

April 27, 2023

Dear Haliburton County Elected Representatives:

As you know, Haliburton Waterfront Owners represents over 350 owners of waterfront properties in Dysart (and a substantial number in the other lower tier municipalities in Haliburton County). We watched with interest the presentation by Chief Building Official, Karl Korpela, on possible directions for a site alteration by-law at the April 25, 2023 Dysart Council meeting. At the end, he encouraged interested constituents to make their views known to members of Council, as well as to participate in the community meeting on May 3rd (which we hope to do). We thought that it would be helpful to provide you with our initial input to the issues raised at the April 25th Council meeting.

We would like to express our appreciation to Dysart Council for deciding not to delegate authority to the County for this issue and for working toward a more appropriate approach for our municipality. We would also like to express our appreciation to the Dysart Staff working group that has considered this rather complex issue area and developed potential approaches in such a short time. We recognize that this is not an easy task and we recognize that there will likely be fairly emotional responses from constituents across the spectrum. Our objective is to provide constructive input on workable approaches that will best achieve the objectives and be acceptable to a broad spectrum of waterfront property owners in Dysart.

We believe the primary objective of this effort should be **to achieve the largest proportion possible of natural shorelines on Dysart lakes and waterways in the shortest time possible.**

This is completely consistent with Section 5.1.2 of Dysart's Official Plan, which says:

"All owners of shoreline lots will be encouraged to leave the lands within the shoreline setbacks substantially undisturbed, up to the full depth of the setbacks where possible. Additionally, **where the shoreline setback has been disturbed by past activities, the owner will be encouraged to restore the setback to a natural state.** [Our bold added]. Soil and vegetation within the setback should be disturbed as little as possible, to preserve the impression from the lake that the shoreline is undeveloped. Clearing should be restricted to the minimum required for access, the safety of residents, and a limited view to the water.

The County of Haliburton passed By-law 3505, which is a by-law to protect and preserve trees on shoreline properties and to regulate the cutting of trees within the shoreline area. All cutting of trees or clearing of vegetation in the shoreline setback is to comply with the provisions of this by-law or any amendment to this by-law.

When considering individual development applications on lakes, Council may require as a condition of development approval that the shoreline setback be maintained in a substantially undisturbed condition or that the setback be restored to a substantially natural state. This may include the restoration of natural shoreline features and the planting of native vegetation."

How best to achieve this?

We note that, in the County By-Law Officer's most recent report to Haliburton County Council on the tree-cutting bylaw, the 160 site visits in the three years from 2019-2021 generated only 13 fines, 16 work orders and 17 compliance requests. As Mr. Korpela detailed in his presentation, property owner rights are already severely restricted by existing by-laws at the Township and County levels so that waterfront property owners are already very limited in what they can do with their shorelines.

There may be some merit in amending Dysart zoning by-laws and building requirements during the construction process to address a number of the issues raised by Mr. Korpela such as slope stabilization, silt/erosion control, containing foundation discharge and restrictions on the type of machinery & equipment to be used. These are relatively technical issues beyond the scope of our expertise and we rely on the Haliburton homebuilders and landscapers to provide their usual knowledgeable input on these dimensions.

However, as noted by Mr. Korpela, most of the clearing of developed lots occurred decades ago when it was more the fashion to have "lawns to the lake". Today, we believe that most property owners recognize the importance of natural shorelines in protecting water quality and value the appearance of natural shorelines.

The Love Your Lake program said that an average of 75% natural/regenerative shoreline is necessary for lake health. The COHPOA's 2019 "Lake Health Report" provides data on shoreline vegetation for 59 of the 118 lakes in Haliburton. The report showed that a large number of Dysart lakes including Bitter, Burdock, Kennaway, Kennisis, Little Redstone, Long, Miskwabi, Oblong, Pelaw, Percy, Redstone, Spruce, Wenona have natural/regenerative shorelines over 75%, while another large group including Big Straggle, Drag, Haliburton, Loon and Moose are over 70%. Eagle, Grass, Kashagawigamog, Little Straggle were below the 70% level. (Head was not assessed).

