FROM: David Smith, Senior Planner  
County of Bruce Planning & Economic Development Department

TO: Mayor McIver and Members of Council, Municipality of Northern Bruce Peninsula

SUBJECT: Draft Comprehensive Zoning By-law for the Municipality of Northern Bruce Peninsula

RECOMMENDATION:

1. That the Municipality of Northern Bruce Peninsula engage a qualified consultant(s) to undertake a review/analysis of the natural environment and natural heritage issues (Environmental Hazard mapping) within the entire Municipality within the next 12 months; and That an Amendment to the Comprehensive Zoning By-law, processed as per the requirements for Notice etc. of the Planning Act, be undertaken to incorporate the recommendations of said review/analysis when completed;

2. That the Draft Comprehensive Zoning By-law Schedules dated September 23, 2013 be amended to DELETE in their entirety the ‘EH/EH-a’ mapping and associated Notes;

3. That the ‘EH’ mapping in Comprehensive Zoning By-law 2002-54 remain in force and effect until such time as the Municipality has adopted new natural environment and natural heritage mapping;

4. That Section 24 - Environmental Hazard (EH) in the Draft Comprehensive Zoning By-law dated September 23, 2013 be revised as required to include the Special Provisions of the EH Zone as they exist in Comprehensive Zoning By-law 2002-54.

5. That, pending any further changes to the Draft by-law directed by Council, the revised Draft Comprehensive Zoning By-law and Schedules, amended to show only the current ‘EH’ zones, be brought forward for final approval.

BACKGROUND:

The Municipality of Northern Bruce Peninsula initially retained the County of Bruce Planning and Economic Development Department to undertake a ‘housekeeping amendment’ to the 2002-54 Comprehensive Zoning By-law. Upon further review by County staff it was determined that it would be more effective and efficient to prepare a new Zoning By-law rather than undertake major revisions to the current By-law.

The proposed By-law before Council is consistent with the Provincial Policy Statement, conforms to the policies of the County of Bruce Official Plan and is in conformity with the 2010 adopted Municipality of Northern Bruce Peninsula Official Plan for The Tobermory and Lion’s Head Secondary Urban Areas and the Hamlet of Ferndale.

The Draft Comprehensive Zoning By-law will provide detailed land use regulations and mapping in order to facilitate decision making by Municipal Council, public agencies and private interests with regard to the use and development of land within the Municipality.
AVAILABILITY OF COMPREHENSIVE ZONING BY-LAW:

The Draft By-law and associated Schedules were available to residents for review: 1) in person at the County of Bruce Planning Department office and Municipality of Northern Bruce Peninsula municipal office; 2) online at the County of Bruce website under Planning Applications and on the Municipality of Northern Bruce Peninsula website; and 3) hard copies were made available at the Tobermory Library and the Lion’s Head Library.

The on-line documents were posted in Adobe Acrobat format to enable easy ‘download’ of the files.

PUBLIC OPEN HOUSES:

Open Houses were held at the Municipal Office on:

- Tuesday August 13, 2013 from 3:00 pm to 7:30 pm
- Friday August 16 from 12:00 pm to 4:30 pm
- Monday September 23, 2013 from 10:00 am to 12:00 pm

Residents were notified of the Open Houses through a newspaper notice in the Bruce Peninsula Press and on the Municipal website and the County of Bruce website. Representatives of the Planning Department and municipal staff were in attendance to talk to ratepayers about issues regarding their specific properties and the Draft By-law provisions in general.

The timeline for the Open Houses was selected to coincide with the summer months and early fall while the majority of the summer residents are still in the area.

NOTICE OF PUBLIC MEETING:

The Planning Act requires a 20 day Notice prior to a Public Meeting. The Notice for this Public Meeting was published in the Bruce Peninsula Press on August 27, 2013 and again on September 17, 2013. The Act (Ontario Regulation # 545/06) authorizes the use of a newspaper to provide Notice of a Public Meeting.

The timeline for the Public Meeting was selected to coincide with the summer months and early fall while the majority of the summer residents are still in the area.

Questions have been raised as to why individual notice was not sent by mail. This was intentionally done so as to keep down the overall cost to the Municipality. There are approximately 9530 properties in Northern Bruce Peninsula. At an average cost of $1.00 per envelope (postage, paper, printing and staff time) this would have cost in the order of $9,500.00. There would also be ‘overlap’ in that some property owners would receive multiple copies of the Notice(s) and possibly point out that this was a waste of taxpayers money.

BEING CONSISTENT WITH THE PROVINCIAL POLICY STATEMENT AND IN CONFORMITY WITH OFFICIAL PLANS

Planning in Ontario is not conducted in a vacuum – the Provincial Policy Statement (PPS), the Planning Act and both the County of Bruce Official Plan and the Tobermory, Lion’s Head and Ferndale Official Plan all play a role in the development of policies for a Comprehensive Zoning By-law.

For the benefit of the public, Section 3(5) of the Planning Act states that a decision of the Council of a municipality shall be consistent with the Provincial Policy Statement (commonly referred to as the PPS) that is in effect; and secondly, Section 27(1) of the Act states that the Council shall amend every By-law passed under Section 34 of the Act to conform with an Official Plan.

The Provincial Policy Statement provides direction on a wide variety of land use issues such as water and sewage servicing, agricultural severances and development and, perhaps most relevant to our discussion, direction on how to deal with natural heritage and natural hazard features.
It is my responsibility to recommend to Council policies that are consistent with the Provincial Policy Statement and are in conformity with both the County and Local Official Plan.

**SIGNIFICANT CONCERNS / ISSUES ARISING WITH DRAFT BY-LAW**

The Top Five Concerns / Issues in my opinion are:

1. Environmental Hazard Mapping
2. Lakeshore Properties (Great Lakes and Inland Lakes)
3. Class 2 Streets, Lanes and Private Streets
4. Greenough Harbour (Decks)
5. Boathouses (Great Lakes and Inland Lakes)

**1. Environmental Hazard Mapping**

Environmental Hazard (EH) mapping is composed of basically two components:

a) Natural Hazard – property or lands that could be unsafe for development due to naturally occurring processes such as shoreline flooding, erosion, unstable soils or unstable bedrock such as karst; and

b) Natural Heritage – property or lands that include significant wetlands, significant coastal wetlands, significant habitat of endangered species, significant areas of natural and scientific interest, fish habitat, significant wildlife habitat etc.

The two components are not necessarily mutually exclusive, you can have a natural hazard that is also a natural heritage feature i.e., areas that are wet and with unsuitable organic soils for building would be a hazard but could also be a significant wetland.

**Existing ‘EH’ Mapping**

The Municipality, in the current By-law 2002-54, already has a number of areas zoned as Environmental Hazard. These areas are natural hazard and/or natural heritage; the mapping does not differentiate the type of ‘natural’ since in either case it is recommended that no development take place.

The Draft By-law proposes to map these areas exactly the same as they exist in By-law 2002-54 today.

In regards to the ‘EH’ zoning along the Lake Huron and Georgian Bay shore, the current By-law 2002-54 in Section 6.12 states that:

> All lands below the high water mark elevation of 177.6 m GSC the water body itself, the space above the water body and the area from the inland side of any shore road allowance to the high water mark are zoned Environmental Hazard and this extends to the international boundary.

The Draft By-law mapping merely illustrates this clause on the maps for the 1st time. It was always there, just never shown. It is my opinion that the Schedules should illustrate to the public, to the fullest extent possible, any written By-law clause that can potentially have an impact on their properties - within reason.

**New ‘EH-a’ Mapping**

The Draft by-law proposes some new ‘EH-a’ mapping that does not exist today. The EH-a special zone represents natural heritage features and specifically Provincially Significant Wetlands or PSW’s.

Both the County and the Municipality are expected to protect PSW’s from development, regardless of the ownership of the lands. Section 2.1.3 of the Provincial Policy Statement states that “Development and site alteration shall not be permitted in significant wetlands in Ecoregions 5E, 6E and 7E”. NBP Is in Ecoregion 6E.

“Provincially Significant Wetlands” are mapped and scored using a scientific point-based ranking system known as the Ontario Wetland Evaluation System (OWES). A PSW is one that scores a total of 600 or
more points; or 200 or more points in either the biological component or the special features component of the OWES.

Wetlands can be identified and evaluated by MNR staff or by other qualified professionals, provided that they use the approved OWES methodology and have received MNR training in the use of the Province’s wetland evaluation system. In all cases, MNR is responsible for reviewing and approving the evaluations. MNR recognizes only Ministry sanctioned wetland evaluation courses.

There are a number of PSW’s in the Municipality – the Tobermory Bog, Barney Lake Complex, Dorcas Bay Wetland Complex and a number of others that must be protected from development and therefore require ‘EH-a’ zoning

Associated with the ‘EH-a’ is a ‘Note’ and a number of ‘dashed lines’ on the Draft Schedules. The Note reads:

120 Metre Setback from PSW: Development applications for lands that are within the 120 metre setback of a PSW (mapped as EH-a zone) delineated on Schedule ‘A’ may require the submission of an Environmental Impact Study.

The ‘Note’ is for reference purposes only (See Section 4.7.5 Notes on Schedule ‘A’ in Draft by-law). The dashed lines are not zoning lines. The intent is to inform a person making an application under the Planning Act about proximity to a PSW and the potential requirement for additional studies. The dashed line and Note have no bearing on continuing or new land uses that are in conformity with the zone in which they are located. Again the maps are trying to deliver vital information to property owners and developers that could benefit them in the future that was not easily found before.


Tobermory, Lion’s Head
Comparing the Draft Schedules for Tobermory/Lions Head with By-law 2002-54 Zoning Schedules you will notice an ‘EH’ area along the shoreline in both of these communities and new ‘EH/EH-a’ on some inland parcels.

The ‘EH’ and ‘EH-a’ is larger than what is currently shown in the 2002-54 by-law.

These new ‘EH/EH-a’ zones are shown on the schedules to make them the same as the "Natural Area" designations shown on the updated Northern Bruce Peninsula Official Plan schedules that were approved by Council last year.

So the Natural Areas layer is comprised of: Provincially Significant Wetland (PSW), Locally Significant Wetland (LSW), Areas of Natural and Scientific Interest (ANSI), areas unsuitable for development due to overland flooding, other hazard areas such as steep slopes or cliffs/escarpments and areas along Lake Huron/Georgian Bay within 100 yr flood level plus wave uprush setback.

Lake Huron/Georgian Bay EH Zone and Required Setbacks
Along the full length of Lake Huron and Georgian Bay the Provincial Policy Statement directs that generally all development shall be directed to areas outside of the 100 year flood level and that development and site alteration is not permitted within the dynamic beach.

Section 3.1 Natural Hazards

3.1.1 Development and site alteration shall generally be directed to areas outside of: a) hazardous lands adjacent to the shorelines of the Great Lakes – St Lawrence River system ...

3.1.2 Development and site alteration shall not be permitted within: a) the dynamic beach ...

The hazardous lands limit consists of the 100 year flooding hazard plus an allowance for wave uprush, overtopping, ice piling, and wave spray.
The dynamic beach hazard limit consists of the flooding hazard plus a dynamic beach allowance.

For the Lake Huron shoreline, from Kincardine (South of the Bruce nuclear site) to the tip of the Bruce Peninsula, the 100-year flood level estimate is 177.6 m relative to Geodetic Survey of Canada Datum (GSC).

MNR Guidelines then require that a 15 metre setback, measured horizontally from the 100 year elevation for wave uprush and other water related hazards such as wave overtopping, wave spray, ice piling, and ice jamming be included. This 15 metre distance then defines the setback requirement for all buildings and structures not just new ones but also existing structures.


What does the current ‘EH’ mean for lot owners?
The current 2002-54 By-law for “EH” prohibits all buildings and structures except for a boat house and non-habitable buildings or structures designed for the purposes of flood or erosion control and prohibits all uses except for parks, agricultural uses, forestry, boat launching and docking.

In regards to development adjacent to Lake Huron/Georgian Bay Section 6.30 of By-law 2002-54 regulates the placement of habitable structures and requires that either:

- No building openings associated with habitable floor area be located at or below the minimum elevation of 179.1m G.S.C. for Lake Huron and 178m for Georgian Bay; or
- All habitable buildings meet a minimum setback of 15m (49’) from the 177.6m G.S.C. elevation.

In regards to development adjacent to Watercourses Section 6.25.2 of By-law 2002-54 requires a setback of 30 metres for all development.

What do the Draft ‘EH/EH-a’ and Setback policies mean for lot owners?
Section 24 (Environmental Hazard) of the Draft By-law would permit limited uses within the hazard zone; relevant to the shoreline this zone would still permit unenclosed picnic shelters, buildings for essential public services, a boardwalk, a boathouse and a boat launching and docking as permitted uses.

Existing legal non-conforming uses, including buildings and structures, continue to exist legally and can be maintained as per Section 3.4 of the Draft By-law:

<table>
<thead>
<tr>
<th>3.4 LEGAL NON-CONFORMING USES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Nothing in this By-Law shall:</td>
</tr>
<tr>
<td>(i) Apply to prevent the use of any land, building or structure for any purpose prohibited by this By-Law if such land, building or structure was lawfully established and used for such purpose on the day of the passing of this By-Law, so long as it continues to be used for that purpose.</td>
</tr>
<tr>
<td>(ii) Prevent the erection or use for a purpose prohibited by this By-Law of any building or structure for which a permit has been issued under The Building Code Act, prior to the day of the passing of this By-Law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided that the permit has not been revoked under The Building Code Act.</td>
</tr>
<tr>
<td>(iii) Prevent the strengthening to a safe condition, or the restoration of any non-conforming building or structure or part of any such building or structure which does not conform with the provisions of this By-Law, or which has been damaged by causes beyond the control of the owner, provided such alteration, repair or restoration does not increase the height, size or volume or change the use of such building or structure and provided such building or structure was lawfully established.</td>
</tr>
<tr>
<td>.2 The use of a lot, building or structure which is not permitted within the zone in which it is located shall not be changed except to a use which is permitted within such Zone, or such other similar uses as may be approved under Section 45 of The Planning Act.</td>
</tr>
</tbody>
</table>
However buildings and structures in an ‘EH/EH-a’ may not be enlarged and the intent of the By-law would be that if the property were to be redeveloped at some time in the future they would eventually be replaced with structures outside of the hazard area.

2. Lakeshore Properties (Great Lake and Inland Lakes)

Change from ‘Resort Residential - R2’ to a new zone called ‘Lake Residential - LR’. There was a couple of reasons for this change:

1. To differentiate between residential lots within Tobermory, Lions Head and the Hamlets [urban areas] and those lots located along Lake Huron/Georgian Bay and the Inland Lakes [lakeshore areas]; and

2. To be able to apply the relevant Official Plan policies for the urban areas versus the lakeshore areas.

The Draft By-law differentiates between an **existing** lot of record (a lot that exists at the time the By-law is ultimately passed) and a **new** lot of record (a lot that is created after the By-law is ultimately passed).

The reason for the distinction between **new** and **existing** is that the Bruce County Official Plan requires new lakeshore and the secondary tier of waterfront lots to be larger than the current size lots; it also requires new development to be setback further from waterbodies than the current zoning By-law. Therefore the zoning rules in the Draft By-law differentiate based on when a lot is created.

Draft By-law Section 3.20 ‘Setbacks to Lakes, Rivers and Drains’ sets out the policies for lots that abut Lake Huron/Georgian Bay, the Inland Lakes and drainage ditches/watercourses. The policies for Lake Huron/Georgian Bay and the Inland Lakes differentiate between an **existing** lot of record and a **new** lot that may be created by consent/severance in the future.

For any **existing** lots that abut Lake Huron/Georgian Bay, new or expanding buildings must either be floodproofed or setback 15 metres from the 100 year flood elevation. For a **new** lot that is created in the future that abuts Lake Huron/Georgian Bay, new buildings must be setback 15 metres from the 100 year flood elevation.

For any **existing** lots that abut an Inland Lake, new buildings must setback 15 metres from the ordinary high water mark. For any **existing** lots that abut an Inland Lake, existing buildings may be able to expand based on how close they currently are to the ordinary high water mark. For a **new** lot that is created in the future that abuts an Inland Lake, new buildings must be setback 30 metres from the ordinary high water mark. The rules for Inland Lakes follow the requirements of the County Official Plan with the overall intent being to ensure that inland lake water quality does not degenerate due to the proximity of development.

In regards to the other Zoning Provisions, front yard setback, interior yard, rear yard etc., for an existing lot, the Draft By-law uses the same zoning provisions as the current ‘R1 – No Municipal Water or Sewer Zone’.

3. Class 2 Streets, Lanes and Private Streets

All Streets in the Municipality have been classified by staff as either ‘Class 1 – Street’ or ‘Class 2 – Street’ and are shown on the Schedule maps. The Street Class is then used in Section 3.24 Frontage on a Street to determine if a building permit can be issued for a building or structure on a particular lot:

3.24 FRONTALGE ON A STREET (Building Permits)

.1 No person shall erect any building or structure on any Lot in any Zone unless the Lot upon which such building or structure is to be erected:

   (i) Has a Lot Line which abuts a ‘Street - Class 1’ and which can provide a point of ingress and egress that is adequate and safe; or

   (ii) Is a lot on a Registered Plan of Subdivision and a "Subdivision Agreement" is in effect with the "Subdivision Agreement" providing for the assumption of the ‘Street’ as a ‘Street - Class 1’ upon completion of the subdivision; or
.2 No person shall erect any building or structure, or increase the height, size or volume of existing structures, on any Lot in any Zone which derives its vehicular access from a ‘Street - Class 2’, ‘Lane’ or ‘Private Street’ unless the owner of the Lot upon which such building or structure is to be erected or increased in height, size or volume has entered into a ‘Limited Service Agreement’ with the Corporation.

Properties that have access onto Class 1 Streets are ‘eligible’ for a building permit. Properties that only have access onto a Class 2 Streets, Lane or Private Road are only ‘eligible’ for a building permit after they enter into a Limited Service Agreement (LSA) with the Municipality.

Class 2 Streets are defined as a Street that: i) has not been assumed by By-law by the Corporation; or ii) that is not maintained on a year round basis by the Corporation; or iii) that does not receive municipal services such as snow removal, garbage collection etc. on a year round basis; or iv) does not receive any municipal services such as snow removal, garbage collection etc.

The requirement for a LSA is very similar to the process for these types of streets under the rule of the current By-law.

All Streets have been reviewed by municipal staff in order to ensure that the Street is properly classified.

4. Greenough Harbour (Decks)

The Draft By-law proposes to add ‘Decks’ as a Permitted Use in the Environmental Hazard Special (EH-2002-43) Zone for Greenough Harbour.

