suggested changes have been proposed without considering the history of the Official Plan (OP) and Zoning By-laws (ZBL) and the rationale for the current restrictions for structures in the waterfront setback.

Additional structures added to the waterfront setback, by their nature, will reduce the amount of natural vegetative buffer which helps to protect the water quality in our lakes and may have a negative impact on the visual aesthetics or natural viewscapes of our shorelines. Attached are excerpts from our KLCOA Lake Plan and our 2021 Survey that indicate support for natural shorelines and consistent enforcement of the current ZBLs. The Dysart Committee of Adjustment, Council and staff should be commended for consistently enforcing the current By-laws regarding non-complaint shoreline structures.

Permitting additional structures in the waterfront setback is very much out of alignment with the objectives of the Dysart OP (Section 2.2.1) which are intended to protect natural shorelines, and thus water quality, and maintain natural shoreline viewscapes on our waterfronts. Any changes to the ZBLs regarding shoreline structures would also require significant changes to the OP. As we shared previously via email to Carm and Murray, it is our position that these proposed changes would require formal public consultation with property owners in Dysart et al, which must include details and rationale of the proposed changes. We believe this is a process that should not be rushed.

Thank you for considering our position on the proposed changes to the Official Plan and Zoning By-Laws regarding structures in the waterfront setback. Please contact us should you wish to clarify our input or engage the KLCOA in consultation regarding any of these proposed changes.

Sincerely,

Deb Wratschko
Co- President
Kennis Lake Cottage Owners' Association
klcoa.president.2017@gmail.com

Scott Durie
Co- President
Kennis Lake Cottage Owners' Association
scott.durie@pinepoint.ca

cc: KLCOA Board of Directors
Tamara Wilbee, Chief Administrative Officer, Dysart et al
Jeff Iles, Director of Planning, Dysart et al
Mallory Bishop, Clerk, Dysart et al

Kennisis Watershed & Lakes Management Plan (September 2007)

(<https://klcoa.org/about-us/lake-plan/documents/>)

Excerpts related to shoreline protection and structures in the shoreline setback:

1. Lake Plan – Development Planning P.101

At a lake level, Official Plans and bylaws set out to protect sensitive habitats (e.g. wetlands), steep/sensitive slopes, and to control the broad uses of land...

2. Land Use Issues and Recommendations P.103

Development within the waterfront and along the shoreline especially has a negative impact on the natural environment, degrades water quality and harms the social environment by reducing the number of 'places to go' to enjoy a wilderness experience. A balance is therefore sought that will allow for development that will sustain natural and social environments in the long term. Given that the vast majority of the lakes' shoreline has already been developed, the most significant present threats are not large, single point source, but instead small, incremental changes to many smaller parts of the lakeshore and watershed at the individual lot level. In other words, there should be more concern about the small things being done on existing cottage properties as compared to the risk of a major new condominium/resort development or gravel pit.

3. Minor Variance Requests P.104

It is now widely recognized by scientists and planners that the most ecologically sensitive and critical area of a cottage lot is that which is adjacent to the water. Although minor variations are by themselves perhaps insignificant, their approval should be viewed in the context of the hundreds of similar applications that will be made on the lake over the next 50 years and their ensuing cumulative impacts. The protection of sensitive and critical ecological function of the near shore areas and the minimization of built "visual pollution" as seen from the water should be sought.

4. Trees and Vistas – Guiding Principles P. 12

That the natural vista from the Kennisis Lakes be maintained and that buildings and structures have a minimal impact on the natural appearance of the shoreline and on the viewscape from the lakes.

KLCOA Board of Directors Motion passed in 2014.

The KLCOA is on record with the municipality and county as being very concerned, through the principles articulated in the Lake Plan, about any building activity between the shoreline and the high-water setback. This is the key in protecting water quality. The municipality and county have assured us that these concerns are noted in their review of variance applications.

KennisIS All of US Survey (2021) – Relevant Survey Results

(<https://klcoa.org/kennisis-all-of-us-survey-2/>)

Importance of the Environment (Question 29 – Member responses=676)

Survey data for question 29 - What is important for the enjoyment of our Lakes?

