

Submission from Ambrose Moran to Council of Havelock Belmont Methuen

Date: October 20 2009

Subject: Proposed Official Plan Amendment #8 of Havelock Belmont Methuen Official Plan (OP)

Background

At the October 6th 2009 Council meeting I was in attendance for another agenda item and when I arrived at that meeting learned to my surprise that this meeting was also the statutory meeting required under the Planning Act for public input into a proposed official plan amendment (OPA) to the township's Official Plan which the council apparently intended to adopt at that meeting.

The township's planner made a presentation on the proposed amendment and indicated that the amendment was:

- to provide the council with clear and concise direction on the administration of the 30 meter setback bylaw which was passed earlier in the summer.
- To bring the township official plan into conformity with the 30 meter setback policy of the County OP ----(which was passed March 2006)

At the meeting I took the opportunity to express my surprise that the OPA was about to be passed as I was not aware of it and indicated by concern that a zoning bylaw was passed prior to an official plan amendment. It is intended by the Planning Act and the established practice in Ontario that Official Plan policies are developed through a prescribed public process and following adoption and approval those policies are implemented through a subsequent zoning bylaw. In this case, the 30 meter water setback zoning bylaw was passed July 16, 2009 and now the OPA #8 is proposed to bring the OP into conformity with the zoning bylaw which is the reverse of the process envisaged by the Planning Act.

The township's planner was asked at the meeting to respond to my concern. He acknowledge my observations that the process being followed was in reverse of the normal practice but was required to assist in the administration of the 30 meter water setback bylaw and needed to bring the OP into conformity with the requirement for a 30 meter setback in Peterborough County.

At the meeting I asked that the council not pass the proposed OPA #8 until such time as I was able to review and comment on it. I am grateful for the council consideration and agreement to allow me a two week period to provide my comment which is the subject of this submission.

Item #1

Public Consultation

The development of this important OPA has been a well kept secret. The Planning Act required the Townships to review their Official Plans at least every 5 years which effectively means the Havelock Belmont Methuen is over due for a full review since their current OP is dated 2004. Also the County of Peterborough OP required Havelock Belmont Methuen to update their OP by March 28 2009 which did not happen.

Since last spring, the township has been proposing comprehensive zoning bylaws amendments affecting lakefront development and held a public meeting April 14 for a “scoped bylaw” which was referred to as “housekeeping in nature” but in fact dealt with fundamental issues such as

- enhanced 30 meter building setback from water bodies,
- enhanced 30 meter septic setback from water bodies,
- new boathouse provisions
- expansion provisions for of non conforming and non complying structures

These referred to by the township as being “housekeeping” items if fact are the very basis of the development standards on our lakes. The eventual zoning provisions passed by council related to these subjects will directly affect the character of all the lakes within Havelock Belmont Methuen Township.

When I and others expressed concern about the new bylaws being developed without input of cottagers and cottagers associations, we were given assurances that these changes were just “housekeeping” and that the township was intending to undertake a comprehensive review of their zoning bylaw and Official plan update and lots of opportunities would exist for detailed input.

Now we find that the important official plan policies have been developed and about to be passed without any notification to or input from cottagers and cottage association. It is noteworthy that the important OPA would not be posted on the Township’s web site. While the County OP was being developed and other upper and lower planning documents are in the public consultation stage, it is common practice to post such documents on municipal web sites to allow input from interested ratepayers.

Following the statutory public meeting for OPA #8 on Oct 6th , I contacted several persons who attended the meeting and other interested in the planning process and did not found anyone who was aware that this OPA was about to be passed and I do not believe any person at the meeting had ever seen the OPA #8 or had a copy of it. I subsequently requested a copy of the OPA #8 and received last week

- Copy of Letter dated Sept 30 From Daryl Tighe of Landmark to Reeve and Member of Council –
- Copy of Letter from Christine Coulter of County of Peterborough Planning Dept to Darryl Tighe dated Sept 4 th
- Draft of Amendment No 8 to HBM OP dated August 2009

Item #2

Lower Tiers Vs Upper Tier Official Plans

At this point I have not seen the proposed OPA #8 that is being considered by Council and must interpret from the Letter of Sept 30 that your planner has agreed to the changes made by the County of Peterborough Planning Department

Effectively what has happened here is that your planner has proposed for a public meeting, an official plan amendment and circulated it to various agencies and the County of Peterborough.

The County of Peterborough basically proposed a totally different wording than that originally circulated and presumably available to the public if anyone from the public happened to find out an OP amendment was being developed.

The County of Peterborough in their letter of Sept 4th simply “offered comments for consideration”

The comments in fact were a complete rewrite of Township Planners the section 5.10.1 Development Standards to making it identical to Local Components of the County Official Plan

I stand to be corrected but believe the County is the approval authority for the HBM official plan, so offering comments for consideration in a polite way of requesting changes.

So why do we have a local official plan?

The approval authority has developed a County official Plan and certain townships have decided to not have a lower tier official plan and simply have the County develop an amendment to address local policies. A township such as HBM who decide to have their own local official plan is now being told by the approval authority they want to “**achieve consistency in wording with the three lower tier Municipalities who have already updated their Official Plans through Peterborough County OPA#3.**”

So, all we are doing is going through an exercise and incurring consulting cost and taking up ratepayers, staff and council’s time participating in a process which basically intends to have all township official plan policies developed at the county level.

Item #3

Comments by County of Peterborough

I assume that the comments by Peterborough County Planning department as outline in their letter of Sept 4 2009 will be the basis of the OPA 8. I did not receive from the township when requested a version of the OPA 8 with the changes incorporated.

I will comment on the wording provided in the letter of Sept 4 2009 from County of Peterborough on assumption that this is what will be in the OPA #8

Page #1 Development Standards

- General—

I fully support this section as I did when the County OP was being developed

- New Development

This section has references to “sewage system leaching beds” --- “structures such as septic tanks”----- “ septic systems”

In my submission #2 to Council dated April 14 2009 regarding Septic Setbacks, I recommended a review of the definition of structures related to septic systems and not sure if the my recommendation was taken into account in the bylaw passed by council regulating setback of septics and also now whether the proposed OPA #8 in consistent with the bylaw passed by council.

Page 2 Para 3 *“Notwithstanding anything in this section to they contrary, structures such as septic tanks, pump houses, boat houses, docks, open decks and stairs shall be a permitted use and may encroach into the 30 meter setback without a minor variance provided that the property owner can demonstrate to the Township’s satisfaction and, if appropriate the authority having jurisdiction over the waterway, that if does not negatively affect the waterfront environment. “....*

This provision is totally unacceptable and makes a mockery of having any kind of development controls on lakes. This also is in direct contradiction with

- the first 2 paragraphs of proposed Development Standard 5.10.1
- County of Peterborough water quality objectives
- Provincial Policy Statement 2005 –Natural Heritage section policies to protect water quality.

I would suggest such relief from setback requirements available for minor structures such as stairs pump house and dock but other structures only be allowed if the following criteria is satisfied

- a) maintains intent of zoning bylaw
- b) is minor in nature
- c) maintains intent of in effect official plans regarding environmental objectives and
- d) is desirable and appropriate for the area

Ambrose Moran

Jack Lake

Submitted as an individual and not representing any group