The Greenough Harbour development was subject to an Ontario Municipal Board (OMB) hearing. As part of the settlement of the appeal the Conditions of Draft Approval included the requirement that an environmental management plan for the 30 metre setback zone measured from the dripline of the trees at the waters edge be prepared and implemented. The Environmental Protection Plan that was completed, peer reviewed, approved and registered as a restrictive covenant against the lots in Greenough included a clause that noted that a small 12 x 20 (feet) deck would be suitable:

“Buildings, infrastructure (septic systems, etc.) or formal landscaping are prohibited from the setback zone and must be confined within the building envelope. A small deck may be allowed between the shoreline and the beginning of the 30 metre setback but will be restricted to locations lakeside of the drop line. The maximum allowable dimensions for the deck will be 12 x 20 (feet).”

[Greenough Harbour Environmental Protection Plans – Restrictive Covenants (30 metre setbacks). page 18]

Concerns have been raised that decks along the shoreline in this location could/would impact on the lakeshore of Greenough Harbour where it has been shown that significant plants and/or animal species exist.

It is my opinion that the proposed regulations governing the size, height etc. for ‘decks’ as outlined in the site specific ‘EH-2002-43’ zone for Greenough Harbour area reflects the intent of the Greenough Harbour Environmental Protection Plan.

5. Boathouses (Great Lakes and Inland Lakes)

The Draft By-law proposes to clarify the use of ‘Boathouses’ as a Permitted Use in the Environmental Hazard (EH) Zone. A Boathouse would be treated as an Accessory Use and subject to floor area, height and location restrictions as set out in Section 3.6.7 of the By-law. Concerns have been raised from two perspectives:

a) The rules are too restrictive and boathouses should be allowed to be taller and larger so that people can sit on the roof if they want and see the sunset and also have more room to work on their boats and motors within the structure;
b) Any additional structures like boathouses are an unneeded blight on the lakeshore landscape; pose a potential hazard if destroyed by wind and wave action; can impact on lakeshores where significant plants and/or animal species may exist.

It should be noted that many ‘boathouses’ are typically located at least in part on Crown land and the ‘owner’ would be required to obtain any necessary permits from the Federal or Provincial governments. While the Provincial Crown does allow these types of structures on public lands, the Provincial Crown has also recognized that a Municipal Zoning By-law can be used to provide regulations for the structures.

In comparison, the Draft By-law allows for larger boathouse than would be allowed today:

<table>
<thead>
<tr>
<th></th>
<th>Draft By-law</th>
<th>Existing By-law</th>
</tr>
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<tbody>
<tr>
<td>Maximum Building Height</td>
<td>5 metres</td>
<td>5 metres</td>
</tr>
<tr>
<td>Maximum Floor Area</td>
<td>37 m²</td>
<td>8 m²</td>
</tr>
<tr>
<td>Setback to abutting Lot</td>
<td>10 metres</td>
<td>10 metres</td>
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</tbody>
</table>

It is my opinion that the proposed regulations in Section 3.6.7 are adequate to address both the desire to have boathouses and the concerns over their impacts.

OTHER CHANGES IN THE BY-LAW

The following is a short list of some of the changes between the existing By-law and the Draft By-law and is by no means complete:

(i) New/revised Height limitations implementing the Tobermory Official Plan policies;
(ii) New/expanded residential uses permitted in some Commercial areas implementing the Official Plan policies;
(iii) Removal of ‘H Holding provisions from a significant number of properties and replaced with General Provision clauses or Site Plan Control;
(iv) Deletion of the RU2 zone and replacement with the RU1 or RU1-2013 zone;
(v) New zones in the Hamlets such as ‘Hamlet Residential’, ‘Hamlet Industrial’ and ‘Hamlet Commercial’;
(vi) Revisions to the Extractive Industrial zone;
(vii) Extensive list of new definitions;
(viii) New zone provisions (in chart format) for residential, commercial and industrial zones that will provide consistency across the entire municipality;
(ix) New addition of zone provisions for secondary suites in residential zones;
(x) Detailed zone provisions for development on partial municipal services and no municipal services;
(xi) Mapping of propane facilities including setbacks (no zoning implications);
(xii) Policies regarding storage, planting areas and green space for industrial and commercial uses in order to enhance the appearance of businesses.

It is impossible for the Planning Department to anticipate what a particular ratepayer would consider to be a significant change of policy from the current By-law to the Draft By-law. I can only recommend that ratepayers, if interested, undertake their own evaluation of the changes.

PUBLIC COMMENTS:

A ‘Summary Table of Public Comments’ regarding the Draft By-law and Schedules is found in Appendix ‘A’. The full set of Public Comments is attached in Appendix ‘C’.

We have noted in the Table where changes have been made to Schedules and/or text to address the concern(s) raised by the individual property owners.
For the most part the Public Comments are about the proposed ‘EH/EH-a’ zoning and about the process whereby ‘EH/EH-a’ has been determined.

**AGENCY CIRCULATION:**

The Planning Act requires public agencies to be provided with a draft copy of the comprehensive zoning by-law and associated zone schedules at least 20 days prior to the public meeting. The public agencies were circulated the Draft By-law and Schedules on July 30, 2013 and again in August. Below are the comments provided by public agencies:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Outstanding Agency Circulation Comments</th>
<th>Planning Department Comments</th>
</tr>
</thead>
</table>
| Ministry of Municipal Affairs and Housing | Please be advised that the Ministry has not undertaken a full One Window circulation to partner Ministries. While the comments represent the Ministry of Municipal Affairs and Housing’s interests with regard to the proposed amendment, it does not necessarily represent an overall provincial position on the matter. | Second Units  
The **Strong Communities through Affordable Housing Act, 2011** came into effect on January 1, 2012 and amended various sections of the Planning Act to facilitate the creation of second units by requiring municipalities to establish official plan policies and zoning by-law provisions allowing second units in detached, semi-detached and row houses, as well as in ancillary structures.

In addition to increasing the stock of affordable rental accommodation in an area, second units benefit the wider community in a number of other ways. Secondary units can:

1. Provide homeowners with an opportunity to earn additional income to help meet the costs of homeownership;
2. Support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver; and
3. Maximize densities and help create income-integrated communities, which support local businesses and the local labour markets, as well as make more efficient use of infrastructure.

Please note that Planning Act subsection 16 (3) states that, “an official plan shall contain policies that authorize the use of a second residential unit by authorizing,

(a) the use of two residential units in a detached house, semi-detached house or rowhouse if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains a residential unit; and

(b) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse if the detached house, semi-detached house or rowhouse

Second Units  
In general I agree with the comments that secondary units should be allowed in detached, semi-detached and row houses.

However, this typically assumes that these dwelling types are connected to full municipal services (water and sewer) and therefore can provide adequate sewage disposal and sufficient water without impacting on neighboring uses.

It is the lack of full municipal services, and in most cases even partial municipal services are not available, that makes me hesitate to recommend second units in all dwelling types.

If a Secondary Unit is proposed for an existing row house or semi-detached dwelling, a minor variance or zoning by-law amendment would be required. The application should include information that both the sewage disposal system is sized to handle the extra volume and that the water system can handle the extra volume without impacting on neighboring wells.

I recommend that the Secondary Unit policies remain unchanged.
contains a single residential unit."

The County of Bruce Official Plan as well as the Official Plan for The Tobermory and Lion’s Head Secondary Urban Areas and the Hamlet of Ferndale set out policies for allowing secondary suites in any detached dwelling, semi-detached dwelling unit, or duplex building in Residential designations, subject to several criteria.

Furthermore, Planning Act subsection 35.1 (1) states that, “the council of each local municipality shall ensure that the by-laws passed under section 34 give effect to the policies described in subsection 16 (3).”

Section 3.8.3 of the Draft Comprehensive Zoning By-Law of the Municipality of Northern Bruce Peninsula states that, “where listed as a Permitted Use (refer to “Uses Permitted” sections of this By-law), a ‘Dwelling, Secondary Suite’ shall be permitted,” subject to several provisions.

Upon reviewing the “Uses Permitted” sections, it is our understanding that ‘Dwelling, Secondary Suite’ are only permitted in a ‘Dwelling, Single Detached’ in the ‘Residential Zone 1 (R1)’ zone.

It would be helpful if you could advise how these provisions meet the requirements of subsection 16 (3) and 35.1 (1) of the Planning Act, as noted above.

<table>
<thead>
<tr>
<th>Ministry of Municipal Affairs and Housing</th>
<th>Group Homes</th>
</tr>
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<tbody>
<tr>
<td>We note that subsection 3.35.4 of the Draft Comprehensive Zoning By-Law of the Municipality of Northern Bruce Peninsula prevents the establishment of a group home within 250 metres (820 ft.) of an existing group home. This type of provision in a municipal zoning by-law has been considered by the Ontario Human Rights Commission. The OHRC recommends that municipalities remove minimum separation distances for certain housing types, such as lodging houses or group homes, from their zoning by-laws. More information on this can be found here: <a href="http://www.ohrc.on.ca/en/room-everyone-human-rights-and-rental-housing-licensing/avoiding-discriminatory-impacts-rental-housing-licensing">http://www.ohrc.on.ca/en/room-everyone-human-rights-and-rental-housing-licensing/avoiding-discriminatory-impacts-rental-housing-licensing</a></td>
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**Group Homes**

The Draft By-law has two definitions for Group Homes:

“GROUP HOME - TYPE ONE” means a building or structure in which not more than five (5) residents with special care needs such as: seniors, individuals who are developmentally and/or physically challenged or mentally ill, individuals requiring respite or convalescent care; live under responsible supervision consistent with the requirements of its residents. Residents do not include supervisory staff or a receiving family.

“GROUP HOME - TYPE TWO” means a building or structure in which not more than five (5) residents who have been placed on probation under the statutes of Ontario or Canada, who have been released on parole under the statutes of Ontario or Canada, individuals recovering from substance abuse, or who are admitted to the Group Home for correctional purposes reside.
Residents do not include supervisory staff. A Group Home - Type Two is licensed and/or funded under Federal or Provincial Statute and in compliance with applicable Municipal By-Laws. Section 3.35 of the Draft By-law prohibits the establishment of either a Type 1 or Type 2 within 250 metres of another Group Home.

I recommend that the Draft By-law be revised to remove the 250 metre setback between ‘Group Home - Type One’ only.

All other agencies circulated either indicated they did not have any comments or did not comment prior to the submission of this report.

RECOMMENDED FURTHER CHANGES TO BY-LAW:

Based on the comments received from ratepayers, the Province, staff and the County Planning Department the following changes are recommended to be included in the By-law (these changes have been included in the September 23rd version available on-line):

<table>
<thead>
<tr>
<th>#</th>
<th>Proposed Change</th>
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<tbody>
<tr>
<td>1</td>
<td>ADD to ‘Parking Section’ a requirement for visual screening:</td>
</tr>
<tr>
<td>3.26.12 Landscaping</td>
<td></td>
</tr>
<tr>
<td>i) Where, in any yard in any zone, any ‘Parking Lot’ or Off Street Parking Area which provides for more than four (4) parking spaces that abuts a lot in a residential zone, or a lot used exclusively for a residential use, a minimum landscaped area of 3 m (9.8 ft) shall be provided along the lot line(s) abutting such residential zone or use.</td>
<td></td>
</tr>
<tr>
<td>ii) Where, in any yard in any zone, any ‘Parking Lot’ or Off Street Parking Area which provides for more than four (4) parking spaces abuts a ‘Street’, then a landscaped area of a minimum width of 3 m (9.8 ft) shall be provided along the lot line abutting such ‘Street’.</td>
<td></td>
</tr>
</tbody>
</table>

NOTE: The current By-law already includes similar wording in Section 6.32.10 Landscaping

| 2 | REVISE the definition of ‘Height’ as follows: |
| "HEIGHT” when used with reference to a building or structure means a vertical distance measured between the ground surface ‘Grade’ to the highest point of a building or structure excluding any ornamental dome, chimney, tower, cupola, steeple, Place of Worship spire, water storage tank, electrical apparatus, television or radio antenna, etc., or structure required to house mechanical equipment for the operation of such building or structure. |

| 3 | REVISE the definition of ‘Grade’ as follows: |
| "GRADE” |
| (a) When used with reference to a building or structure, means the average finished ground elevation immediately adjoining the wall or walls in question or at the base of the structure exclusive of any artificial embankment. |

| 4 | ADD a new definition for ‘Lodge’ as follows: |
| "LODGE” means one main building and/or two or more buildings used primarily for the purpose of catering to the needs of the tourist and travelling public by supplying furnishings, sleeping accommodations, recreation and leisure facilities, staff accommodations and which may additionally include eating facilities. |

| 5 | REVISE the definition of ‘Structure’ as follows: |
“STRUCTURE” means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground or on water, and without limiting the generality of the foregoing, includes walls, floors, roofs, signs and billboards, private outdoor swimming pools, docks and decks on object designed and intended to float, but does not include hedges and fences or sewage disposal systems.

6 REVISE Section 1.5 Minor Variances as follows:

1.5 CONTINUATION OF EXISTING MINOR VARIANCES
.1 Notwithstanding Section 26.2 (Repeal of Former By-laws), all Minor Variances (Section 45 of the Planning Act RSO 1990 as amended) granting relief from the provisions of the former Municipality of Northern Bruce Peninsula Zoning By-law #2002-54 since ????? [insert date two years before passing this By-law], 2011 shall remain in force and effect BUT shall expire and become null and void two (2) years from the date on which the Minor Variance itself came into full force and effect the date of passage of this By-law. A building permit may be issued by the CBO provided that the terms and conditions of any decision of the Committee of Adjustment or the Ontario Municipal Board have been complied with.

7 ADD Decks and Boardwalk to ‘Permitted Uses’ in ‘EH’ Zone

8 ADD Special Provisions for Decks in the EH Zone as follows:

24.5 SPECIAL PROVISIONS - DECKS
i) One (1) deck per Lot shall be permitted;
ii) For the purposes of clause (i) above, a ‘deck’ is defined as a structure: no larger than 22.3 square metres (240 ft²) in size including any stairs/access ramps/platforms etc; constructed no higher than 61 cm. (24 in.) above the ground surface measured to the highest point of any part of the structure; with no permanent or semi-permanent roof or upper story/structure; with no railing, glass panels, or similar type of enclosure; erected no closer than 10.0 metres to any water body and erected no closer than 5.0 metres to a abutting Lot Line.

9 REVISE all references to ‘Water Lot’ to ‘Waterfront Lot’ throughout the By-law.

10 REVISE Definition of ‘Waterfront Lot – Inland Lake’ and ‘Waterfront Lot – Lake Huron/Georgian Bay’ as follows:

“WATERFRONT LOT - INLAND LAKE” means a ‘Lot’ with a ‘Lot Line’ that abuts an inland lake. Examples include, but are not limited to, the following: Cameron Lake, Gilles Lake, West Little Lake, Little Lake, Miller Lake, Shoulidice Lake, and Britain Lake. For the purposes of this By-law a ‘Lot’ that is separated from an inland lake only by a shore road allowance shall be considered a Water Lot – Inland Lake by a opened or unopened road or shore road allowance shall be considered a ‘Waterfront Lot – Inland Lake’.

“WATERFRONT LOT - LAKE HURON/GEORGIAN BAY” means a ‘Lot’ with a ‘Lot Line’ that abuts Lake Huron and its bay’s and Georgian Bay. For the purposes of this By-law a ‘Lot’ that is separated from Lake Huron and its bays and Georgian Bay only by a shore road allowance shall be considered a Water Lot – Lake Huron/Georgian Bay by a opened or unopened road or shore road allowance shall be considered a ‘Waterfront Lot – Lake Huron/Georgian Bay’.

11 DELETE definition of ‘Storey, Half’.

12 Mapping: DELETE all the ‘H – Holding’ provisions in the ‘C1‘ and ‘C1-Special’ zones in downtown Tobermory.

13 Mapping: REVISE from Class 2 to Class 1 Road that section of Dorcus Bay Rd shown as Class 2 and Borchardt Rd and Cape Chin North.

14 REVISE Section 3.20.4 ‘Setbacks to Lakes, Rivers and Drains’ as follows:
3.20.4 The requirements of Section 3.20.3 above shall not be applied to the expansion/enlargement of an existing ‘Principal Building or Structure’ or ‘Dwelling’ on a ‘Existing Lot’ ‘Waterfront Lot – Lake Huron/Georgian Bay’, where such expansion represents an increase in ‘Floor Area, Ground’ of 25% or less of the original structure and the expansion/enlargement is no closer to the water’s edge than the extent of the existing ‘Principal Building or Structure’ or ‘Dwelling’ provided that the expansion/enlargement is no closer to the water’s edge than the extent of the existing ‘Principal Building or Structure’ or ‘Dwelling’ and all building openings associated with the habitable floor area of the ‘Principal Building or Structure’ or ‘Dwelling’ are located at or above a minimum elevation of 179.1 metres G.S.C. (587.5 ft.) for lands adjacent to/abutting Lake Huron and 178.0 metres G.S.C. (583.9 ft.) for lands adjacent to/abutting Georgian Bay.

15 REVISE Section 3.35 Group Homes as follows:

3.35.4 There is no other Group Home – Type One or ‘Group Home – Type Two’ within 250 metres (820 ft.) of the proposed facility ‘Group Home – Type Two’ in any one direction; and,

PROVINCIAL POLICY REVIEW

Under Section 3(5) of the Planning Act, the Municipality “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS).

I have reviewed the PPS and relevant policies as identified in Appendix ‘B’ to this Report.

It is my opinion that the By-law must include the Provincially Significant Wetland mapping and the clauses/mapping related to lakeshore natural hazards in order to be consistent with the PPS.

OFFICIAL PLAN REVIEW

County of Bruce Official Plan

All Comprehensive Zoning By-laws must conform to the policies of the County Plan. The County Plan identifies a variety of land use designations within the Municipality of Northern Bruce Peninsula including:

- Secondary Urban Communities [Tobermory and Lions Head]
- Hamlet Communities [Ferndale, Stokes Bay, Miller Lake, Pike Bay, Spry, Barrow Bay]
- Prime Agriculture [Agricultural designation]
- Non-Prime Agriculture [Rural designation]
- Inland Lake [Miller Lake, Cameron Lake, Shouldice Lake, and Britain Lake]
- Major Open Space
- Travel Trailer Park and Campground
- Rural Recreational
- Special Policy Areas [Dyers Bay and Lakewood]
- Environmentally sensitive land uses [Hazard designation]

The County Plan sets out detailed polices on: the permitted uses within each of these land use designations; the criteria for development; the criteria for severance; and also provides mapping indicating the location of the various land uses.

The Zoning By-law must then implement these County OP policies through the General Provisions and the specific Zone Provisions sections of the By-law.

