

Dear County Councillors:

We are writing with respect to item 6.1 (Haliburton County Shoreline Preservation Review - Outcome of Solicitor's Review of Refined By-law) on the Agenda of the Special Meeting of Haliburton County Council on August 10, 2022. We are writing on behalf of the Haliburton Waterfront Owners group, which represents the owners of over 500 waterfront properties across Haliburton County.

### **Transparency & Timely Release of Materials to Taxpayers**

First, we would like to thank Councillor Roberts for her efforts to have the agenda packet distributed to the public earlier than the normal 48 hours before the meeting, and for County Staff for making it available.

We were surprised to see in a July 21st letter to a local paper that some members of the community seemed to have received preferential access to agenda content. This is highly inappropriate and should not be occurring.

We call on Haliburton County officials to consistently communicate Council's business as transparently and with as much notice as possible to **all** interested members of the community at the same time. This will generate the highest quality input from all perspectives and all members of the community, produce greater trust and confidence in the County's governance, and result in better public policy.

Several times over the past year when important, complex and, at times, fairly technical issues such as the shoreline by-law have been on the County Council agenda, ratepayer groups and individuals have had to scramble to read the materials, analyze proposals and provide input to their elected representatives in less than 2 days.

Whatever our views, everyone deserves equal access to relevant information and a fair opportunity to provide reasoned input on significant changes – whether broad-brush proposals or detailed elements. Going forward, we urge Council to consider providing the public with the agenda packet and materials at the same time it's provided to Councillors so interested parties can have more time to provide reasoned analysis and constructive input to their elected representatives.

### **Appropriateness of a Vote on the Shoreline By-Law at this Meeting**

At the April 27th meeting, six of eight Councillors appeared to support deferring consideration of the proposed by-law until after the upcoming municipal election. We note that only four members of County Council are running for re-election. We submit that it is wrong for this "Lame Duck" Council to consider passage of the by-law at the August 10th meeting. In modern democracies, "lame duck administrations" typically deal solely with administrative issues. The generally accepted practice is to defer significant matters to the newly formed council to reflect the most current sentiment of the electorate. If the new Council to be formed in November wishes to continue to

pursue a matter, then they may choose to do so - with the full accountability that comes with taking this step early in their tenure where their constituents can provide appropriate feedback.

### **Our High-Level Views (Again) on the Proposed Shoreline By-Law**

Over the past year, we have provided nine detailed and thoughtful submissions and presentations to members of County Council and/or their consultants on the proposed shoreline by-law. Without going into excessive detail, we thought it would be helpful to reiterate our most significant concerns with the proposal:

- While Council may choose to impose new constraints on setbacks and property uses for newly created lots, they should not take away existing rights of current property owners without compensation;
- The proposal will do nothing to restore shoreline vegetation on the 1/3 of Haliburton lakes where shorelines have been seriously compromised, often decades ago;
- The greatest risk to water quality on our lakes is improperly functioning septic. Haliburton Council has not taken any action to put in place a rigorous septic inspection program (as Dysart Council did several years ago.) Nor has it addressed fertilizer and road salt use, which also pose risks to water quality;
- The County is proposing to hire at least three new employees to enforce this by-law, with annualized costs of \$500,000. In the by-law inspector's report to County Council last month, he indicated that in 2021, of 82 site visits, six fines, 12 stop work orders and nine work orders for restoration were issued during his 82 site visits (presumably some of these involved a fine and stop work or work orders for a single property). Adding three more staff at a cost of half a million dollars makes no sense to address what appears to be a fairly insignificant volume of problems. Put simply, Haliburton County has bigger problems to which it should be allocating our taxpayer dollars.

### **Comments on the Suggested Changes in the Agenda Packet**

We wish to provide the following input on the proposed changes and issues raised in the detailed agenda packet.

1. Section 4.3 If the by-law proceeds, we support explicitly allowing for the removal of trees within a reasonable distance from construction of a building/structure for which a building permit has been issued, to ensure compliance with the Occupational Health & Safety Act and other practical requirements.
2. Section 14.1 We believe that Council has already allocated too much time and taxpayer dollars on this issue. Should the by-law proceed, we would support removing any annual obligation to review and update it. More importantly,

because we think it is a fundamentally flawed by-law, we are uncomfortable with it remaining on the books in perpetuity. If the by-law proceeds, we recommend a mandatory sunset clause under which the by-law would cease to apply after 4 years. This would allow a new by-law mirroring the old one to be passed, if it is working well, provide for changes to be proposed, or allow it to simply die a natural death if it is not working. The four-year timing would provide a finite term (as opposed to the proposed "ongoing and periodic basis") that dovetails with the municipal election schedule, allowing candidates and voters to have input into the discussion.

3. Section 15.1 If the by-law proceeds, we believe it should be restricted to lake shorelines. Mr. Dray seems unaware that Council has already considered the question of extending it to wetlands, ponds, etc. and decided against doing so. We do not think this issue needs to be revisited.
4. We remain concerned that the buffer distance is not specified in this draft of the proposed by-law. This is the single most contentious issue in the by-law, so we are extremely surprised that it remains unspecified. There was overwhelming consensus at the last meeting to set it at 20 metres. As noted above, current property owners remain very concerned about the removal of existing property rights on such a large portion of our properties (without compensation). If this by-law proceeds, we again ask Council to consider limiting it to 10 metres, at most.
5. Section 5.1 (b). Mr. Dray recommends "removing security provision as a term and condition of a permit" and adding "a security deposit in the form of certified cheque or money order as determined by the Director" in Schedule "B", Section 10, as an application requirement. We are not comfortable with providing the Director complete discretion to set such a security deposit,; or that it be in the form of a cheque or money order or that it be required at the time of application for a permit (rather than at the time of obtaining the permit). The Director could conceivably choose to set a prohibitively high security deposit with the intended result of making any alterations effectively impossible. If this by-law proceeds, we believe that the amount of security deposit (if any) needs to be expressly reviewed and set by Council at a reasonable level. We also submit that any Security Deposit should only be required when a permit is granted - not when application is made. There are no standards set for how long County staff may take to process an application. The proposal to provide a Security Deposit in cash (cheque/money order) upfront could mean that the County could tie up considerable taxpayers' monies during their deliberations and could serve as a significant deterrent to making application. Furthermore, we do not believe that taxpayers should be obliged to provide the full value of said deposit in cash (cheque/money order) or that the County should necessarily be the holder of such funds. If this by-law proceeds, it should include the flexibility for property owners to arrange with a financial services provider to post a bond for whatever security deposit is required.
6. Schedule A - It is not clear what is under consideration here. Is Mr. Dray proposing that a Site Evaluation Report and Securities be added to the

Shoreline Permit Application Requirements? (See above comments on Securities.) The Application Requirements have been the subject of considerable discussion over the past months, with local landscaping, site services and construction businesses, as well as property owners, constantly encouraging Council to make these requirements as simple and inexpensive as possible and to ensure that the required professional resources are available here in the County. If this by-law proceeds, we oppose the addition of any further requirements (such as Site Evaluation Reports & Securities) to the Permit Application Requirements.

## **Conclusion**

Our members would like to see Council reject this fundamentally flawed proposal once and for all. If that is not possible, we urge Council, for the reasons cited above, to stick with the consensus expressed at the April 27th meeting to put off voting on this proposed by-law until the new Council is formed after elections.

Respectfully submitted,

Tayce Wakefield

(On behalf of the Haliburton Waterfront Owners in the attached list)