Response Choices	Very Important		Important		Somewhat Important		Not Important		Total
Encouraging healthy, natural shorelines	67%	456	24%	162	7%	48	1%	10	676

KLCOA Support and Advocacy (Question 27 - Member responses=631,625)

To make sure that we are getting involved in the issues that matter most to you, we wanted to understand your thoughts on the level of support or advocacy that we should be providing on specific topics. Our goal has always been to support our Lake community by protecting the health of our lakes and our property values. Consistent with our KLCOA purpose and our Lake Plan, the KLCOA considers it appropriate to provide input to different levels of government, service providers and other groups on issues that affect our Lake community. In addition, the KLCOA, as a large community organization is often approached and asked to comment on government planning/zoning initiatives, development projects and other issues. Through this work, we often receive important and timely information that we share, so that you can make your own informed decisions.

Survey Data for Question 37 - KLCOA Support and Advocacy

Response Choices	More than we are currently doing.		Same as we are currently doing.		Less than we are currently doing.		Should not be involved in this issue.		I don't know.		Total
Support for Shoreline Protection	24%	152	59%	375	9%	57	5%	29	3%	18	631
Official Plan and Bylaw revisions	22%	135	60%	372	7%	42	3%	19	9%	57	625

November 22, 2023



Mayor Murray Fearrey
Deputy Mayor Walt McKechnie
Councillor Pat Casey, Councillor Ward 1
Councillor Nancy Wood-Roberts, Councillor Ward 2
Councillor Tammy Donaldson, Councillor Ward 3
Councillor Carm Sawyer, Ward 4
Councillor Barry Boice, Councillor Ward 5

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P.O. Box 389
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K0M 1S0

Re: Proposed Changes to the Dysart et al Official Plan and Zoning By-laws to Permit Structures in the Waterfront Setback

The Miskwabi Area Community Association (MACA) has been following the updates to the Official Plan (OP) and Zoning By-laws (ZBL) and we are writing you today because we have some concerns about proposed changes regarding structures in the waterfront setback.

At the last Council meeting, staff was asked to return to the next Council meeting with proposed changes to the zoning-by-laws so that structures (e.g., sheds, saunas, etc.) could be permitted in the waterfront setback. The MACA asserts that such a change would represent a significant departure from the principles set out in the OP and ZBL and is at odds with one of the objectives of the Plan (as set out in Section 2.2.1) to 'protect the natural characteristics and visual aesthetics of shorelines and, wherever possible, improve and restore the natural state of shorelines and shorelands'.

In addition, structures added to the waterfront setback will reduce the amount of natural vegetative buffer which helps protect water quality. Preserving water quality in our lakes is one of the most important concerns of our members. During the development of the MACA's Lake Plan (2015) we conducted a survey of property owners. The results of that survey showed that 100% of respondents indicated that the issue of water quality was either very important or important.¹

¹ Lake Plan Survey conducted in the 2013. The results are based on a 77% participation rate for all waterfront owners and a 70% participation overall, including backlots.

It is our position that these proposed changes should require formal public consultation with property owners in Dysart et al, which should include details and rationale of the proposed changes as well as consideration of environmental impacts. We believe this is a process that should not be rushed.

Thank you for considering our position on the proposed changes to the OP and ZBL regarding structures in the waterfront setback.

Please contact us should you wish to clarify our input or engage the MACA in consultation regarding any of these proposed changes.

Sincerely,

Peter Dilworth
MACA President on behalf of our Board of Directors
peter.dilworth@sympatico.ca

cc: MACA Board of Directors
Tamara Wilbee Chief Administrative Officer, Dysart et al
Jeff Iles, Director of Planning, Dysart et al
Mallory Bishop, Dysart et al Clerk



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Web: www.gracelakeassociation.ca
Facebook: [@gracelakeassociation.ca](https://www.facebook.com/gracelakeassociation.ca)

November 19, 2023

Mayor Murray Fearrey
Deputy Mayor Walt McKechnie
Councillor Pat Casey, Councillor Ward 1
Councillor Nancy Wood-Roberts, Councillor Ward 2
Councillor Tammy Donaldson, Councillor Ward 3
Councillor Carm Sawyer, Ward 4
Councillor Barry Boice, Councillor Ward 5

Municipality of Dysart et al
P.O. Box 389
Haliburton, Ontario
K0M 1S0

Re: Proposed Changes to the Dysart et al Official Plan and Zoning By-laws 2023 – Permitted Structures in the Waterfront Setback

The Grace Lake Association (GLA) is concerned about recent suggested changes that have been proposed to the Official Plan (OP) that could lead to the permitting of additional structures in the waterfront setback. In our view these are not minor changes and at the very least would be requiring of a formal public consultation following on from the sharing of details and rationale for the proposed changes.