It is the County Official Plan that sets the minimum lot areas and setbacks to the water in the Rural Recreational (the Lake Huron/Georgian Bay areas) and the Inland Lake areas of the Municipality. These are policies that all municipalities in the County of Bruce must follow unless they have undertaken site specific studies that indicate the policies can be different.

The Zoning By-law must implement the specific policies of the County of Bruce Official Plan in order for the By-law to be in legal conformity with the County Official Plan. It is my opinion that the By-law must
include the Hazard land mapping and the clauses/mapping related to lakeshore natural hazards in order to be consistent with the County OP.

Official Plan for Tobermory and Lion’s Head Secondary Urban Areas and the Hamlet of Ferndale
The Comprehensive Zoning By-law must also conform to the policies of the local Official Plan. The Local Official Plan provides detailed policies to guide the physical, social and economic development of the urban settlement areas of Tobermory, Lion’s Head and the Hamlet of Ferndale.

Similar to the County of Bruce Official Plan, the Local Official Plan sets out detailed polices on the permitted uses within each land use designation, criteria for development, and also provides mapping indicating the location of the various land uses. The provisions, setbacks, lot sizes etc. in the Draft By-law will implement these policies as required by the Planning Act and by the Official Plan.

It is the Local Official Plan that established the ‘Natural Area’ designation, established the maximum heights for building in Tobermory, set the water and sewage servicing rules for lots within Tobermory, Lion’s Head and Ferndale, establishes’ the severance policies and the permitted uses allowed in various parts of the local Plan area.

The Zoning By-law must implement the specific policies of the local Official Plan in order for the By-law to be in legal conformity with the local Official Plan. It is my opinion that the By-law must include the Natural Areas mapping in order to be consistent with the Local OP.

SUMMARY/CONCLUSION:

The Draft By-law as revised and associated Schedules as presented in this Report are consistent with the Provincial Policy Statement and is conforms with the County of Bruce Official Plan and the Official Plan for the Tobermory and Lion’s Head Secondary Urban Areas and the Hamlet of Ferndale. By necessity, the Draft text includes policies that address natural heritage and natural hazard features and the Draft schedules illustrate where these features are located within the Municipality.

Based on the Public Comments it is an understatement to say that concerns have been raised over the Environmental Hazard (EH/EH-a) mapping component of the Draft By-law and the setback requirements to the Great Lakes and Inland Lake areas. In many ways this process has galvanized the public to take a look at what their properties are currently zoned and what the Draft By-law proposes and secondly to understand the role the Provincial Policy Statement and the County and Local Official Plans play.

However, the removal of, or adjustment to, ‘EH/EH-a’ zoning lines or the 100 year flooding policies should only be done after a review/analysis by a qualified consultant.

If the Municipality agrees to undertake a review/analysis as set out in the Recommendations, with the intent of implementing the Recommendations at its conclusion, I am of the opinion that the By-law should move forward for final approval. For Councils information attached at Appendix ‘D’ is a Draft of Schedule 1 showing how the ‘EH’ from By-law 2002-54 would be brought forward.

Respectfully submitted

David M Smith, RPP, MCIP
### APPENDIX ‘A’
**‘PUBLIC COMMENTS SUMMARY TABLE’**

<table>
<thead>
<tr>
<th>Name</th>
<th>Concern</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Kevin Doyle</td>
<td>Doesn’t want the zoning of his property changed</td>
<td>Zoning changed back to RU1</td>
</tr>
<tr>
<td>2 Glenn Aishford</td>
<td>Oppose zoning change</td>
<td>Zoning changed to RU1</td>
</tr>
<tr>
<td>3 Debbie Thornton</td>
<td>Wants additional info</td>
<td></td>
</tr>
<tr>
<td>4 Matt Dolson</td>
<td>Size of boathouses too small</td>
<td>No change Draft Boathouse provisions are larger than current by-law</td>
</tr>
<tr>
<td>5 Timothy Mitchell</td>
<td>Water access only lots on Miller Lake</td>
<td>No change Lot owners must address parking and dock access</td>
</tr>
<tr>
<td>6 Maggie Vaivods</td>
<td>Supports in general the need for an EH</td>
<td></td>
</tr>
<tr>
<td>7 John Zehr</td>
<td>Placement of vacation trailers</td>
<td>No change Issue is not regulated through the Zoning By-law</td>
</tr>
<tr>
<td>8 Brian MacIntosh</td>
<td>Discrepancy in road classification</td>
<td>Roadway classification determined by Municipal staff</td>
</tr>
<tr>
<td>9 Judith Blackburn</td>
<td>EH concerns on multiple properties</td>
<td>No change Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
</tr>
<tr>
<td>10 Kathy Sellers</td>
<td>House/camper trailers on waterfront</td>
<td>No change Issue is more appropriately regulated though other legislation</td>
</tr>
<tr>
<td>11 Wayne Myles</td>
<td>EH designation</td>
<td>No change EH in Draft By-law same as current EH in By-law 2002-54</td>
</tr>
<tr>
<td>12 Brian Liverance</td>
<td>Remove EH</td>
<td>No change EH in Draft By-law same as current EH in By-law 2002-54</td>
</tr>
<tr>
<td>13 Michael Lee</td>
<td>Opposes EH</td>
<td>No change Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
</tr>
<tr>
<td>14 Ron Cunningham</td>
<td>Opposes EH</td>
<td>No change Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
</tr>
<tr>
<td>15 Gordon Ottewell</td>
<td>Remove EH</td>
<td>No change Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
</tr>
<tr>
<td>16 Kathy Tyndall</td>
<td>Remove EH</td>
<td>No change Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
</tr>
<tr>
<td>17 Elizabeth &amp; Jeremy Thorn</td>
<td>Remove permission for decks at Greenough</td>
<td>No change – By-law reflects OMB decision and proposes adequate controls</td>
</tr>
<tr>
<td>18 Bonnie &amp; Ken Lendrum</td>
<td>Remove permission for decks at Greenough</td>
<td>No change – By-law reflects OMB decision and proposes adequate controls</td>
</tr>
<tr>
<td>19 Mary Houston</td>
<td>Decks at Greenough – Results of ‘vote’ regarding decks</td>
<td>No change – By-law reflects OMB decision and proposes adequate controls</td>
</tr>
<tr>
<td>20 Ken Clark</td>
<td>Remove permission for decks at Greenough</td>
<td>No change – By-law reflects OMB decision and proposes adequate controls</td>
</tr>
<tr>
<td></td>
<td>Name</td>
<td>Issue</td>
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<tr>
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<tr>
<td>21</td>
<td>Kathleen &amp; Craig Miller</td>
<td>Remove permission for decks at Greenough</td>
</tr>
<tr>
<td>22</td>
<td>Mary Rouse</td>
<td>Remove permission for decks at Greenough</td>
</tr>
<tr>
<td>23</td>
<td>Belan-Caslick</td>
<td>Tobermory EH</td>
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<td>Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
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<tr>
<td>24</td>
<td>Bruce Liverance</td>
<td>Remove EH</td>
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<tr>
<td>25</td>
<td>Michael Lee</td>
<td>Remove EH</td>
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<tr>
<td>26</td>
<td>Ron Cunningham</td>
<td>EH Concerns</td>
</tr>
<tr>
<td>27</td>
<td>Gordon Ottewell</td>
<td>Remove EH</td>
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<tr>
<td>28</td>
<td>Linda Ward</td>
<td>Remove Holding</td>
</tr>
<tr>
<td>29</td>
<td>Linda Weatherhead</td>
<td>General questions re: retail use</td>
</tr>
<tr>
<td>30</td>
<td>Stevan &amp; Julie Nedin</td>
<td>EH Concerns</td>
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<tr>
<td></td>
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<td>All of the lot is designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
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<tr>
<td>31</td>
<td>Janice Eckenswiller</td>
<td>General questions re: R2 to LR</td>
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<td>Mary-Anne De Vries</td>
<td>EH Concerns</td>
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<td>Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
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<tr>
<td>33</td>
<td>Elizabeth Burley</td>
<td>EH &amp; setbacks</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EH staying same as By-law 2002-54; New EH-a recognizes Provincially significant wetland</td>
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<tr>
<td>34</td>
<td>Carol &amp; Dan Service</td>
<td>Access at end of Widgeon Cove Rd</td>
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<td></td>
<td></td>
<td>Issue is not regulated by Zoning By-law</td>
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<td>35</td>
<td>Tyler Robins</td>
<td>EH Concerns</td>
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<td>All of the lot is designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
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<tr>
<td>36</td>
<td>Dwight Turner</td>
<td>Height, lot coverage and other concerns</td>
</tr>
<tr>
<td>37</td>
<td>Carol Anne Wilson</td>
<td>Opposes EH</td>
</tr>
<tr>
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<td>Part of lands are designated Natural Areas in Local OP. No development permitted in Natural Areas – EH zoning is appropriate.</td>
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<tr>
<td>38</td>
<td>Mary Kelly</td>
<td>Remove Doerr Rd from map</td>
</tr>
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<td></td>
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<td>Doerr Rd is a private road but also provides access to more than one lot. Roadway needs to be classified for building permit purposes</td>
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<tr>
<td>39</td>
<td>Paul McLoughlin</td>
<td>Class 1 road</td>
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<td>Classification of roadway determined by municipal staff</td>
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<td>40</td>
<td>Richard Stevens</td>
<td>Concern over LR policies for inland lake - reduction in building expansions when to close to lake</td>
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<tr>
<td></td>
<td>Name</td>
<td>Concerns</td>
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<tr>
<td>41</td>
<td>John Cameron</td>
<td>Oppose EH</td>
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<td>Nancy Rydall</td>
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<td>Mr &amp; Mrs Mielhausen</td>
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<td>45</td>
<td>Dale Lyons</td>
<td>Opposed By-law for all of Tobermory</td>
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<td>46</td>
<td>Angus Parsons</td>
<td>Requests restrictions on cottage rentals</td>
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<td>Robins/Gibbons</td>
<td>PD Planned Development concern</td>
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<td>Mark Summerfield</td>
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<td>Mr &amp; Mrs Golden</td>
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<td>50</td>
<td>Mr Van Lare</td>
<td>Opposition to entire By-law</td>
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<td>Mr &amp; Mrs Mcleod</td>
<td>Suggest that EH term a little harsh</td>
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<td>52</td>
<td>Robins</td>
<td>Oppose change to Height definition</td>
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<td>Kinart, Audrey Bernice</td>
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<td>54</td>
<td>Davis</td>
<td>Opposes sec. Regarding entry; EH questions and other</td>
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<td>55</td>
<td>O’Rourke</td>
<td>Concern that By-law is significantly different from existing with no rationale for change</td>
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<td>56</td>
<td>Whiting</td>
<td>Oppose change to the By-law</td>
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<td>Everatt</td>
<td>Oppose all changes to the By-law</td>
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<td>McArthur</td>
<td>Oppose EH on two properties and overall process</td>
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<td>Public Spaces, Parks and Open Space</td>
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<td>Long-Term Economic Prosperity</td>
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<td>Permitted Uses</td>
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<td>Lot Creation and Lot Adjustments</td>
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<td>2.3.5</td>
<td>Removal of Land from Prime Agricultural Areas</td>
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<td></td>
<td>2.4</td>
<td>Minerals and Petroleum</td>
</tr>
<tr>
<td></td>
<td>2.4.2</td>
<td>Protection of Long-Term Resource Supply</td>
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<tr>
<td></td>
<td>2.4.3</td>
<td>Rehabilitation</td>
</tr>
<tr>
<td></td>
<td>2.4.4</td>
<td>Extraction in Prime Agricultural Areas</td>
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<td></td>
<td>2.5</td>
<td>Mineral Aggregate Resources</td>
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<td>2.5.2</td>
<td>Protection of Long-Term Resource Supply</td>
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<td>2.5.4</td>
<td>Extraction in Prime Agricultural Areas</td>
</tr>
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<td></td>
<td>2.5.5</td>
<td>Wayside Pits/Quarries, Portable Asphalt Plants / Concrete Plants</td>
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<td>✓</td>
<td>2.6</td>
<td>Cultural Heritage and Archaeology</td>
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<tr>
<td>✓</td>
<td>3.0</td>
<td>Protecting Public Health and Safety</td>
</tr>
<tr>
<td>✓</td>
<td>3.1</td>
<td>Natural Hazards</td>
</tr>
<tr>
<td>✓</td>
<td>3.2</td>
<td>Human-made Hazards</td>
</tr>
</tbody>
</table>
Good morning David,

Re new zoning plan draft for NBP

I don't understand the process exactly but I have great concern with my property.

I am a farmer and a member of the Ont Federation of Agriculture for over 30 years. I bought that ~53 acre property as the remained of the original farm after the cottage lots were severed off in ~1958.

I do not want the zoning of my property changed from the RU1 that I bought as I obviously have agricultural plans for same.

I have already installed a $85,000 solar generating station thru the Agr co-op in Guelph and have start clearing the interior of the farm---where the soil is deepest and hence the biggest trees.

I note the other similar private properties (not Park or Crown)remain as RU1 as you move south alone the Dorcas Bay Road so there is no fair reason for me to be singled out.

Could you please change same?

Regards

Kevin
Please be advised that your letter has also been copied to David Smith, Senior Planner, County of Bruce Planning Department.

Mary Lynn Standen, Municipal Clerk
Municipality of Northern Bruce Peninsula
56 Lindsay Road 5, R. R. #2
Lion’s Head, Ontario N0H 1W0
Telephone: (519) 793-3522, X229
Fax: (519) 793-3823

Individuals who submit letters and other information to Council and its Committee should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the Municipality’s website.

Confidentiality Note: This email message and any attachments are intended only for the named recipient(s) above and may contain information that is privileged or confidential. If you have received this message in error, please notify the sender immediately and delete this email message from your computer. Please consider the environment before printing this message.

From: Kevin [mailto:kevind@bmts.com]
Sent: Saturday, August 17, 2013 10:54 PM
To: mayor.nbp@eastlink.ca; deputymayor.nbp@eastlink.ca
Cc: marylynn.nbp@amtelecom.net
Subject: Public Understanding of the proposed new zoning by-law

To Mayor, Deputy Mayor and Council;  

Dear Sirs and Madame,

RE Public Understanding of the proposed new zoning by-law

The current new zoning by-law planning process is proceeding and some changes are being made. As the advertisements for the “meetings” state the zoning changes affect everyone. Obviously a very significant document. However most citizens are not particularly skilled at picking out all the nuances re the proposed changes in the new bylaw.

Myself? I simply checked the new zoning maps for a few properties I own and was somewhat surprised to see one of my farms had been taken out of regular farming (RU1) and put into planned
development (PD) without my knowledge, notification or approval. This is being corrected but the process is faulty.

Can I suggest that what we need desperately is translation sheets that list by page number the changes between the old by-law and the new? This is standard procedure in Union Contract rewrites, A/C pilot manual rewrites, Nuclear Emergency Procedures rewrites, etc., etc.

I would think this should of be done from the beginning and it would have been a lot easier – but no sense in rushing ahead now and doing things without the citizens’ full knowledge – so I recommend we delay the various completion dates to give the Planning people time to effect this and time for the citizens and the Council to review in detail.

I know there will be protests but the last comprehensive by-law was some 12 years ago so we are well within any imagined timescale to add the required months. Further, I would say the onus is on the Planning Unit and the Municipalities to provide the information in the most understandable form possible for the citizens. Also I note that there are no presentations to explain what is going on at the “public meetings”.

I look forward to Council’s response.

Regards,

Kevin

Kevin Doyle
596-8540
Hello Mr. Smith,

I just spent sometime looking at the "Draft New Comprehensive Zoning By-law". I noted a change in the zoning designation on the piece of property that my wife and I own at 610 Dorcas Bay Road. The property in question is displayed on Zone Map 4 and is described as:

<table>
<thead>
<tr>
<th>Roll Number</th>
<th>410968000229300</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>610 DORCAS BAY RD</td>
</tr>
<tr>
<td>Legal Text</td>
<td>CON 5 WBR PT LOT 25 SEC CON; 5 WBR PCL 25-1 RP 3R1227; PARTS 5 &amp; 6 RP 3R2697 PART 2</td>
</tr>
<tr>
<td>Municipality</td>
<td>Northern Bruce Peninsula (St. Edmunds Township)</td>
</tr>
</tbody>
</table>

We purchased this property in 1985 and it was/has been zoned as RU1 ever since. I noted on the Draft New Comprehensive Zoning By-Law that the zoning on this lot has been rezoned from RU1 to LR (Lake Residential).

My wife and I oppose this change. Without going into details, we purchased this particular lot in 1985 with an eye toward our eventual retirement. Our plans would be allowed on land zoned as RU1 and are not necessarily allowed on land designated as LR.

This is a large lot and I have estimated that it totals approximately 19 acres, albeit a portion of land in this lot is zone as EH land. The land not zoned EH on this lot measures almost 15 acres.

Please register my opposition to this zoning change on this lot and please advise me what my next step in this process would be.

Thank you for your time.

Regards,

Glenn A. Aishford
Property Parcel Report for 610 Dorcas Bay Rd, St. Edmunds Township (Northern Bruce Peninsula)

Results of Parcel Query:

<table>
<thead>
<tr>
<th>Property Info</th>
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</thead>
<tbody>
<tr>
<td>Roll Number</td>
<td>410968000229300</td>
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<tr>
<td>Owner</td>
<td>AISHFORD GLENN ALAN AISHFORD BRENDA LEE</td>
</tr>
<tr>
<td>Civic Address</td>
<td>610 DORCAS BAY RD</td>
</tr>
<tr>
<td>Legal Text</td>
<td>CON 5 WBR PT LOT 25 SEC CON; 5 WBR PCL 25-1 RP 3R1227; PARTS 5 &amp; 6 RP 3R2697 PART 2</td>
</tr>
<tr>
<td>Municipality</td>
<td>Northern Bruce Peninsula (St. Edmunds Township)</td>
</tr>
<tr>
<td>Property Code</td>
<td>110 - Vacant residential/recreational land on water *</td>
</tr>
<tr>
<td>Structures</td>
<td>101 - Detached Garage</td>
</tr>
<tr>
<td>Assessment</td>
<td>Assessed Value: $177,500 2013 Property Tax: $1,731.34*</td>
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<tr>
<td></td>
<td>* For information purposes only. Please confirm with the Municipal Tax Collector.</td>
</tr>
<tr>
<td>Frontage</td>
<td>0 m (0 feet)</td>
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<tr>
<td>Depth</td>
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<tr>
<td>Area</td>
<td>4.86 ha (12 acres)</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>26 KENNEDY AVE TORONTO ON M6S 2X5</td>
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<td>Water Facilities</td>
<td>Unspecified service</td>
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<tr>
<td>Sewer Facilities</td>
<td>Unspecified service</td>
</tr>
<tr>
<td>Hydro</td>
<td>Yes</td>
</tr>
<tr>
<td>Site Access</td>
<td>Year-round road access</td>
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</table>

© 2013 County of Bruce
Assessment information provided by the Municipal Property Assessment Corporation (MPAC)
THIS IS NOT A LEGAL SURVEY DOCUMENT. Disclaimer at http://maps.brucenca.on.ca/disclaimer.asp
Report generated on Friday August 30, 2013 at 15:52:28
Mr. Smith:

Can you please provide me with some additional information regarding the New Comprehensive Zoning Bylaw – Northern Bruce Peninsula, in particular, the Environmental Hazard Zone areas being added to lake front properties. Could you please supply detailed answers to the following:

1. What is the definition of an environmental hazard zone?
2. Why are these environmental hazard zones being added to properties now when they were not in place in the past? What has changed?
3. Do restrictions apply only to the actual environmental hazard zone or are there setbacks from the environmental zone?
4. What are you allowed/not allowed to do/build/alter within an environmental zone or, if applicable, within the setback area?
5. From looking at the planning maps, each property seems to have a different depth of environmental hazard zone. How is this determined? How do you go about finding out the exact # of feet of environmental zone that is on your specific property?
6. What are the implications for existing docks, decks, etc. that already exist?
7. As having an environmental hazard zone on a property will decrease the value of the property, will Bruce County be dealing with MPAC regarding lowering the assessments of lake front properties should this environmental hazard zoning be approved?

