

Submission #4 to North Kawartha PAC

by Ambrose Moran Dated Jan 22 2009

Subject **30 Meter Setback Update**

BACKGROUND

Since my presentation to the PAC Nov 21/08, I have continued to review information to determine **the basis for the 30 meter** setback from water bodies

I have not been able to find any requirement

- A) in the Provincial Policy Statement 2005
- B) any published “requirements” of MOE
- C) any published “requirements” of MNR

The County OP does have a requirement for a 30 meter setback and I feel this requirement should be rethought to avoid hardships with development proposals for existing developed lots which were never intended to comply with such a setback when created.

A case can be made to require a 30 meter setback for a **new waterfront subdivision** or a series of consents where the lot sizes would provide for such a setback.

It is my experience that the implication of the 30 meter setback is not a great hardship in the creation of new lots as it is in the matter of redeveloping existing properties. In the past, it was common understanding in the community that there are rights to replace building on the existing foot print or even rebuild as long as the water setback is not decreased.

The redevelopment of an existing lot involving the replacement of a modest cottage with a new contemporary structure should NOT be based on a prerequisite that the structure be destroyed by Fire or a matter of public health and safety.

Set backs of structure and protection of buffer zones protect lake ecology which is a requirement of the Provincial Policy Statement (Natural Heritage section 2.1). There is a wealth of information published by government agencies and academic literature recognizing the merits of a natural buffer zone around water bodies to protect water quality in lakes and **no general consensus on the width of the buffer zone.**

The MNR in a publication recommends a 15 meter buffer zone which is consistent with and reflected in the current draft zoning bylaw prepared by the township SECTION 7.2(o) A 15 meter buffer zone would be consistent with the policies in the Current OP section 6.2.5.3

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