The GLA was active in supporting the County-wide initiative that brought forward the Shoreline Protection By-law in 2022, but we were disappointed when Dysart refused to sign on. Nonetheless, our lake association was pleased that the township appeared to be engaging with the community earlier this year and in May we filled out the online questionnaire. In it we stressed the need for Dysart's site alteration bylaw to focus on enhancing protection while also encouraging the preservation of natural shorelines across the municipality.

However, at the September and October council meetings, there was some discussion among councillors that led to a request to staff to return with proposed changes to the zoning-bylaws regarding structures that could be permitted in the waterfront setback. Our lake association has some concerns that perhaps the suggested changes have been proposed without considering the history of the OP and Zoning By-laws (ZBL) and the rationale for the current restrictions for structures in the waterfront setback.

Additional structures added to the waterfront setback, by their nature, will reduce the amount of natural vegetative buffer which helps to protect the water quality in our lakes and may have a negative impact on the visual aesthetics or natural panorama of our shorelines. The Dysart Committee of Adjustment, Council and staff should be commended for consistently enforcing the current By-laws regarding non-compliant shoreline structures.

Permitting additional structures in the waterfront setback is very much out of alignment with the objectives of the Dysart Official Plan (Section 2.2.1) which are intended to protect natural shorelines, and thus water quality, and maintain the natural shoreline look to our waterfronts. Any changes to the Zoning By-laws regarding shoreline structures would also require significant changes to the OP. It is our position that these proposed changes would require formal public consultation with property owners in Dysart et al, which must include details and rationale of the proposed changes. We believe this is a process that should not be rushed.

The Grace Lake Association (GLA) is a not-for-profit, non-share corporation, organized to promote the welfare of Grace Lake. Three key components of the GLA's mandate are:

- Promote measures to protect and preserve Grace Lake, its water and shoreline;
- Encourage appropriate, sustainable development on Grace Lake;
- Advocate with the municipality of Dysart et al and other government bodies for measures in the interest of our Lake.

Given our lake association's mandate we will continue to be proactive in supporting shoreline regulatory decisions that protect our lake's water quality, and that can also help ensure the survival of the rare gold trout population to be found in Grace Lake.

Thank you for considering our position on the proposed changes to the Official Plan and Zoning By-Laws regarding structures in the waterfront setback.

Sincerely,

Rick Arnold, Board Chair
Grace Lake Association
1698 Burleigh Road
Grace Lake
905-352-2430
rickarnold@xplornet.com

November 24, 2023

Mayor Murray Fearrey
Deputy Mayor Walt McKechnie
Councillor Pat Casey, Ward 1
Councillor Nancy Wood-Roberts, Ward 2
Councillor Tammy Donaldson, Ward 3
Councillor Carm Sawyer, Ward 4
Councillor Barry Boice, Ward 5

Municipality of Dysart et al
P.O. Box 389
Haliburton, Ontario
K0M 1S0

Re: Proposed Changes to the Dysart et al Official Plan and Zoning By-laws 2023 – Permitted Structures in the Waterfront Setback; and
Re: Proposed Zoning Amendments regarding Marine Facilities (D14-ZB-2023-004)

The Percy Lake Ratepayers Association (PLRA) has been following the updates to the Dysart Official Plan (OP) and Zoning By-laws (ZBL) and commend Dysart staff and Council on the progress to date.

In the September and October council meetings, discussion among councillors led to a request to staff to return with proposed changes to the zoning-by-laws regarding structures that could be permitted in the waterfront setback. We have some concerns that the suggested changes have been proposed without considering the history of the Official Plan (OP) and Zoning By-laws (ZBL) and the rationale for the current restrictions for structures in the waterfront setback.