I would appreciate a timely reply to the above questions so that I can prepare my written comments by the September 13th deadline.

Thank you,

Debbie Thornton
thornton@cogeco.ca
Dear Mr. Smith

Thank you for your rapid response.

I’d like to offer you a different perspective on the 2nd storey cottages with decks along the shore of Lake Huron. As a person builds higher often the wind makes it impossible to live there year round due to the heating bills and the constant roaring of the “gales of November”. I know of several retired people who live in the basement during the winter and close off the upstairs completely. So, as you know, one solution doesn’t suit all.

A low house back from the shore for winter protection with a boathouse to sit by down at the shore (with maybe a lookout on top) in the hot weather may not be such a strange idea after all? I come from Nova Scotia where this is done ---no local would be crazy enough to build by the sea---pioneers all put their house up on the road end of their seafront farms.

And, of course, I’m not sure we all like these huge 60 foot high monster houses with a view that are popping up along the shore lately and hiding the sun ha-ha.

But I see what you mean- we seem to live in a contentious society...

But beauty is in the eye of the beholder and the same people who think boat houses are a “blight” probably think jet skis should be outlawed and well as private wharves, fire engine red metal cottage roofs, – the list goes on.

The fact is that shoreline ownership etc. changed rapidly after the Tiny Township case where over 2,000 cottagers won their shore and the recent loss of Meaford against about 10 residents who also won control of their shore. So some care should be given as to what the owners want.

As I understand it the majority of complaints etc. on boathouses center in the Peterborough/Muskoka area and is a minimal issue on Lake Huron and Georgian Bay.

So I think it’s important not to tar every area with the same brush. There is little demand around Bruce due to the rough weather conditions ---but they can be used by some land owner to enjoy their property. And they have to be big enough for his boat—boats are not all 14 foot aluminum car toppers. And I would suggest some creature comforts and repairing facilities are par for the course.

Such boathouse design is historic and should be continued. That said, of course those 2 story 3000 square foot floating palaces they built east of Peterborough can’t be sustained but that doesn’t mean people in an area where they are rarely used should be restricted to almost a woodshed on stilts?

Thank you for your consideration.

Sincerely

Matt
PS Sorry for being so wordy but when someone calls the other man’s efforts a blight I get worried and dismayed— one wonders if such a commentator is sticking his nose in where it doesn’t belong and trying to control his neighbours? Like my grandfather once said: “If you didn’t buy the land you can’t control it.”

And one sometimes thinks that many of the new rules, By-laws and such made up in the last 20 years are due to the “vocal minority”. If this is so I think you would agree that obviously it shouldn’t be.

From: David Smith [mailto:dsmith@brucecounty.on.ca]
Sent: August-06-13 10:12 AM
To: ‘Matthew’
Cc: Jack Van Dorp
Subject: RE: new zone plan

Dear Mr Dolson

The issue of boathouses is somewhat contentious. There are many people who are of the opinion that these types of structures are a blight to the shoreline and should not be permitted.

The Planning Team however is however recommending to the Municipal Council that they be permitted but only in the circumstances as outlined in the Draft.

In fact, the Planning Team will be recommending a smaller size (square footage) for a boathouse in that is currently being discussed. I would recommend that you check the website towards the end of August for an updated Draft.

There are plenty of opportunities on many lakefront properties for decks and 2nd storey on cottages that would provide a fine view over the lake and the sunrise or sunsets that you have come to enjoy.

David M Smith
Senior Planner
County of Bruce
(519) 881-1782 Ext. 257

From: Matthew [mailto:matthewdolson@bmts.com]
Sent: August-04-13 10:31 PM
To: David Smith
Subject: new zone plan

Sir

I notice you have a new section on boathouses... it is a new section..

Suggest it is too restrictive? I had one near Belleville and the good ones have a place to pull the engine and work on it—a tool bench as it were? They have electricity to run the hoists to get the boat out of the water.
So there is lighting? Maybe a small fridge for welding rods and beer? You have to sit on a chair once in awhile if you are overhauling your engine.

And of course, a boathouse near lake Huron will have to be substantial – the cheap short structures often used on the inland lakes wouldn’t last.

I’m sure you get the idea.

Any thoughts?

(I see no reason why one can’t have a deck on the roof to catch the breezes etc.)

Sincerely

Matt
Good morning David

I realize you have a tough job being buffeted between citizens demands, staff requests, council mandates and provincial “guidelines’ however we fell we must speak to preserve any intrusions on private property especially when not asked for by the citizens. With respect to boathouses I like to note that,

The requirement of the MNR are” ...as a result of the Ministry of Natural Resources Land 2004 free use Policy property owners don’t need permits for structures occupying less than 14 sq. meter of lake bottom”

Some townships to the south have had a perceived problem with the over proliferation of boathouses.

We do not have such an issue in NBP and so “regulations” should not be copied from other townships and applied to us. There are very few boathouses built in this area due to the extreme weather conditions so essentially there is no problem---if you have a list of concerned citizens re this matter please let me know and I can produce a much larger list re the non-interference side of the discussion.

On another note such a bylaw goes against the spirit of the Rowntree Superior Court Decision in Tiny Township, that re affirmed property ownership to the ambulatory waterline of the Great Lakes. (—yes, some Government policies have not yet caught up to the law.)

I have no doubt someone may get, one or two complaints but that seems standard for cottage country? Indeed, local to Dorcas Bay there are many complaints due to the bright red steel tiled roofs about five property owners decided to use. However it has been gently pointed out that it is the property owners land and cottage and so it is his decision alone. So how far does this type of thing go? With respect I’d like to suggest that the Rowntree decision will eventually put the brakes on this unofficial move by some to “unclutter” the shoreline. Again this is defined as uncluttered in the opinion of others and by definition it is the opposite of the view of cottagers wanting to use their shore --- such use having come full circle in the last 20 years and being fully supported now by both the Federal Department of Fisheries and the Ministry of Natural Resources.

In terms of detail... the suggested height restriction of 16 feet won’t do much for my 30 foot boat which I would want to lift out of the water with straps and winches in the ceiling. Such a structure would be on one’s shoreline so it is common to pretty it up with a deck and maybe flagpoles. A work bench and electricity for repairing the engines would not be out of line, how about a couch to rest on while working as this is a retirement community. Sure—distances to lot boundaries are fine, no cooking rules maybe, but trying to conform the ‘h’ out of everyone, reduce the size until they are useless and reduce the utility until no one sees the use in building them smacks of an alternative agenda and should be stopped now.

Additionally the proposal lacks so much in detail that it would result in continual conflict in court which is something I think the Planning unit should seek to avoid on behalf of the citizens who will never be fully aware of what is going on? For example it doesn’t even list the reference point from
which this height restriction is measured from etc.

Please let me know if this can be done via yourself or if it should be put thru the Councillors? Note — no citizens or Councillors are aware of such an addition — and it hardly comes under the term of housekeeping.

Regards,

Matt Dolson

PS I hope there aren’t more items like this in the proposal — items that tend to circumvent the idea of citizen and Councillor input.

PSPS We observed your reference in a previous letter to someone calling boathouses blight. Well, beauty is in the eye of the beholder and I do note that the only reference we can find to that is a Charles Coffey who once used those words to describe the “..first step of a Muskokaization of Jack Lake...”. Hardly the same situation here?
Hi Dave, I am a property owner in the northern Bruce peninsula on Miller Lake, I own part lots 7&8 of lot 23. These lots are boat access at this present time, and have not had a road developed into the properties to this date. There were 12 lots subdivided years ago that were sold to the public as potential building lots. In this municipality under there comprehensive zoning bylaws they have a bylaw that stats under section 3, that no person shall obtain a building permit with out proper road frontage. Section 3.24 . You are listed as a contact under the new draft for any inquires or concerns to the comprehensive bylaw in place, or in the draft state. What would it take to get a special provision to our properties under the bylaw , and have that amendment change? Does this need to be addressed during the bylaw draft period? Can this be talked about with council at your meeting September 23rd as a concern to the bylaw for us 12 property owners on Miller Lake who feel trapped over this bylaw in place? I understand new development, and the reasons for the bylaws ect, but these lots have previously been created, and we pay taxes ect. Please advise

I sent Jack Van Dorp an email this Am after a brief discussion over the phone with him, with a list of questions concerning our properties, ect.

Thanks Tim Mitchell
Dear Mr. Mitchell

I have reviewed with Mr. Van Dorp the zoning of your lands (and your neighbours) on Miller Lake.

Considering the lack of roadway access we will not be recommending any changes to the zoning for these lands.

The properties would have to be reviewed, possibly site by site, in order to determine the proposed means of access/parking, plus issues regarding fire, waste disposal, sewage disposal etc.

This would be done through a site specific planning review and not during the current Comprehensive Zoning By-law process.

I would recommend that you contact Mr Van Dorp again to determine what application(s) and supporting information you would be required to submit. Please note that this is not an 'endorsement' of your proposal.

David M Smith
Senior Planner
County of Bruce
(519) 881-1782 Ext. 257

-----Original Message-----
From: MITCHELL Timothy(T) - BRUCE POWER [mailto:Timothy.MITCHELL@brucepower.com]
Sent: August-27-13 7:40 AM
To: David Smith
Subject: RE: Northern Bruce peninsula zoning bylaw

Hi Dave, do you have any information regarding my questions below? Please advise.

Tim

From: MITCHELL Timothy(T) - BRUCE POWER
Sent: Wednesday, August 21, 2013 10:48 AM
To: 'dsmith@brucecounty.on.ca'
Subject: Northern Bruce peninsula zoning bylaw

Hi Dave, I am a property owner in the northern Bruce peninsula on Miller Lake, I own part lots 788 of lot 23. These lots are boat access at this present time, and have not had a road developed into the properties to this date. There were 12 lots subdivided years ago that were
sold to the public as potential building lots. In this municipality under there comprehensive zoning bylaws they have a bylaw that stats under section 3, that no person shall obtain a building permit with out proper road frontage. Section 3.24. You are listed as a contact under the new draft for any inquires or concerns to the comprehensive bylaw in place, or in the draft state. What would it take to get a special provision to our properties under the bylaw, and have that amendment change? Does this need to be addressed during the bylaw draft period? Can this be talked about with council at your meeting September 23rd as a concern to the bylaw for us 12 property owners on Miller Lake who feel trapped over this bylaw in place? I understand new development, and the reasons for the bylaws ect, but these lots have previously been created, and we pay taxes ect. Please advise

I sent Jack Van Dorp an email this Am after a brief discussion over the phone with him, with a list of questions concerning our properties, ect.

Thanks Tim Mitchell
From: B. Vaivods [mailto:vaivods@sympatico.ca]
Sent: August-30-13 10:40 AM
To: Bill Jones; Milt McIver; B. Vaivods; John Bainbridge
Subject: Response to zoning changes

I regret that I do not have more precise information to refer to as I write this comment with regard to zoning bylaw changes. However, based on information I have read on John Bainbridge's blog I would like to add my thoughts.

It seems that there is opposition to some new Environmental Hazard designations along shorelines which have angered people who feel their property values or potential for development may be endangered. This is a predictable response and understandable. I hope, on the other hand, that council will not bow easily to this perspective. There is a growing bank of knowledge promoting the idea that protected buffers along shorelines is the best chance for maintaining a high quality of water in our lakes and streams. Without political 'interference' in private activity there is a very good chance that immediate gain will have serious negative impact on the long term health of our treasured natural resources. It is not in the interest of the citizens of the Northern Bruce, both present and future, that Council consider only the angry concerns of some stakeholders. I hope you will also weigh the perspective of those of us who support the preservation and enlargement of Environmental Hazard protections.

Maggie Vaivods (also a stakeholder)
August 13, 2013

Mr. David Smith, CMIP., RPD,
Senior Planner,
Courty of Bruce Planning & Economic Development Office,
30 Park St., PO Box 848,
Walkerton, On N0G 2V0

RE: New Comprehensive By-Law and Property Zoning Review

Issue: Storage of Trailers on Waterfront Properties

Dear Mr. Smith:

Notice appeared in the Bruce Peninsula Press of an open house to convey information for the upcoming by-laws and property designation guidelines that are planned to be made at a Bruce County level. While I am unable to attend either open house, I thank you for allowing me to take an opportunity to provide input to the review process.

Specifically, I am hopeful that at a planning and by-law level, consideration could be given to establish guidelines for the placement, storage or use of residential or camping trailers on waterfront properties.

I own and occupy a seasonal residence in the Municipality of Northern Bruce Peninsula on Warner Bay, Tobermory. Directly across from my cottage on the opposite shore is the placement of a large vacation trailer. It is broadside to the shoreline, on the beach, in front of the owner’s home. It has been there
continuously for at least 6 years. Lovely if you stay in the trailer to be beside the water, but an unnatural eyesore if you are all the other residents on the bay who endure the change to the natural beauty of the tree and shore-scape.

Last year I made a complaint with the NBP by-law office as at the time I believed it was against by-laws to place a trailer in such a fashion. I since learned that there can be a debate as to what constitutes “front yard vs back yard”, be it the view of the Planning Act or the view of the waterfront property occupier. Further, I learned the current by-laws, for all intents and purposes, address municipal concerns that it is undesirable for property owners to place a habitable trailer on a building lot for seasonal occupancy with no intent to secure a building permit to subsequently construct a residence in a timely manner. It therefor appears legal then, for someone to simply park their trailer on their own land where they occupy a residence dwelling. I don’t disagree that people should be allowed to park their trailer on their land. They have to be able to park them somewhere.

From 460 Eagle Road, Tobermory, I took this photograph last month from the shore of my cottage directly across from this one. It clearly shows the reference of the trailer I am making. Surely it could be agreed that it is undesirable that property owners be permitted to store a vacation trailer in such a fashion. The placement of the trailer is obviously attracted to the waterfront. It is my view, and that of many neighbours, that the trailer is a detriment to a quality standard for pride of ownership and
presentation that the rest of the property owners attempt to maintain. What is to stop the next property owner from also storing their trailer on the shore, and so on. This person even verbally stated his grand kids stay in it when they visit.

As the County reviews its by-laws relative to the placement of vacation or camping trailers, I respectfully ask that consideration be given to producing a by-law that prohibits the parking or storage of such trailers on the waterfront. As far as I can determine, this trailer currently complies with all by-laws, with the exception of occasional occupancy, which no doubt would be denied by the property owner.

I thank you and your office for your attention to this point.

Yours truly,

John Zehr

C.C.

Mary Lynn Standen,
Municipal Clerk,
Municipality of Northern Bruce Peninsula,
56 Lindsay Road 5, R.R. #2,
Lion's Head, On NOH 1W0
Dear Mr. Smith,

We are concerned residents in the Island View Road area. With the proposal of the Zoning By-Law Amendment, it is important to us to correct the portion of the Zoning Map #14, relating to the road classification of Island View Road. As the letter below indicates, winter maintenance of Island View Road has been a reality for over 25 years. Yet the Class 2 is being applied to the road. The road has the typical 66 ft road allowance, is reasonably level and has permanent residences on it. There is sufficient room for a turning radius at the end if that was necessary. There was apparently one in the past. Other roads in the immediate area, as noted below, are Class 1 roads and do not have a turning radius.

Please correct this discrepancy in road classification as the proposed zoning amendment moves forward.
Attached is the letter from the concerned residents in the area.

If you have any questions, please contact me by email of the phone numbers listed below.
Thank you in advance for your assistance.
We look forward to your reply.

Best regards,
Brian Macintosh
brianjmacintosh@gmail.com
Chemical Engineer
705 435 5000 Office
647 298 5300 Cell
519 793 4944, NBP
David Smith at dsmith@brucecounty.on.ca.
MUNICIPALITY OF NORTHERN BRUCE PENINSULA
c/o COUNTY OF BRUCE PLANNING DEPARTMENT
Box 848, 30 Park Street, Walkerton, Ontario N0G 2V0  T: 519-881-1782 Walkerton Office Toll Free: 1-
877-881-1291  Fax: 519-507-3030 Chris LaForest, MCIP Director

REQUEST FOR AGENCY COMMENTS
PROPOSED ZONING BY-LAW AMENDMENT (Section 34, Planning Act, 1990)
The Municipality of Northern Bruce Peninsula proposes to replace the
current Comprehensive Zoning By-Law #2002-54. The new
Comprehensive Zoning By-law will provide detailed land use regulations
and mapping to facilitate decision making by Council, public agencies
and private interests with regard to the use and development of land
within the Municipality

Mr. David Smith,
We are the residents of Island View Road and adjacent area. It has come to our attention
recently that Island View Road has been deemed a Class 2 road. This is shown on Map #14 in
the draft zoning document.

The designation of a Class 2 road prescribes that no winter maintenance occurs on that class of
road, we understand.

As there are 5 residences on Island View Road, and winter plowing can be certified to have
occurred on Island View Road for decades, it is important that the revised Zoning By-Law be
changed to reflect the long term practice of a Class 1 classification for Island View Road.

Snow plow operators or the contractor, Liveance Haulage, can attest to the fact that Island View
Road has had winter maintenance over the last 2 decades.

Although there is sufficient room for a turning radius there is not effective turn radius at the lake
end of Island View Road. But this should not be an issue as other Class 1 roads on the zoning
map do not have turning radius at the lake end of the roads.