(It is important to note that not all owners whose properties do not achieve the 75% level are "bad". Among our members are people who have owned waterfront properties for several decades which were denuded before they acquired the properties. They are attempting to renaturalize portions of these shorelines but in some cases, are facing significant natural challenges in doing so.)

This tells us that to increase the proportion of natural/regenerative shoreline in Dysart, the focus must be placed much more on measures to foster replanting/renaturalization (rather than on further restrictive measures focused on site alteration only.) What do we recommend?

1. Public Education and Communication

Some lake associations and other parties have attempted to educate property owners about the benefits of natural shorelines. However, we believe these efforts should be broadened and enhanced across the entire municipality. This should include insertions in tax bills with information on the benefits of natural shorelines and how to restore them; presentations and articles made available to lake associations for inclusion in their meetings and newsletters; “how-to” seminars around the municipality on the topic; partnering with local groups (such as Master Gardeners, Abbey Gardens, landscapers, for-profit suppliers of plant materials, etc.) to make native plants available. (Much of this could make great work placements for co-op students or summer jobs.)

2. Renaturalization Requirements as a Condition of Building Permits

This direction is already contained in the Official Plan and should be intensified. (“When considering individual development applications on lakes, Council may require as a condition of development approval that the shoreline setback be maintained in a substantially undisturbed condition or that the setback be restored to a substantially natural state. This may include the restoration of natural shoreline features and the planting of native vegetation.”)

Most site alteration and landscaping work occurs when waterfront residential properties are first built or are substantially renovated. A perverse result of all the regulatory restrictions on property owners undertaking site alteration or landscaping work is that the most valuable properties for redevelopment are the ones which have already been denuded. We suggest that any building permit application for anything beyond normal maintenance and repairs should include a proposal to renaturalize the shoreline area to at least 75%. This will result in the most rapid regeneration of shorelines. We suggest that this process be kept as simple as possible.

3. Ban the Use of Fertilizers/Herbicides within the Shoreline Area

It is well-documented that fertilizer use in the shoreline area can substantially damage lake health. Herbicides inhibit plant growth. Except for controlled use of specific substances by qualified individuals for plants which pose a risk to health and safety (such as hogweed), we support a ban on fertilizers and herbicides in the shoreline area. (As a side note, pesticides are already well-regulated federally and provincially and are beyond the technical expertise and scope of the lower tier municipality to regulate.)

In addition to the above recommendations and input, we wish to add the following points:

- We commend Dysart on its Septic Reinspection program. While some may wish the program to be even stronger, we applaud this very important measure in ensuring that the impact of human activity on water quality is minimized.

- We appreciated Mayor Fearrey’s comment at the April 25th meeting that any approach must be kept as practical as possible. A key flaw in the County’s Shoreline By-law appears to be that property owners who do not own the shoreline road allowance adjacent to their property are not allowed to undertake minor activities such as raking, weeding, maintenance of existing structures and addressing dangerous trees/limbs. (We have been seeking clarification on this point from County officials for at least six months without satisfaction.) We note that there was no reference in the April 25th presentation on how any of this will impact unowned shoreline road allowances. Given that the majority of waterfront property owners do not own the adjacent road allowance, we ask that any steps that Dysart takes clearly addresses this issue – and ideally without altering the existing regime.
- We appreciate that Dysart is not proposing to put in place a complicated permit process and we encourage Council to be cognizant of cost implications in deciding which measures to pursue.
- Some have suggested that owners of denuded properties should be provided with financial incentives to renaturalize their lots. We oppose this type of cross-subsidization.

We appreciate your interest and time and attention to this issue. We look forward to having HWO representatives participate in the May 3rd discussion, (we have sent a note to Mr. Korpela to ask him to include Brian Atkins from Ward 4 and Dave Love from Ward 5 who are both members of our Steering Committee), and to providing further constructive input on this issue as it develops.

Sincerely,

Tayce Wakefield

Dave Bright

John Boeckh

Dave Love

Brian Atkins

John De Young

Mark Golding

(Haliburton Waterfront Owners Steering Committee)