Additional structures added to the waterfront setback, by their nature, reduce the amount of natural vegetative buffer which helps to protect the water quality in our lakes and may have a negative impact on the visual aesthetics or natural views of our shorelines. The exemption for sheds we have at Percy Lake tries to balance this with restrictions including a requirement to hide the shed with vegetation. We do not wish to see fewer restrictions applied here.

Attached are excerpts from our PLRA Lake Plan and our 2005 Survey that indicate support for natural shorelines and consistent enforcement of the current ZBLs. The Dysart Committee of Adjustment, Council and staff should be commended for consistently enforcing the current By-laws regarding non-compliant shoreline structures.

Permitting additional structures in the waterfront setback is very much out of alignment with the objectives of the Dysart OP (Section 2.2.1) which are intended to protect natural shorelines, and thus water quality, and maintain natural shoreline views on our waterfronts. We do not want our lake to become like Muskoka where boathouses and other structures line the shores.

Any changes to the ZBLs regarding shoreline structures would also require significant changes to the OP. It is our position that these proposed changes would require formal public consultation with property owners in Dysart et al, which must include the details of and rationale for the proposed changes. We believe this is a process that should not be rushed.

Another important matter has just come to our attention, which concerns us. Included in proposed Zoning By-Law Amendment D14-ZB-2023-004 are changes to the wording of the zoning provisions regarding Marine Facilities (docks, rafts, boat ramps, etc.). The changes have been described as a "clarification" of the current wording. With respect, we believe that these proposed changes are not a clarification of but rather a significant change to how the width and setbacks of marine facilities will be measured and will have significant and likely unintended negative impacts on a large number of waterfront properties throughout the Municipality. There are a significant number of waterfront properties within Plan 524 on Percy Lake, alone, including Dysart's boat launch which will be directly impacted. We have not had the time to look at the impact on other parts of Percy Lake and we have not had the time to seek input from other Lake Associations within the Municipality about this issue but we believe that a large number of waterfront properties' Marine Facilities across the Municipality will be rendered "legal non-conforming" by this change. This may prevent any future repair or replacement of such facilities, as well as the addition of new Marine Facilities where they don't yet exist for certain properties. We agree that the existing wording could be clearer and ask that Council defer a decision on this matter until further consideration can be given to alternative wording changes to the Marine Facilities provisions of the Zoning By-Laws.

Thank you for considering our position on the proposed changes to the Official Plan and Zoning By-Laws regarding structures in the waterfront setback. We also thank you for considering our concerns about the proposed changes to the "Marine Facilities" provisions on the current Zoning By-Laws.

Please contact us should you wish to clarify our input or engage the PLRA in consultation regarding any of these proposed changes.

Sincerely,



Anna Tilman
President
Percy Lake Ratepayers Association
annatilman@sympatico.ca

cc: PLRA Board of Directors

Tamara Wilbee Chief Administrative Officer, Dysart et al
Jeff Iles, Director of Planning, Dysart et al

<https://plra.ca/wp-content/uploads/2020/01/watershed-plan.pdf>)

Excerpts related to shoreline protection and structures in the shoreline setback:

1. Lake Plan – Introduction p1

"This is your lake. You need to take ownership of your lake. Preserve and protect the good things, and do your best to ensure that the bad things aren't allowed to happen."

2. PERCY LAKE WATERSHED PLAN QUESTIONNAIRE - RESULTS

9) I agree with the biologists when they say that the shoreline is the "ribbon of life" around the lake. Property owners should maintain a buffer of native trees, shrubs, and other natural vegetation between the developed part of their property and the lake. 49% strongly agree 38% agree 5% no opinion 6% disagree 2% strongly disagree

28) Shoreline development should be strictly controlled to preserve the present look and feel of the lake. 48% strongly agree 41% agree 5% no opinion 3% disagree 3% strongly disagree

29) Are you in favour of allowing waterfront storage sheds on the "water setback" (ie: within 20 metres of the regulated high water mark) if they conformed to the following criteria: only allowed on lots with a slope of 15% or more; at least 4 metres back from the regulated high water mark; at least 1 meter from the side lot line; a maximum building area of 9.5 square metres; a maximum height of 3.5 metres; no motorized vehicles (ie: boats, ATV's, snowmobiles, etc) allowed; no living accommodations (ie: sleeping or eating) allowed; sheds must be screened from view. 92% Yes 8% No