These class 1 roads in the Pike Bay Whiskey Harbour areas without turning radius include:
Mamnor St., Julian Dr., Little Pike Bay Rd., Stewart’s Pt., Sandy Dune Rd.,

signed:

Brian McIntosh 25 Island View Rd.
David Young 5 Island View
Paul McLaughlin 22 Island View Rd.
Carol Winter 26 Island View Rd.
George Drew 26 Island View Rd.
David Trimble 12 Island View Rd.
Jim Mathews 36 Peninsula St.

519.793.4944 519.793.4944 793.793.793 793.793.793 793.793.793 793.793.793

I
Re: New Comprehensive Zoning By-Law, relating to Road Classification of Island View Road

September 3, 2013.
To Northern Bruce Penninsula Municipality Council,

I, Brian MacIntosh, am the owner of 25 Island View Rd, North Bruce Penninsula. I will be attending, with other residents, the public meeting on September 23, 2013 to express my and our concerns for the current or proposed classification of Island View Rd.

I purchased this property 10 years ago from the Kreller family, who had lived there for decades before. At the time of purchase, it was indicated by the previous owner that winter maintenace was provided if required to Island View Road. The neighbouring residents, the McLoughlins, at 22 Island View Rd, can also attest to that. When the Krellers or the McLoughlins did spend the winter on their properties on Island View Road, the road was plowed as required. It was also cleared in those early years of our ownership when we stayed for weekends at the cottage in the winter.

Island View Road has 2 segments to it. The east segment has been continually plowed in winter for the last 20+ years. The west segment, which approaches the lake, has been plowed as required. Even this past winter in November/December 2012, the west segment was plowed several times. As the residences were not going to be used that winter, one of the neighbours advised the plowing group that the road would not be used for the rest of the winter, and no need for plowing, saving some time and effort for the plowing crew.

We have owned 2 properties in Northern Bruce, the Island View property and a property on Fowlie Road. The Fowlie property had considerable improvements made to it since we purchased the property in 2002, adding to the tax base of the municipality. This was going to be our permanent home, once we sold our farm in the Alliston area. But in this summer, our Fowlie property was sold. Similarly, we now want to expand our property at 25 Island View with a substantial investment, again adding to the tax base for the municipality.

Our investigation in July, with Wendy Elliott of NBP Building Department, of the limitiations of building size and setbacks, brought forward the apparent fact that Island View Rd was zoned Class 2 which implied that no winter maintenance would occur on Island View Rd. Any building permits to be issued would require a No Demand for Service Agreement (NDSA) prior to the issuance of a permit. And that Agreement would be applied to the land title. This Class 2 classification and the NDSA requirement were a complete surprise to myself and as well to other residents in the area.

A NDSA reduces the apparent value of the property, the future saleability and also the potential for banks or insurance companies to mortgage or insure a property having no winter maintenace and service.

Island View Road, both east and west segments, have been winter maintained for decades and the Class 1 zoning of the road should be applied to reflect the long standing practice by the municipality. I will present other residents or documentation at the public meeting to also attest to this fact.

Schedule 15 of the revised plan now shows the east end of Island View Rd. as Class 1, while keeping the west lake approach side as Class 2.
Re: New Comprehensive Zoning By-Law, relating to Road Classification of Island View Road

This lake approach portion of Island View Rd has:
- only 100 meters in length
- the 66 ft road allowance
- 3 residences currently fronting the road
- no current turning radius but room at the end is available
- been winter maintained as required in the past.
- no signage that has indicated there is no winter maintenance on any part of Island View Rd.

The criteria for road classification seems to be very arbitrary for the following reasons, facts and questions.

1/ Why has the east portion of Island View Rd. now been changed in the revision but not the west portion?

2/ If a turning radius is the criteria, other lake approach or segments of lake approach roads do not have turning radius. These specific Class 1 roads which do not have turning radius include:
- Little Pt Rd and Manfor St in Schedule 14.
- the lake approach portion of Julian Dr., Fraser Rd., Stewart's Point Road, Poplar Cr., portion of Sunrise: Dr. and Sand Dune Rd on Schedule 15.
These are all defined as Class 1! Why not Island View?

3/ If the number of residences is the criteria, there are 3 current residences on the lake approach portion of Island View. 2 residences also on the east end which is proposed to be reclassified. On Manfor St., there are 4. On the lake portion of Julian, there is 1. Other Class 1 roads in schedule 13, Huron St. has 0 residences. In Schedule 12, Braun Cres. has 1 residence and is a Class 1. Bellmore Lane is 200 m long, has 1 residence and is a Class 1. Huron St. in Schedule 12 was shown as a Class 2 road until the final revision. Now it is a Class 1 road, 500 m long and no residences on it. In Schedule 12, it also shows an east portion of Hawes Rd. which is actually Pike St.
Why the lack of some form of standardization?

4/ If road length of roads without turning radius is an issue, the Island View lake portion is 100 meters long, similar in length to Manfor St, Sunset Dr. and Julian Dr. lake approach. Little Pt. Rd. is a little longer. The other Class 1 roads, Stewart's Point, Fraser Dr., Poplar Cr., Sunset Dr. and Sand Dune Rd, are much, much longer in length.

5/ The only other road in the Whiskey Harbour area which is Class 2 is part of Allan Lane which is not much more than a bicycle path. No comparison at all to the west end of Island View Rd.

6/ Dune St. in Schedule 13 is shown as a Class 2 road. It has signage which indicates there is no winter maintenance and it has zero residences. This makes sense!

7/ The tax rate applied to the Island View Rd properties are identical to the rate applied to my Fowlie property, which is a Class 1 road. As well, other properties in the Whiskey Harbour area have this same tax rate. A Class 2 designation means fewer services. Hence it should mean lower property taxes. That is not the case for the Island View properties.

In summary:
Re: New Comprehensive Zoning By-Law, relating to Road Classification of Island View Road

- Island View Rd, East and West portions, has been provided winter maintenance over the years in spite of the current Class 2 classification. Documentation or other concerned residents will be presented at the public meeting. The zoning review has determined the inaccuracy of the zoning on the east portion of Island View Rd and has suggested it to be a Class 1 road in the revision of the zoning by-law. Whatever the reasoning behind that change in zoning should also be applied to the west portion. If the reasoning was because there is 1 permanent resident on the east portion, and the west portion are currently more seasonal, it is a discriminatory logic because we pay the same tax rate and should be provided similar services, if required.

- The west portion of Island View Rd. is identical in nature to other Class 1 roads.

- Class 1 classification will allow substantial financial improvement of my residence, improving the tax base of the municipality, and likely others in the area. Signing the NDSA takes away services which have been provided, including road maintenance and more importantly emergency for fire, ambulance and police. Signing the NDSA would reduce property value, creates issues for mortgaging and for insuring the property adequately.

- The revised classification of Island View Rd (all of it) should reflect the road maintenance practice and service by the municipality over the past decades.

This stage of the New Comprehensive By-Law review is the ideal time to fix this inaccuracy in the original Zoning By-Law. Please provide me with written notification once the revised By-law has been adopted.

I can be reached at:
Brian MacIntosh
25 Island View Rd.
Northern Bruce Peninsula.
519 793 4944

or
6221 County Rd. 15, RR #1,
Everett, Ont. L0M 1J0
705 435 5000

Respectfully submitted,

Brian MacIntosh.
Dear Sir:

I am writing in response to your very recent invitation for comments on the proposed new Comprehensive Zoning Bylaw for the Municipality of North Bruce Peninsula.

I just learned of this on August 20, 2013 and note that the deadline for comments is August 27, 2013.

I am submitting the following comments and questions without prejudice to my right to submit such further and other questions, comments and materials with regard to this matter as may be determined by my advisors or me and to take whatever steps may be appropriate as this matter progresses.

I am the sole owner of the following properties in the immediate Tobermory area and I have included a brief description of the physical nature of each of these properties for your assistance.

Property #1: 237 Big Tub Road, Tobermory. Lots 31,32,33 Town Plot Bury. PIN # 4-360. Roll # 41 09 680 004 36000 0000. This property is on the north side of Big Tub Road and has 198 feet of frontage on Georgian Bay. It was improved in 2002 by the construction of a single family residence (our summer home) and a detached 2 car garage.

Property #2: no municipal address. Lots 20, 21 Town Plot Bury. PIN #4-312. Roll # 41 09 680 004 31200 0000. This property is on the south side of Big Tub Road and has 132 feet of frontage on Big Tub Harbour. It was improved in 2005 by the construction of a single slip cantilevered boathouse with the necessary approvals of the municipality and Parks Canada.

Also, I am one of the trustee of the estate of my late father, Alexander Haley Jeffery ("the Estate"). The Estate is the sole owner of the following properties in the immediate Tobermory area and, again, I am including a brief description of each property.
Property #3: 221/229 Big Tub Road, Tobermory. Lots 28, 29. PIN # 357. Lot 30. Pin # 358. Town Plot Bury. Roll #’s 41 09 680 004 35700 and 41 09 680 004 35800. This property is on the north side of Big Tub Road and has 198 feet of frontage on Georgian Bay. Over the years, it has been improved by the construction of a single family cottage (lots 28 and 29), and a detached guest cottage (lot 30) and a detached single car garage (also on lots 28 and 29). This property is used exclusively by my daughters, their families and guests.

Property #4: no municipal address. Lots 22, 23. PIN # 4-315. Town Plot Bury. This property is on the south side of Big Tub Road and has 132 feet of frontage on Big Tub Harbour. It was improved in 2010 by the demolition of an existing old 2 slip boathouse and the construction of a 58 foot long dock consisting of a fixed upper deck and a lower floating dock portion. This work was undertaken and completed with the consent and approval of both the municipality and Parks Canada.

Property #5: no municipal address. Lots 37, 38. PIN 4-273. Town Plot Bury. This property is on the north side of Big Tub Road and has 132 feet of frontage on Big Tub Harbour. At present, it is completely undeveloped. There are 2 old concrete casemates at the shoreline from a previous government dock which no longer exists.

My questions and comments with respect to the proposed new Comprehensive Zoning Bylaw as it relates to the five properties referenced above are as follows:

1. Purpose of the EH Environmental Hazard Zone. All 5 properties are similar in that the shorelines are rocky with the occasional stunted piece of vegetation. As well, all five properties are zoned R-1 Urban Residential and as such are subject to the restrictions as set out in the R-1 zoning. In the draft bylaw, all 5 properties have a strip of land adjacent to the water zoned with the new EH zone. WHY? If I wish to do anything that involves the water, I have to get the approval of Parks Canada. I can’t do anything on the land that is not permitted by the R-1 restrictions. There is nothing environmentally significant (i.e. vegetation, animal habitat etc.) on the EH designated portions of any of the 5 properties. If there is a report that states the EH designation should be applied to a shoreline strip of these 5 properties, could you please forward a copy of it to me as soon as possible or direct me as to how to access it on line.

2. Inconsistent designation of the EH zone. Prior to writing this letter, I reviewed the EH designated lands in Zone Map 35 and Zone Map 37. Specifically with respect to Zone Map 37, I direct your attention to the lots on the north side of Front Street between Highway 6 to the west and the ferry dock lands to the east. All of these lots are zoned C1-2013-C-H on Zone Map 37. I boat by all of these lots several times a week. There is no significant difference from a physical standpoint amongst any of these C1-2013-C-H designated lots. They are all rocky shoreline with some common shoreline vegetation. Yet, 2 of these lots in the middle of the series of similar lots designated C1-2013-C-H do NOT have the EH designation attached to them. WHY? Clearly, when a restrictive designation such as EH is attached to a property, the use and value of that property is decreased whether by a little or a lot. It would appear that a financial benefit has been conveyed to the owners of the 2 lots not affected by the EH designation along this portion of Front Street. WHY? One wonders if this might be considered discriminatory in the application of the EH designation on these lots which is contrary to land use planning principles.

3. Effect of the EH Designation on the shoreline portion of the 5 lots. At present, there are waterlines from the lake to property #1 and property #3. These waterlines cross the EH designated portions of property #1 and property #3. I have reviewed Section 24 Environmental Hazard (EH) in the draft bylaw. There is nothing in the EH provisions authorizing the continued use of these waterlines or authorizing waterlines across the EH designated portions of property #2, property #4 or property #5 should I or the next generation of my family wish to build cottages on any or all of these properties. Could you please address the issue of waterlines to cottages crossing EH designated land. Also, could you please advise me as to whether or not the EH designated lands can be utilized for activities such as fishing, swimming, or launching of kayaks. What about marine railways on EH designated lands to launch boats or PVC’s?!

4. My conclusion is that the EH designation of a strip of land along the shoreline is not necessary. Shoreline properties, whether they be residentially or commercially zoned are already subject to restrictions as to the use that can be made of these properties. In addition, Parks Canada and the MNR have to be consulted and satisfied whenever projects in the water are undertaken. I suspect the use of this new EH designation in the areas of Tobermory, Lions Head, and Fennville is an attempt by the municipality to restrict, if not prohibit, any further development in these 3 areas of the NBP. It may appear to some that the municipality is attempt-
ing to do something indirectly (i.e., prohibit future development) which it cannot do directly, (i.e., an outright prohibition of further development in these 3 areas of the NBP.) I am advised that this is in conflict with established principles of land use legislation.

5. I would therefore ask that the municipality consider removing the EH designation in the draft bylaw in general, and specifically, I ask that the municipality remove the EH designation with respect to property #1 and property #2 which I own and with respect to property #3, property #4, and property #5 owned by the estate of A.H. Jeffery. I refer to the 2 lots on the north side of Front Street as an example of your ability to exempt individual properties from the EH designation.

6. I look forward to your early reply to the questions and issues that I have raised in this letter and I welcome your comments with respect to the comments I have set out herein concerning this matter which is of great importance to all residents of the NBP.

Sincerely yours,

[Signature]

Judith Blackburn

c.c. Mayor McIver, Deputy Mayor Bainbridge, Councillor Burns, Councillor Stewart, Councillor Doyle
Hello

Thank you for your letter of August 21, 2013.

The proposed ‘EH’ mapping on the lots you identified in your letter is based on the “Official Plan for the Tobermory and Lion’s Head Secondary Urban Area, and the Hamlet of Ferndale” that was approved by the Council of the Municipality of Northern Bruce Peninsula on August 27, 2012.

The Official Plan is available through this link:


The mapping that accompanies the Official Plan is available here:

http://www.brucecounty.on.ca/assets/documentmanager/51d255b6b72db322b6f376d77156a3d8.pdf

You will note the ‘Natural Areas’ designation on your lands matches with the proposed ‘EH’ zone.

The ‘Natural Areas’ along the Lake Huron/Georgian Bay shoreline is part of a ‘Natural Hazard’ area as defined by the Province of Ontario in Section 3.1.1 of the Provincial Policy Statement [PPS] 2005 (as amended). In this case ‘natural hazards’ include “hazardous lands adjacent to the shorelines of the Great Lakes – St Lawrence River system and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards”.

The PPS is available at this link: http://www.mah.gov.on.ca/Page1485.aspx

For the Lake Huron shoreline from near Kincardine (South of the Bruce nuclear site) to the tip of the Bruce Peninsula the 100-year flood level estimate is 177.6 m relative to Geodetic Survey of Canada Datum (GSC) (Figure 3.9 and Table A3.1.1 in Part 3 - Flooding Hazard in (OMNR 2001)).

The flooding hazard as defined by the PPS along the shorelines of Great Lakes is the 100-year flood level estimate of 177.6 m relative to Geodetic Survey of Canada Datum (GSC) (Figure 3.9 and Table A3.1.1 in Part 3 - Flooding Hazard in (OMNR 2001)) plus a 15 metre allowance [measured horizontally from the 100 year flood level elevation] for wave uprush and other water related hazards.

David M Smith
Senior Planner
County of Bruce
(519) 881-1782 Ext. 257
Northern Bruce Peninsula
56 Lindsay Road
Lion’s Head, Ontario
N0H 1W0

Attention: Municipal Clerk

Dear Sirs:

Re: Bylaw Allowing House/Camper Trailers to be Parked on Waterfront

July 25, 2013.

I have been advised that the Municipality of Northern Bruce Peninsula is reviewing its bylaws. I would like to draw your attention to a current bylaw which I believe should be amended.

I have been informed that the bylaws currently allow an owner to park a camper/house trailer in the backyard of his home or cottage. The Bylaw Officer interprets "backyard" as the area furthest from the road and behind the house or cottage. This interpretation allows residents to park a trailer on the beach of their waterfront property.

I suggest that the bylaw be amended to prohibit the parking of trailers on the waterfront of a property. The reasons for this are:

1. The normal focal point of a waterfront property is the beach and this is considered the "front yard" of the property.

2. A trailer parked on the beach ruins the view of the waterfront for other residents, cottagers, boaters and tourists.

3. The purpose of the bylaw is to place trailers in a less visible part of the owner's property. The waterfront is considered by everyone to be the most visible part of a lot on the water.

4. Our tourism industry depends to a large extent on the idea that areas around Lake Huron and Georgian Bay are being conserved through the efforts of the national parks, residents and cottagers in our municipality. An unsightly trailer parked on the beach sends the wrong message.

I urge you to consider my request to amend the bylaw to no longer allow camper/house trailers to be parked on the waterfront of our lovely Lake Huron and Georgian Bay.

Yours truly,

Kathy Sellars
424 Eagle Road
Tobermory, Ontario

Cottage Phone: (519) 596 2019
Home Phone: (905) 878-5862
Mr. Dave Smith

Recently it has come my attention that a good portion of pt Lot 19 and 20 Con2W Eastnor has came under the EH designation to which I am quite concerned and am requesting that this property be removed or reviewed with regards to this designation and as per our conversation yesterday (Aug 20/13) this is a probability for 2014. The Roll#s I am concerned with are as follows 4109 620 004 10300, 4109 620 004 10340, 4109 620 004 10320, and 4109 620 004 10380.

Thank you
Wayne Myles
1398 West Rd
Lion's Head Ont.

519 793 3235
I would like the zoning changed on 765 West Rd to remove the 3100 sq ft limit and allow us to live on this property as soon as possible.

Name: Bruce Linneman
Contact Information: 765 West Rd, R.R. 1 Lion's Head, N0H 1W0
Comments Sheet for Zoning Open House

August, 2013

I wish to go on record as opposed to the "EH" designation and short list of allowed uses for this property designated as 53 Bay St. S. I am interested to know the process for returning this property to its' previous designated uses as well as expanding the list of allowed uses.

Thanks for your time/explanation today.

Michael Lee

Name

19 Mandarin Cres
Brampton, ON L6S 2S2

TEL: 905-791-7830

Contact Information
Comments Sheet for Zoning Open House

August, 2013

Maybe should take a look at the EH designation on lot 3 can 1. EBt. former Eastnor one half of the farm is clear & farmed while is pasture. a narrow strip along the municipal drain would be preferred.

On lot 3 Can 15 EBt. former Eastnor there should be no EH the municipal drain was moved off the property 30 yrs ago.

Name: Ron Cunningham

Contact Information: 519 534 2651
September 11, 2013

David Smith
Bruce County Planning
30 Park St.
Walkerton, ON N0G 2V0

Mayor Milt McIver
Municipality of Northern Bruce Peninsula
56 Lindsay Road 5,
Lion's Head, ON N0H 1W0

Mary Lynn Standen, Clerk
Municipality of Northern Bruce Peninsula
56 Lindsay Road,
Lion's Head, ON N0H 1W0

Dear Mr. Smith, Mayor McIver, and Clerk Standen,

I am writing to you today in regards to the new Comprehensive Zoning By-Law for the Municipality of Northern Bruce Peninsula. My property is located at Lot 3 and 4, Concession 2, E8R, Eastnor Township. With regards to the new updated zoning map a majority of my property is to be zoned as EH (Environmental Hazard). I am opposed to the prospective zone changes regarding my land.

I request to know in what year was the above named property zoned as E-H and RU1, and also who authorized this zoning?

I will be present at the Public Meeting to be held on September 23rd, 2013, at that time we can discuss this matter further.

Jannett Ottewell
Gordon Ottewell
624 Northacres Road,
South Bruce Peninsula, ON N0H 2T0
I would like EH off all my property. My family have owned it since 1936.
Lot 34  4  Con 2

41-09-620-008-00300-0000

Done

Name: Gordon Ottewell
Phone: 519-372-7469
Comments Sheet for Zoning Open House
August, 2013

I would like EH off or reduced on Con. 3 EBR Lot 4
Roll # 41-09-620-008-03400-0000

Name: Kathy Tyndall
Contact Information:
706 Spring Rd
Lion's Head, ON N0H 1W0
519-793-3453
September 11, 2013

Attention: David Smith at Bruce County Planning
Mayor Milt McIver, Mayor of Northern Bruce Peninsula
Mary Lynn Standen, Clerk at Northern Bruce Peninsula

Re: Lot 4 Conc. 3 EBR Roll # 4109 620 008 03400 0000 Please refer to attached Draft Map 16

Tax Class: FT – Farmland (98.60 Acres) Zoning: EH & RU1

In recent years my elderly Mother divided 1600 acres between her children, me being one of them. This property has been in our family since the 1950’s. My Father farmed the land and was in the process of clearing more of it and draining it when he passed away at an early age. My Mother paid thousands of dollars to have the municipal drain cleaned in 1975. From that time on my Mother rented out the 1600 acres to other farmers in the area.

My concern is that the property listed above has a lot of EH zoning on it, and the proposed changes, according to the draft that Bruce County has made for review by landowners of Northern Bruce Peninsula, shows that some of the land uses are changing. My plans for this land are to use it for mainly agriculture as well as being able to cut some firewood and posts for fencing. This would be in keeping with what it has been used for since my Father bought it. Your new draft for EH zones would not include Forestry as per our 2002 EH provisions.

I would also like to know what year the property was zoned EH and RU1 and by who’s authority.

Yours truly,

Katherine Anne Tyndall

Katherine Anne Tyndall
706 Spry Road, R.R.# 2, Lion’s Head, Ontario N0H1W0
519-793-3453
* Kathy Tyndall property.
From: Elizabeth Thorn [ethorn124@gmail.com] on behalf of Elizabeth Thorn [elizabeth@thorn.ca]
Sent: August-09-13 1:48 PM
To: David Smith
Cc: 'Kenn Lendrum'
Subject: FW: Decks at Greenough Photomontage
Attachments: Decks at Greenough - Photomontage.doc

Good Am David

The extensive Greenough Shoreline is for the most part untouched by human structures – preserved in its natural state for thousands of years. Unique.

The shoreline is habitat for species at risk, the globally rare drawf lake iris and the massasauga rattlesnake and quite likely other species as well as the shoreline has not been properly inventoried. It was the residents that identified the drawf lake iris for example!

Now imagine 60 decks strewn along it. One deck is not likely to have a significant ecological impact. However, as you know as a planner, cumulative impact is the key.

Why would we allow 60 decks?

Elizabeth Thorn

From: Jeremy Thorn [mailto:jer2063@yahoo.ca]
Sent: Friday, August 09, 2013 10:14 AM
To: Elizabeth Thorn ca
Subject: Decks at Greenough Photomontage

Jeremy Thorn
E-mail: jer2063@yahoo.ca
Telephone: +1 (519) 900-0352 (this is a VOIP internet-based telephone)
Cell Phone: +1 (519) 377-5166 (this is a local Bruce Peninsula number)
Fax: +1 (613) 822-5878
Dear Mayor McIver, Councillors Boyce, Jones, and Stewart, and David Smith,

Thank you for spending time in conversation with me last week at the Tuesday August 13th Open House on the Comprehensive Zoning Bylaw. After having asked for "comment sheets", I left realizing that I had not completed one.

This note is to register my objection to the proposed zoning bylaw revision that would allow for decks on the Greenough Harbour Shoreline.

Furthermore, I object to the lack of transparency and due process with respect to this particular bylaw. At the Open Houses, and even today on the web-site, the zoning bylaw continues to be written that decks will not be allowed: (EH-2002-43 [R2-t] Greenough Harbour Lane BL#2002-43 (Map 9)
1) Site alteration, buildings, and structures shall be prohibited.).

However, in conversation with the Senior Planner, it appears that there has been a 180 degree change in this bylaw proposal, such that it has been re-written (but is not visible to the public) to allow for decks. This lack of transparency and due process is not only confusing, it is mis-leading.

A more formal objection will follow later this week.

Once again, thank you for your time, and thank you for the commitment that you are put into making the Northern Bruce a tourist destination for people who value Dark Skies, the Bruce Trail, Species at Risk, and the natural beauty that abounds.

Best regards, 
Bonnie Lendrum MSc(N)
To:  Mark Shoreman, District Manager MNR, Midhurst
      Marc Rondeau, Director, Species at Risk Branch, MNR
cc:  Jane Ireland Acting Regional Director, Southern Region MNR
      Bill Walker, MPP (Bruce-Grey-Owen Sound)
      Mayor Milt Melver, Municipality of the Northern Bruce
      Deputy-Mayor John Bainbridge, Municipality of the Northern Bruce
      Councillors Boyle, Jones and Stewart, Municipality of Northern Bruce
      Bill Jones, CAO, Municipality of Northern Bruce
      David Smith, Senior Planner, Bruce County

I would like to bring to your attention an imminent bylaw change that could negatively affect the gestation and birthing habitat of the threatened Eastern Massasauga Rattlesnake. The proposed Comprehensive By-law for the Municipality of the Northern Bruce Peninsula would allow shoreline structures at the Greenough Harbour development.

The proposed bylaw is a 180° change from the bylaw that has existed since 2002. That bylaw did not allow for shoreline structures. The change that is being proposed, but as of today is not visible on the web-site, is meant to align with a Wildlife Management Plan that was approved by the MNR in 2006. In that 25 page document, prepared by Ecoplans Ltd., there are two sentences that state:

"A small deck may be allowed between the shoreline and the beginning of the 30 metre setback, but will be restricted to locations lakeside of the drip line. The maximum allowable dimensions for the deck will be 12X20 (feet)."

The Municipality of the Northern Bruce is interpreting these 2 sentences in the Wildlife Plan to trump more restrictive zoning that has been in place since 2002. That interpretation is cause for concern. In fact, that interpretation was the municipality’s justification in 2012 for approving a building permit for one deck on the Greenough Harbour shoreline.

In bringing the proposed bylaw change to your attention, I would ask that the MNR

- intervene immediately with the municipality of the Northern Bruce Peninsula to advise that the existing and more restrictive bylaw on shoreline structures should supersede the 2 sentences in the 2006 Wildlife Management Plan
- require the Wildlife Management Plan for Greenough Harbour to align with the standards of practice for habitat protection for Eastern Massasauga Rattlesnakes that will result from the January 2013 COSSARO assessment.

Background

The development of the sub-division plan for Greenough Harbour was a protracted process over several years (at least from 2002-2006) because of environmental concerns and associated sign-offs required by provincial government agencies.

In 2002, the subdivision plan was taken to the OMB by individuals concerned about the destruction of habitat to the EMR. The OMB required that a Wildlife Management Plan be developed and be approved by the MNR to protect the Eastern Massasauga and other wildlife.

Ecoplans Ltd., a consulting firm, was given access to the property in late fall of 2004. The report was compiled after data gathering in only one season – late fall. As a consequence of this time limited perspective, sightings of the EMR were limited. (An interesting side note is that the Wildlife Management Plan identified several plant species along the shore and on the property. The Dwarf Lake Iris, identified by the MNR as a species of special concern, is present in several patches along the shore. This plant was not even noted in the Wildlife Management Plan)

There has been at least one shoreline sighting and documentation of a gravid and nesting EMR (summer 2008). The area was cordoned off by yellow tape; the snake was left undisturbed and a litter was born. Neighbours regularly encounter EMR’s on shoreline walks.

Residents who purchased at Greenough Harbour were well aware of the existence of the EMR. Since our family’s purchase in 2006, Species at Risk Biologists have been hired by the MNR, and they have increased our understanding of the EMR. In 2007, the Province of Ontario introduced the Endangered Species Act, “making the province a North
American leader in protecting species at risk. The new act, which updated a 1971 law, protects three times as many species, emphasizes science-based decision making, and protects not only species but also their habitat."

The Committee on the Status of Species at Risk in Ontario (COSSARO) identified the Eastern Massasauga Rattlesnake (EMR) as a threatened species. In January 2013, the EMR had been assessed by COSSARO, but the report has not yet been submitted to the Minister. The MNR website on EMR habitat, http://www.mnr.gov.on.ca/stdrodconsume/groups/lrl@mnr/@species/documents/document/mnr_sar_bdh_mssga_en.pdf reads like the characteristics of the Greenough Harbour shoreline which is open habitat with low (<25%) canopy cover, and it is alvar-like. This area

"allows[s] gestating females to maintain consistently high body temperatures, which increase the speed and success of embryogenesis. Massasauga gestation sites are usually centered around a feature such as a large table rock, rock pile, undercut rock ridge, beaver lodge, raised cobble beach, brush or debris pile and partially surrounded by low-lying vegetation such as grasses or shrubs... These microhabitat features help provide the species with an optimal range of thermal conditions as well as protection from predation."

At this time, the Greenough Harbour development consists of 15 houses that are either occupied or in construction. The pace of construction at Greenough has been slowed as a consequence of the recession in 2008 and the subsequent slow economic recovery. When the development is completed there will be 60 houses 30 metres inland of the drip line.

It is the potential and cumulative threat of 60 decks along the shore that is a cause for concern to the habitat of the EMR.

**Summary**

Sixty decks, sized 12x20 feet, along the shoreline of Greenough Harbour pose a cumulative and substantive threat to the habitat of the Eastern Massasauga Rattlesnake. I would ask that the MNR

- intervene immediately with the Municipality of the Northern Bruce Peninsula to advise that the existing and more restrictive bylaw on shoreline structures should supersede the 2 sentences in the 2006 Wildlife Plan that allow shoreline decks,

- require the Wildlife Management Plan for Greenough Harbour to align with the science-based standards of practice for habitat protection for Eastern Massasauga Rattlesnakes.

Thank you for your continuing commitment to protecting species at risk in Ontario.

Best regards,

Bonnie L. Lendrum MSc(N)
Recommendation:

I oppose the construction of decks on the shoreline of Greenough Harbour. Therefore I request removal of the “Specific Provision” included in the new comprehensive zoning bylaw that would allow decks to be constructed in the EH 2002-43 Zone.

Rationale:

The community of Greenough Harbour currently consists of 15 homes, occupied or in the progress of construction. This summer, the Advisory Committee representing the residents of Greenough Harbour, undertook a survey question to understand the community’s stance on the building of decks. The responses (2 per household) were sent confidentially to John Nichol, President of the Lakewood Community Association, who has tabulated the results. Twenty-seven (27) responses were received. Among those who “feel strongly” about the issue, the majority (12 vs. 10) opposed the construction of decks on the shoreline.

The arguments **against** allowing decks “lakeside of the drip line” fall into two broad themes:

- **The Wildlife Management Plan**
- **The Qualities That Attract People to the Northern Bruce Peninsula**

**The Wildlife Management Plan**

Greenough Harbour is an environmentally sensitive area that needs to be protected. During the lengthy approval process of the original sub-division agreement, the OMB requested a Wildlife Management Plan, approved by the MNR. The twenty-five page plan that was produced included the following two sentences:

“A small deck may be allowed between the shoreline and the beginning of the 30 metre setback, but will be restricted to locations lakeside of the drip line. The
maximum allowable dimensions for the deck with be 12X20 (feet).”

These two sentences were the only mention of decks in the entire sub-division agreement.

It is my contention that the Wildlife Management Plan was incomplete. The consultant was denied access to the property until too late in the year to do a proper assessment. It was approved by the Ministry of Natural Resources and the Municipality of Northern Bruce without fully understanding the implications of these two sentences.

In the Wildlife Management Plan, the consultants (Ecoplans Ltd.) include the following statements:

1. The initial survey crew relied upon an outdated version of the Draft Plan. As a result, lot lines were located in incorrect locations, but have since been rectified and adjustments made. Because of the time required to complete the cuts, Ecoplans field work could not be initiated until late in the season. (Page 10)

2. A field meeting to assess the lot survey work was scheduled with the Ministry of Natural Resource and Ecoplans Limited for the fall of 2004. Due to extenuating circumstances the Ministry of Natural Resources cancelled this meeting. MNR representatives were unable to reschedule the site visit before snow covered the ground. This site meeting has not been rescheduled. (Page 10)

3. Snake observations were scarce during the 2004 site visits. This could be due to the time of year that the field work was complete. During the early fall field season (when visits were made) Eastern Massasauga Rattlesnakes would have been dispersing from summering areas to winter hibernacula locations. (Page 11)

4. The lot [Lot 10] contains a potential forage area for the EMR. The forage site is located at the 30 metre setback marker and consists of a cleared area with large flat rocks, covered by juniper shrubs. Due to the presence of the young EMR that was observed on lot 11 (Sept 2004) and the close proximity to the only snake capture location during shoreline snake survey (August 2002 female) it is likely that the habitat area contributes to the habitat and is an important part in the life stages of the rattlesnake. (Page 14)
5. Eastern Massasauga Rattlesnake gestation sites occur in open canopy areas, such as alvars, rock outcrops, fields and forest clearings that are at least 20 m in diameter, on the Bruce Peninsula and eastern shore of Georgian Bay. Potential gestation sites typically consist of large (approximately 1.5x2.0 m), flat (usually ≤30 cm thick) rocks (termed table rocks) that are surrounded on several sides by grass or low lying shrubs. (Page 14)

These statements would lead one to believe that:

- The Wildlife Management Plan was based on incomplete data (Statements 1, 2 and 3 above)
- Flat, open, rocky shoreline, like that found at Greenough Harbour, is a typical EMR gestation site (Statements 4 & 5 above).

The web-site for the Ontario Ministry of Natural Resources underscores the importance of the shoreline by including the following statement:

“Massasaugas live in different types of habitats throughout Ontario, including tall grass prairie, bogs, marshes, shorelines, forests and alvars. Within all of these habitats, Massasaugas require open areas to warm themselves in the sun. Pregnant females are most often found in open, dry habitats such as rock barrens or forest clearings where they can more easily maintain the body temperature required for the development of their offspring. Non-pregnant females and males forage and mate in lowland habitats such as grasslands, wetlands, bogs and the shorelines of lakes and rivers.”

In the summer of 2008, the MNR was notified of the presence of a gestating Eastern Massasauga Rattlesnake on the Greenough Harbour shoreline. Because of this documented gestating Massasauga Rattlesnake, species-at-risk biologists with the MNR, believe other properties in the general vicinity are also gestation habitats. These biologists agree that most activities (including small scale activities such as construction of a deck) that prevent the continued use of the habitat for gestation, would constitute a contravention under the Endangered Species Act of Ontario. The Act states that: “a person or corporation cannot damage or destroy critical habitat of a species at risk.”

In summary,

- It confounds logic that the Wildlife Management Plan approved by the MNR in late 2006 contained a clause that was less restrictive and less environmentally
sensitive than the zoning in the previously approved bylaw.

• Since 2006, a lot more is known about the EMR. Due to the Species At Risk Act numerous studies have now been completed of this threatened species. We, through the MNR, are more informed about its habitat. Despite significant cutbacks, both federal and provincial governments have hired Species-At-Risk biologists. Severe fines (up to one million dollars for a first offence) are now in place for destroying EMR habitat.

• It is highly unlikely that a clause allowing shoreline decks, would be included in a Wildlife Management Plan for Greenough Harbour, if it was submitted today.

The Qualities That Attract People to the Northern Bruce Peninsula

In the Strategic Plan of the Municipality of the Northern Bruce Peninsula (April 2009) it states that the #2 Priority (out of 6) is to “conserve and protect our unique natural environment while encouraging well managed growth.” The Municipality is host to the Bruce Trail, the Niagara Escarpment World Biosphere Reserve, two National Parks and has recently been designated a Dark Sky Community. The appeal of the Northern Bruce Peninsula to tourists and cottagers alike is based substantially on the natural, unspoiled beauty. Currently the Greenough Harbour shoreline, is part of the natural unspoiled beauty.

This strategic priority reflects a trend across the province to preserve the natural shorelines of Ontario’s lakes and rivers. Support is growing in the Kawartha’s, Haliburton, Muskoka, and the eastern shore of Georgian Bay.

The Greenough Harbour Community web-site opens with the following statement: "Greenough Harbour is a community of people who enjoy the peace and quiet, beauty and seclusion of this unique ecologically sensitive wilderness area on the Northern Bruce Peninsula. It’s why we purchased our properties here. As stewards of the environment we welcome the environmental guidelines designed to protect the Natural Heritage System and Area of Natural Significant Interest. We will cherish and protect these ecosystems, land, air and water for future generations."

John Keeso marketed Greenough Harbour to people who see themselves as stewards of the environment. The Greenough Harbour Information Package,
presented to all interested purchasers, contained the following statement: "The developer has for many years considered this particular property to be one of the most exceptional waterfront properties on the Lake Huron sunshine coast, because of its south and west exposure, deep water and Harbour facilities, and naturally forested appearance.... It is a magnificent treed point of land that looks today much as it did to 19th century mariners who piled their trade on Lake Huron, leaving only their ghosts and shipwrecks behind."

Today, at many points on the shoreline, one can look in both directions and see nothing that is man-made. The views have not substantially changed in hundreds of years. Such a shoreline is highly unusual outside of provincial or federal parks. While one or two decks might not be a serious problem, the cumulative effect of 60 decks would ruin the natural beauty forever.

There are many options in Bruce County for those who prefer properties with decks. Greenough Harbour is one of the few options for those wanting a community with an unspoiled natural shoreline.

Since all of the homes built in Greenough Harbour today already include huge porches on at least two sides, more deck space, particularly on the fragile natural shoreline is unnecessary.

Conclusion:

The construction of decks on the shoreline of Greenough Harbour should not be allowed because:

- Decks would threaten the natural habitat of the EMR
- Decks would destroy the natural beauty that brings people to the Northern Bruce in the first place.

Therefore I request the removal of the “Specific Provision” included in the new comprehensive bylaw.

Yours respectfully

Kenneth Lendrum P.Eng.

90 Greenough Point Road
The email and attachment show the split by residents in Greenough regarding the inclusion of decks on the water side of the drip line! 14 support and 13 don’t want them.

Regards,

Bill Jones, CAO
Municipality of Northern Bruce Peninsula
56 Lindsay Road 5
RR#2
Lion’s Head, On
N0H 1W0
Phone 519-793-3522 ext. 225
Fax 519-793-3823
Billjones.nbp@eastlink.ca

Interesting

Also do you have time for a call tomorrow or Monday Bill?

From: Mary Houston [mailto:maryandownen@rogers.com]
Sent: Wednesday, August 14, 2013 12:40 PM
To: Mary Houston
Cc: kenn lendrum; Ken and Chris Clark; Jeremy Thorn; Randy NEALS; Kevin Warkentin; Kevin Warkentin; Mike Warkentin; Margaret Rouse; John Keeso
Subject: Results of deck survey

Hello neighbours,

Thank you very much for your constructive input into this sensitive issue. It is affirming to see that people can have strong differences of opinion yet still remain good friends and neighbours.

The results were not surprising and confirm that there are two sides to this story.

A reminder that the committee is not taking a position on this but encourages any resident who is concerned to make a submission to council and the committee will continue to share any information from the municipality as we find out about it.
I would personally like to thank each member of the committee for their contribution and participation regarding this discussion.

Below are your current committee members:

Randy Neals  
Ken Clark  
Marg Rouse  
Mike Warkentin  
Kenn Lendrum  
Jeremy Thorn  
Kevin Warkentin  
Mary Houston

We are happy that Ken Clark and Kenn Lendrum have agreed to stay on the committee.

Warm regards,

Mary

PS- Good news, the Fibre Optic installation has begun and GBTEL has run the cable from the tower to the trailer area. They will be drawing the cable through the existing conduit starting Friday.
David, I am a resident of Greenough Harbour and am writing you in regards the current Comprehensive Zoning Bylaw being undertaken by the Municipality of Northern Bruce Peninsula. I am specifically interested in the portion of the Bylaw as it relates to allowing for small decks on the shore side of the drip line. While this has proved controversial to our neighbourhood I would like to voice my sentiment that the current wording in the wildlife plan of our Subdivision Agreement which allows decks on the shore, be allowed to stand. I believe that the appropriate planning processes were followed and the MNR’s allowance for shore decks in order to better protect the Eastern Massassauga Rattlesnakes makes good sense.

Best regards Ken Clark.
August 27, 2013

To: Mayor Milt McIver, Municipality of Northern Bruce
cc: David Smith, Senior Planner Bruce County Planning and Economic Development
    Deputy Mayor John Bainbridge
    Councillor Tom Boyle,
    Councillor Ray Burns
    Councillor Betsy Stewart
    Bill Jones, Chief Administrative Officer
    Mary Lynn Standen, Municipal Clerk
    Wendy Elliott, Deputy Chief Building Official
    Mark Shoreman, MNR District Manager, Midhurst
    Mary Houston, Chairperson of Advisory Committee of Greenough Harbour

From: Kathleen Doerner Miller and Craig Miller

Subject: New Comprehensive Zoning Bylaw—Position Paper on the Zoning of the Shoreline at Greenough Harbour

We propose that artificial or man made structures should not be built on the Lake Huron shorelines of the Northern Bruce Peninsula in GH. There are several arguments to be made supporting this position; ecological, esthetic and in many ways economic. We purchased property in GH precisely because of the stringent environmental controls advertised by the developer.

The position is in fact part of a larger trend in the province to preserve natural shorelines of Ontario’s lakes and rivers that is evident in the Kawartha’s, Haliburton, Muskoka, and the eastern shores of the Georgian Bay. Scott Lucas, Gaavenhurst’s planner is on record saying, “That’s basically why people want to come here, to look at a naturalized shoreline and enjoy the water.” Similarly, Todd Wetherell, Director of Planning and Economic Development for the Township of Grey Bruce acknowledges, “The trend is to try to preserve the shoreline and reduce the number of structures on it.”

We believe the shoreline along the Bruce Peninsula is more unique and fragile than the shores of Ontario’s inland lakes. The environment here will come under increasing pressure as development inevitably expands. That development will bring increasing economic opportunity to the area. We should recognize that a major attractor of development is the natural beauty of the peninsula. This council understood that value when, during the approval of the Dark Sky Community initiative, stated that the “Bruce Peninsula is becoming a natural retreat destination” “where the night sky is so splendid it is what our ancestors knew”.

Our position asserts that the biologically and geologically unique and fragile shoreline is as important a draw as an unpolluted night sky. The Bruce Peninsula is is renowned for its profusion of renowned orchids. GH provides habitat for specialized plants and the Along the shore of GH the globally rare and fragile Dwarf Lake Iris found hiding in many of the shore’s limestone rocks and crevices.
The old assumption that a cottage should allow for a permanent deck on the shoreline is debatable when the possibility of damaging or destroying a fragile ecosystem may occur. The shoreline area may contain species and ecosystems frequently not found elsewhere and have yet to be identified.

The pristine costal shoreline of Greenough Harbour is part of what separates and defines us and is incongruent with direction the Municipality of the Northern Bruce has endorsed. (see current website). The proposed bylaw would allow up to 50 plus permanent decks that would significantly alter the shoreline and the squander the opportunity to prevent what some planners have termed "lake clutter". What legacy are we leaving for our children? We do not support a bylaw that would allow permanent shoreline structures.

Thank you for your consideration of our position.

Regards,

Kathleen Doerner Miller, MEd.
Craig Miller, DVM
Greenough Harbour residents
Since it was announced that council is reviewing the by-law allowing decks on the shore at G.H., we have spent a considerable amount of time investigating and gathering facts. There is no doubt in our minds that decks will affect the natural habitat of various species of wildlife. We know first hand about the reported “gravid” Massasauga rattlesnake. It was on our property, Lot 40 at the dripline, from June to August in the year 2007. Our family now has the responsibility to preserve a 30 m area around this site every year to ensure the thermal, vegetative and lighting features are maintained and that the site will receive continued use by one or more females. It couldn’t be simpler- we just “let it be.”

While we will never build a deck, we are sympathetic to our friends and neighbours who are on both sides of the argument. We also care very much about the many people outside of G.H. who tried to stop our development. What would they think about decks on this shoreline? They were promised habitat would be protected. Most of all, however, we are concerned for you who work tirelessly to oversee the management of the Municipality of North Bruce, and are now faced with a difficult decision.

What follows is intended to provide a fresh approach to solving the problem.

Begin, Consider, Resolve.
12 September 2013

To: dsmith@brucecounty.on.ca

Re: Draft Proposal of Zoning By-Law changes

As a property owner in the MNBP in Tobermory, we are writing this letter to state our opposition of extending the Environmental Hazard (EH) over our property. My understanding is that the zoning review is to implement the policies of the Provincial Policy Statement (PPS) and the local Official Plan (OP). However, I don’t believe that the review is implementing these police fairly to all property owners and impacts us severely.

Looking at the proposed zoning map (Zone Map 37) it appears that the EH extends more than 33 metres over the south (front) portion of our property. The policies (both the PPS and OP) refer to a setback for wave action of 15 metres horizontality from the Flood Line. It is clear that you are extending the EH much further than the policies require. The Flood Line is in front of our boat house. We know this because we were in Tobermory in October 1986 when the water was at its highest. We spent most of the weekend removing the contents of my grand-mothers boathouse two doors to the west and remember that the water was at the top of the causeway. If you imagine the water at that level and walk around to our cottage you would notice that the trees by the shore denote the high water mark. From that point our cottage stands approximately 50 feet inshore and about 10 to 15 feet higher.

It appears that the MNBP has been applying the PPS and OP policies with some discretion. In other areas around the harbour the EH does not appear along the shoreline. I assume this is because of the shoreline cliffs in these locations and that wave action will not reach the structures on the higher land. As I mentioned our cottage stands above the shore. Further, our property is protected from larger waves. During the storm in the fall of 1986 the winds were out of the northeast, which allows waves to build up to 30-40 feet. There is a postcard showing that storm and the waves hitting the mouth of Big Tub and there was damage to those cottages and lighthouse on that point. We were protected in that case. My grand-mothers boathouse, which sits on the Flood line, was not severely damaged and stands to this day. If the winds were out of the west the waves could not grow as high. The islands and shoals to the west of Tobermory provide shelter and the largest waves experience from west are around 10 feet tall. To the west of us there is also a large pier that breaks the waves. Together, these circumstances would allow you to have the same discretion that you have offered other landowners. 15 metres on properties facing into the harbour is harsh and unnecessary. I would suggest that a 5 metre setback would be more than sufficient on our property. I can only offer the evidence that there are boathouses and cottages within these areas which have stood for close to 100 years (including the years with the highest water levels) without being damaged by waves.

I understand that water levels on the lakes fluctuate. We are now in a period that water is receding. I expect that water levels will rise this spring and rebound more if we have
cooler summers. But, the flood elevation that the Province is using will not be seen again for generations, if ever.

Before implementing the EH, I strongly suggest that the MNBP survey the properties along the North Point before placing the EH in the wrong location. Or at least walk the shore. See where waves have pushed the shore rocks and where the older trees stand. In the future, I do not want to be burdened with amending the EH boundary when you can address it now. Our cottage is older and we plan to renovate (demolish and rebuild) it in the same location approximately 50 feet from the Flood Line. This is 30 feet plus back from the tree line and the shore rocks. We have a narrow lot and would not wish to cut all the trees between us and the road as they provide us with privacy.

Other neighbours will be affected more than us and I hope that you consider the whole shoreline. We understand the intent of these policies is to protect us and we appreciate your intentions. The objective could be achieved by locating the correct location of the Flood Line and reducing the wave wash area to 5 metres for the properties facing into the harbour.

I would expect that this zoning review and the sections relating to the EH will be appealed to the OMB. Please include us as a party in any appeal made on the EH and particularly on the location of the EH boundaries along the shoreline in Tobermory Harbour.

As a seasonal property owner, who pay substantial property taxes, I feel it unfair that we were not informed of this proposal by mail from the Municipality Office.

Sincerely,

Sincerely
Katie Belan-Caslick
owner,
67 Elgin Street
Tobermory, Ontario
PUBLIC COMMENTS

Comment Sheet from Open House
I would like the zoning changed on 765 West Road to remove the EH off all of the 100 acres of this property as soon as possible.

Bruce Liverance
765 West Road
RR 1
Lion's Head N0H 1W0

Comment Sheet from Open House
I wish to go on record as opposed to the EH designation and short list of allowed uses for the Tobermory property municipally designated as S3 Bay St South. I am interested to know the process for returning this property to its previous C1 designation as well as expanding the list of allowed uses.

Michael Lee
19 Mandarin Cres
Brampton ON L6S 2S2
905-791-7830

Comment Sheet from Open House
Maybe take a look at the EH designation on Lot 3 Con 1 EBR Eastnor one half of the farm is clear & farmed all is pasture a narrow strip along the municipal drain would be preferrec.

On Lot 2 Con 14 EBR Eastnor there should be no EH the municipal drain was moved off the property 3 or 4 years ago.

Ron Cunningham
519-534-2651

Comment Sheet from Open House
I would like EH off all my property. My family have owned it since 1936. Lot 3 & 4 Con 2 Eastnor
41-09-620—008-00300-0000

Gordon Otewell
519-372-7469

Comment Sheet from Open House
I would like EH off or reduced on Lot 4 Con 3 EBR Eastnor
41-09-620-008-03400-0000

Kathy Tyndall
706 Spry Rd
Lion’s Head ON N0H 1W0
519-793-3453
Comment Sheet from Open House

Concern that it remains R2 – not a Holding
41-09-620-006-14800

Linda Ward
Chalice@cogeco.ca
2059 Headon rd
Burlington ON.
L7M 4G3

Comment Sheet from Open House

1. HC max size 1500 s.f. vs. OP special Policy Area 3 = 3000 = OK in HC-e

2. One retail use or several? can you have only one retail use or can you have more than one use on the property ie. Storage and retail and an office?

Linda Weatherhead
sweatherhead@amtelecom.net
RE: 59 China Cove, Tobermory, Part Farm Lot 6, West of the Bury Road described as Part 11 on Plan No. R-173, in the Town Plot of Bury, in the Municipality of Northern Bruce Peninsula (formerly the Township of St. Edmunds), in the County of Bruce

Dear Sir,

We are opposed to the proposed comprehensive zoning bylaw. The proposed bylaw changes our lands in their entirety to zone Environmental Hazard. This will seriously devalue our property, investment, and cause hardship. We believe that a site inspection would reveal that this zoning is capricious.

Access to my property is by way of a right-of-way described as Parts 1, 2 and 3. It is proposed that this right of way be classified as a Class 2 Street. Without further study or clarification, I object to this change as well. Our lands, currently used as a seasonal dwelling, are zoned C-3-a-h and were purchased at a premium expecting that this zoning would allow development options in the future.

For the reasons stated above, as well as other reasons, my wife and I object to the proposed draft as it is currently depicted.

Also, I find it appalling given the scope of the proposed changes and the size and makeup (seasonal residents) of the community, that no written notice was given to those properties that will undergo a significant change.

If you have any questions or require further information, please do not hesitate to contact me. I plan to attend the public hearing on September 23. Should council pass this bylaw immediately, I will use all remedies available to me.

Regards,

Stevan & Julie Nedin
Property Owners, 59 China Cove Road, Tobermory
From: Janice Eckenswiller
To: David Smith
Cc: Janice Eckenswiller
Subject: new comprehensive zoning by-law
Date: September 11, 2013 10:42:59 PM

Hello David. My name is Janice Eckenswiller and I am writing on behalf of myself and my husband Wayne Eckenswiller. We live at 3505 Bruce Road 9 North Bruce Peninsula. We also own the two lots south of our residence.

We have tried to become informed about the new comprehensive zoning by-law. We understand that our present residence is zoned R2 and that it will be changed to LR if the new by-law is put in place.

We have been informed that there is no difference other than a change in the name. Is this true?
We plan to build our retirement home on one of the lots next to us, and need to know if the proposed by-law will cause any reason why we wouldn't be able to build. If there is a problem, then we would like to oppose the the new by-law.

We also find it interesting that we just discovered this week that the property south of ours is zoned EH. My sister purchased this land from our neighbour, and neither one of them were aware that it was zoned EH. We are not sure how that happened- we would think that lawyers would have discovered that. The reason we bring this up is because we also would like to ask if having that property zoned EH has any factor on the surrounding neighbours - ie. would that cause any restrictions to us when we build?

Finally, when will the proposed by-laws go into effect if they are passed?
Thank you for your time and consideration regarding these questions.
We look forward to hearing from you.
Janice and Wayne Eckenswiller

Sent from my iPad
It appears that our property at 53 China Cove Rd in St Edmunds Town Plot bury WBR BLK 6 RP 3R173 Part 13 is deemed to be rezoned "Environmental Hazard". We object to this zone change on the grounds that there is a very small cottage on the lot and any changes and additions to cottage would be very limited if not allowed with this rezoning. This change would decrease the value of the property significantly and possible make the property worthless.

Rob Nantais and Mary-Anne De Vries
REGARDING LOT 6 CON.3 PLUS PART LOT LOT 6 CON.3
WE ARE AGAINST ANY E.H. OR E.H. SET BACK RULES
1 E: 120 m BUFFER ZONES

Jack Burley
Box 2007
Leino Headont
25 Ino Lake Rd
NOH -160

Elizabeth Burley
Same address
----- Forwarded Message -----  
From: BetsyNBP <betsy.nbp@EastLink.ca>  
To: dbstewart2000@yahoo.com  
Sent: Wednesday, September 11, 2013 10:55:52 AM  
Subject: Fwd: Right-of-way end of Widgeon Cove Rd. Pike Bay

Carol: It is our understanding that you have received or will be receiving some letters of concern from the cottage/home owners at Pike Bay with regards to road access to the water at the end of Widgeon Cove Rd. We, as property owners in the area, would also like to express our concerns. We have attached some pictures at the end of this email to further explain the situation with the owner of the property there. We need to know the correct access point to the water and we need a person of authority to inform that owner (Dianne Harris), 302 Widgeon Cove Road, so that we can use it as the right-of-way it was intended to be. We have been going to the water there for over 50 years at least but things have changed. The owner has had a survey done of her property in the last 5 years so she knows there is an access there, but refuses to let anyone go through. The pictures will explain more in detail but they will not explain the hassles and verbal abuses we all have encountered which has escalated over the past 6 or 7 years. We have tried to reason with her, but to no avail. She parks her car in the middle of the road at the very end of the street so people will find it very difficult to get through. She also puts logs, rocks and branches in our way. We would like if this could be looked into ASAP and a solution could follow. We are all taxpayers and deserve to use the proper right-of-ways as we please.

We know from your email to Ron Dolson (cottage owner), that a notice was sent Jan. 2012 to her with regard to the survey showing a different location for the road that presently exists. It was stated to her 'that the road allowance is not where our information from Bruce County Mapping had originally indicated. It has also been noted that the road was not actually constructed in the centre of
the right-of-way. The information that was provided from the land owner does match our Municipal Surveyor”. The following options were given to the owner:
Having the road moved a create a turnaround or leave the road as it currently is situated until such time that year round service becomes a requirement for this certain section of road.

This information does not address our concerns of where we walk to use the right-of-way and why we are being accosted every time we try to go there to swim or just to enjoy the sunset. It does prove however, there is a right away there, it is just not in the correct location. It is obvious if you see the survey stakes that the correct right away would be right through the trees and bushes in front of and very close to her building (pic 3). This picture shows the stake at the right side of the right-of-way (or road allowance) if you are at the water looking back. We would happily use another track to get to the water, one that is there now perhaps (pic 4), which would allow things to remain unchanged and most certainly benefit the owner and the pedestrians best, but she refuses us access at that point either.

Please if you cannot help us, please could you find out who can help us and forward this email on. This has gone on way too long. I know you said you would forward the information to the Assistant of Public Works, however, we are not sure if that would help us at all deal with the owner in allowing us to use the right-of-way. We need it clearly marked and accessible and we need to be allowed to use it without being forced to deal with the owner every time. The owner lives in Calgary and is only in Pike Bay all of August in case this helps in any way. The rest of the summer, the owner has her family members down the street question everyone and we must go through this same thing all over again. Please let me know if you cannot receive the pictures due to file size, and I will resend them.

Sincerely, and thank you all for your time, Carol and Dan Service
Right-of-way end of Widgeon Cove Rd.
Pike Bay

This album has 4 photos and will be available on SkyDrive until 09/12/2013.
Hello, my name is Tyler Robins. I am 23 years old and have lived in Tobermory for almost my entire life. I recently purchased a 2.51 acre piece of land on the north side of Cape Hurd road, CON 2 WBR PT LOT 51 RP 3R;6069 PART1.

I took possession of this property on June 1st 2013 with the intention of building a single family dwelling. It has been brought to my attention that there is a potential zoning change about to take place that will change the zoning of my lot from RU2 to EH which will prevent me from building my house.

My family has been developing properties around this area for several years. Before making a deal for the lot we examined it very closely and determined that it is more than adequate for me to build a house. I am assuming the reason for this proposed zoning change is that the property is believed to be a wetland. This is not the case, I have counted 16 large, healthy, mature white pine trees on my lot which could not survive in a wet area.

I would like to ask that my lot be exempt from this zoning change because the property does not meet the criteria to be an EH property. I would also like to see the documented research that was done on my specific 2.51 acre piece of land that shows that this zoning change is necessary.

Thank you for your time.
Sincerely Tyler Robins

CC: mayor.nbp@eastlink.ca  deputymayor.nbp@eastlink.ca ; tom.nbp@eastlink.ca ; rayburns.nbp@eastlink.ca ; betsy.nbp@eastlink.ca ; billjones.nbp@eastlink.ca
Parcel Selection Results

Property Parcel Report for Con 2 Wbr Pt Lot 51 Rp 3r, St. Edmonds Township (Northern Bruce Peninsula)

Results of Parcel Query

<table>
<thead>
<tr>
<th>Property Info</th>
<th>Roll Number</th>
<th>410960004000115</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner</td>
<td>ETIENNE DAVID VINCENT</td>
<td></td>
</tr>
<tr>
<td>Civic Address</td>
<td>None assigned to this property</td>
<td></td>
</tr>
<tr>
<td>Legal Text</td>
<td>CON 2 WBR PT LOT 51 RP 3R;0069 PART 1</td>
<td></td>
</tr>
<tr>
<td>Municipality</td>
<td>Northern Bruce Peninsula (St. Edmonds Township)</td>
<td></td>
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© 2013 County of Bruce
Assessment Information provided by the Municipal Property Assessment Corporation (MPAC)
THIS IS NOT A LEGAL SURVEY DOCUMENT. Disclaimer at http://maps.brucecounty.on.ca/disclaimer.asp
Report generated on Wednesday September 11, 2013 at 8:35:41

Hello David,

Here are our comments, for the public record, regarding the draft comprehensive zoning by-law.

It would be helpful to have a detailed list of changes from the old by-law to the new by-law. It is very difficult for non-land-use planners and non-experts in municipal administrative law to comprehend the significance of multiple changes to a document as lengthy and complex as this one.

Our property is a waterfront lot at 89 Simpson Avenue on the north side of Hay Bay near Tobermory. The plan of subdivision dates back to 1927. The current zoning is resort residential but the proposed zoning is lake residential. What exactly is the difference? We have noticed some differences and we would like you to explain and address these before Council decides to pass this by-law:

- The proposed by-law limits the lot coverage to 5% for all accessory buildings [section 3.6.5.1] and a total of 15% for all buildings [7.3(d)] whereas the current by-law permits 20% coverage for existing lots less than 3000 square metres in area as long as the main dwelling building is less than 307 square metres [12.2(c)]. This restriction in the current by-law seems fair because it strikes a reasonable balance between lot coverage and existing small lots which were created at a time when there were no restrictions on lot coverage. The advantage that owners of new lots have is that they have larger lots and therefore greater flexibility in meeting their maximum lot coverage of 15% under the proposed by-law. It seems to me both unfair and unreasonable (especially without an explanation) to remove this small lot coverage adjustment in the proposed by-law.

- There is no consistent definition of the “high water mark” for Lake Huron. Section 3.20.3 cites 177.6 metres above sea level Geodetic Survey of Canada (G.S.C.) for building setbacks on Lake Huron but section 9.4.1(a) cites 177.8 metres G.S.C. for Island development. The high water mark is an important measurement for determining building setbacks from the shoreline, environmental hazard areas, National Park boundaries, etc.

- Section 3.13 in the proposed by-law refers to “scenery lofts” as permissible exceptions to the height regulation. What exactly is a scenery loft? It is not defined.

- The term “height” of buildings on page 15 of the proposed by-law is more restrictive and less flexible than in the current by-law. What is the reason for this change?

Thank you for taking the time to review these concerns. We are not certain yet whether we will be
able to attend the Council meeting on September 23rd but would appreciate it if you could reply to us prior to this date.

Regards,

Dwight & Ruth Turner
89 Simpson Avenue
Tobermory, ON
NOH 2R0
&
79-2165 Itabashi Way
Burlington, ON
L7M 0A2
Municipality of Northern Bruce Peninsula,

Cty. of Bruce Planning Department

Att: David SMITH

dsmith@brucecounty.on.ca

Re: Comprehensive Zoning By-Law
I am unable to attend the September 23/13 public meeting re the proposed new zoning by-law.
I have been the owner of 16 Glacial Terrace (Previously 16 Island View Dr), Town Plot Bury WBR PT BLK 6 RP3R173 Part 10 Irreg 103.31Fr. 221.62 D Northern Bruce Peninsula, since 1982. I protest my property being re-zoned, as Environmental Hazard/Class 2 Street.
I am in opposition to the 2013 Comprehensive Zoning By-Law being proposed.

Yours truly

Carol Anne WILSON.
I have given this information to Mrs. Doerr. She prefers that you should deal directly with her. Her home phone is 519 793-3504.

Thanks for your help. --- From: David Smith

To: 'fmkelly@amtelecom.net'
Cc: Pat David; Lynda Steinacker
Sent: Thursday, September 05, 2013 12:28 PM
Subject: RE: Doerr Rd concerns, NBP CZBL

Hello

I have looked at Doerr Drive and it appears that the 'road' provides access to multiple lots (some owned by Ms. Doerr) but also a lot owned by the Nix's and a lot owned by Shantz/Witmer's.

The Class 2 roadway designation is required since these lots do not front onto a open and maintained road owned by the Corporation, County or Province as required by the Bylaw.

In regards to the public using the roadway you are entitled to put up a No Trespassing sign.

The County will not remove the roadway from its network due to the requirements for 911 addressing and the need to ensure emergency crews can find the address for Nix and Shantz/Witmer.

David M Smith
Senior Planner
County of Bruce
(519) 881-1782 Ext. 257

--- From: Lynda Steinacker
Sent: September 05-13 11:45 AM
To: David Smith
Cc: 'fmkelly@amtelecom.net'
Subject: RE: Doerr Rd concerns, NBP CZBL

Sorry, the attachment didn't make it on that email.

Lynda

--- From: Lynda Steinacker
Sent: Thursday, September 05, 2013 11:28 AM
To: David Smith
Cc: 'fmkelly@amtelecom.net'
Subject: Doerr Rd concerns, NBP CZBL

David,

I spoke with Ingrid Doerr at the counter this AM and have provided her with the County's 877 phone number. (877-681-1291)

Mrs. Doerr is concerned about her private driveway having been 'named' as Doerr Dr. It is her private driveway and she wishes to have the 'Class 2' designation removed. Mrs. Doerr indicated that recently she has had traffic directed down her private driveway, to tourist rental cabins located beyond her property and that GPS systems are now identifying her driveway as a public road.
Would you please contact Mrs. Doerr about her concerns?

Ingrid Doerr
24 Doerr Dr, Rolls: 410962000308400 and 410962000308400
519-793-3538

See map below.

Cc Ingrid Doerr via Mary Kelly

County of Bruce

Lynda J. Steinacker
Planning Applications Technician

Planning & Economic Development
Box 129, 578 Brown St
Warton ON NOH 2T0

Ph: 519-534-2092 ext 100
Fax: 519-534-1174
Hello,

Please find below an email for submission to the Public Meeting on September 23, 2013, regarding the New Comprehensive By-Law.

Myself and other residents will be attending.

Attached is my own letter outline the reasons behind our concern.

Best regards,
Brian MacIntosh
brianjmacintosh@gmail.com
705 435 5000 Office
647 298 5300 Cell
519 793 4944 NBP

Begin forwarded message:

From: Paul McIoughlin <paulmcloughlin@hotmail.ca>
Date: September 6, 2013 11:40:51 PM EDT
To: Brian MacIntosh <brianjmacintosh@gmail.com>
Subject: Road Zoning Issue For Island View Drive

September 4th 2013
To Northern Bruce Peninsula Municipality Council,

I , Paul McIoughlin , am the owner of 22 Island View Drive. I have owned the property for more than 12 years . My Father Alex McIoughlin , owned the property prior to that, dating back to the mid 1970s .

My property is the length of the West Segment of Island View Road, as referred to by Brian MacIntosh, the owner of the property across the street. My lot is 300 feet long and fronts onto the lake at the front , and backs onto Ronald Street and the Hydro right away, along it . My understanding of the issue presented to you , Is that owners of seasonal cottages cannot become permanent residents , nor improve their properties , if the road access is deemed to be a class 2 road.

The length of the road in question, is a mere 300 feet long . I find it hard to believe that the Municipality would in effect discourage permanent residents from wanting to live there.

The road has been winter plowed in the past , on an as is needed basis , dependant on whether someone was using it.
In 1999, service was extended to permit my parents to stay there. They were taking my brother to the dive chamber an hour north of the property, twice a day, for medical treatment of his cancer. They had to install a full size, forced air furnace beneath the cottage that winter. My brother survived due to the weeks and weeks of oxygen treatments, my parents went through, driving 4 hours a day, in their two trips a day up to the Tub.

I was always told that if a seasonal resident were to become a full time resident, services would be provided. I was under the understanding that permanent residents pay more property tax, for their services. I am surprised to find that this is not the case. I was intending to use my property as my primary residence, upon my retirement in ten to fifteen years.

I have been improving and maintaining it, with that intention. I have replaced the windows, siding, soffits, facia, roof, flooring, and updated every facet of it, to prepare it for year round use.

My understanding is that seasonal use property owners on class 2 roads cannot get building permits, unless they sign an agreement to accept seasonal services only, and that year round services will not be offered to them, should they choose to be full time, year round residents.

This issue impacts on my ownership and future plans, due to the fact that I will not be allowed to live there as planned. It devalues my property values substantially, limits the saleability and desirability of my property, if put on the market for sale. It also limits the potential market available for the property, to only seasonal users.

Why would any municipality do such a thing? The segment of the road is a mere 300 feet long ... It makes no economic sense. I had hoped to have a builder construct a two car garage in the future, to enhance the property, and create storage space for my boat, jet skis, and vehicles. I will no longer be able to obtain a building permit to do that, unless I sign away my rights for services.

Please accept this letter, as support for my position, and that of Brian Macintosh, the property owner across the street. We deserve to have our 300 feet of Island View Road, be Zone a class 1 road. Both homes and properties are water front residences, with high market value, and we should not be unjustly penalized after having contributing to municipal taxes for 37 years for my families property, and longer than that for the one Brian purchased, and those paid by the Island owners at the end of the road. In total, tax revenues paid, total in excess of 120 tax paid years, for our three properties.

Please accept this letter. It is intended to show the extent of the impact on myself and the property owners on Island View Road.
Please consider changing the zoning of our road, to that of a class 1 road. Our 300 feet of Island View Road West should be zoned the same as the much longer section to the east.

Sincerely,

Paul

Mcloughlin

Owner of Lot 22

property on Island View Rd.
Hi again David,
Not trying to be difficult here!
Despite 4” of rain an hour and the Calgary floods, Lake Huron is receding in front of our eyes and was at all time lows on April 1 this year. So why is there any need to change this aspect of the By-Law? Do you have knowledge as to the science behind it?
If I wish to object to this proposed change what procedure should I follow? After all...it is more punitive by 25%.

Richard

Sent from my iPhone

On 2013-09-05, at 11:26 AM, David Smith <dsmith@brucecounty.on.ca> wrote:

‘Not closer to the water’ is not new – it is implied at least in the Bylaw
50% reduced to 25% is correct.

From: Richard Stevens (mailto:richardlydstevens@live.com)
Sent: September-05-13 11:00 AM
To: David Smith
Subject: Re: New Zoning

Hi again and thx...
Two aspects are new...correct?
1. Only 25% vs 50% and
2. not closer to the water.

Richard

Sent from my iPhone

On 2013-09-05, at 10:53 AM, David Smith <dsmith@brucecounty.on.ca> wrote:

Hello

The current By-law Section 6.30 (page 33 -
has setbacks to Lake Huron similar to the proposed By-law:

6.30 Lake Huron - Georgian Bay Flood Constraint Regulations
The placement of habitable structures on all lands adjacent to Lake Huron or Georgian Bay shall be subject to one of the following flood constraint regulations:

6.30.1 Flood Proofing
In any zone, no building openings associated with the habitable floor area of a dwelling or structure shall be located at or below the minimum elevation of 179.1 m G.S.C. (587.5 ft) for lands adjacent to Lake Huron and 178 m G.S.C. (583.9 ft) for lands adjacent to Georgian Bay.

or,

In any zone on lands adjacent to Georgian Bay or Lake Huron, all habitable buildings shall be setback a minimum of 15 m (49 ft) measured horizontally from the 177.6 G.S.C. (582.6 ft) elevation.

6.30.2 Additions and Accessory Uses Permitted
The flood proofing requirements outlined in the above noted section shall not be applied to the expansion of existing buildings and structures where such expansion represents an increase in ground floor area less than 80% of the original structures ground floor area.

Proposed By-law (page 41)

.3 Notwithstanding any yard provisions of this By-Law, no "Principal Building or Structure" or " Dwelling" may be erected on a "Existing Lot" "Waterfront Lot - Lake Huron/Georgian Bay" unless all building openings associated with the habitable floor area of a " Dwelling", or any building opening associated with any other type of building or structure, are located at or above a minimum elevation of 179.1 metres G.S.C. (587.5 ft) for lands adjacent to Lake Huron and 178.0 metres G.S.C. (583.9 ft) for lands adjacent to abutting Georgian Bay.

Alternatively
All "Principal Buildings or Structures" or "Dwellings" on a "Existing Lot" "Waterfront Lot - Lake Huron/Georgian Bay" shall be setback a distance of 15.0 metres (49 ft) measured horizontally from the 177.6 G.S.C. (582.6 ft) elevation.

.4 The requirements of Section 3.20.3 above shall not be applied to the expansion/enlargement of an existing "Principal Building or Structure" or " Dwelling" on a "Existing Lot" "Waterfront Lot - Lake Huron/Georgian Bay", where such expansion represents an increase in "Floor Area, Ground" of 25% or less of the original structure and the expansion/enlargement is no closer to the water’s edge than the extent of the existing "Principal Building or Structure" or "Dwelling".

The proposed By-law restricts enlargements to 25% of floor area versus 50%.
From: Richard Stevens [mailto:richardystevens@rogers.com]
Sent: September 05-13 10:21 AM
To: David Smith
Subject: Re: New Zoning

Hi Mr Smith
Thanks for your fast reply.
Yes indeed we are on lots 21 and 22. I managed to open the new By-Law on this phone and everything seemed as before with the exception of the setbacks to the lake which, if I recall, are to become more punitive.
For instance our present cottage is well set back from the tree line. Our survey shows a HWM (high water mark) but if we extend our lot towards the lake and within 50 ft of the tree line (up to the rear yard setback) this was permitted before but would be refused under the new law. Please comment.
Another question relates to the need to be on a 'road' before a permit can be issued. We have just signed a no service agreement with the Municipality. I don’t see that clause in the proposed By-Law. Is it there?
Richard

Sent from my iPhone

On 2013-09-05, at 9:10 AM, David Smith <dsmith@brucecounty.on.ca> wrote:

Dear Mr Stevens

I take it that you are referring to Lot 22, Plan 444, former Eastnor Township owned by STEVENS MARY NOKE and STEVENS RICHARD

The current ‘RY’ zone that is on your lands is very similar to the proposed ‘LR’ zone.

It appears that there is no cottage on the property at this time. You would be subject to mandatory setbacks to Lake Huron regardless of whether you are zoned R2 or the proposed LR.

Within the next 24 hours we will be posting to the County web site a table that shows only the relationship between the current by-law sections and the proposed by-law sections. It is not a summary of changes.

David M Smith
Senior Planner
County of Bruce
(519) 881-1782 Ext. 257

-----Original Message-----
From: Richard Stevens [mailto:richardystevens@rogers.com]
Sent: Wednesday, September 04, 2013 4:28 PM
To: Heather James; David Smith
Subject: New zoning

Mr Smith

Is there a summary of the main changes to the Zoning ByLaw, reasons for changes, and the impact the changes are intended to effect which is available online?
We are owners of property now zoned resort residential on Plan 444. Does the new zoning affect our lands and if so how?
Richard

Sent from my iPhone

Individuals who submit letters and other information to Council and its Committees should be aware that any personal information contained within their communications may become part of the public record and may be made available through the agenda process which includes publication on the County’s website.

“If you have received this communication in error, please notify the sender immediately and delete all copies (electronic or otherwise). Thank you for your cooperation.”
Mr Smith
Is there a summary of the main changes to the Zoning ByLaw, reasons for changes, and the impact the changes are intended to effect which is available on line?
We are owners of property now zoned resort residential on Plan 444. Does the new zoning affect our lands and if so how?
Richard

Sent from my iPhone
Mr David Smith,
I oppose the EH zoning on lots 3 conc 3 and 4, EBR Eastnor Twp, Northern Bruce Peninsula because it has always been agricultural having been pasture land for over 50 years or more. Plus we have paid into the municipal drain different times.

John Cameron
Attention David Smith,

I am the owner of lot 4 and 5, concession 4 EBR and have noticed for the first time that a spot on the map indicates that it is designated EH. In review of the permitted uses and definitions, I am puzzled as to what the guidelines would be to change a portion of RU1 to EH. RU1 designation allows livestock and pasturing which the property has been used for, for years. Without dimensions shown were the EH is located we cannot determine if it is on the rock or a pond, that was dug to water the cattle. As cattle grazing is a permitted use, the digging of ponds to water the cattle would go with cattle grazing and should be included in the permitted use. Please provide me with a copy of the guidelines for determining EH properties.

In response to this letter I am hoping the EH will be removed from this property.

Thank you.
Nancy Rydall
September 12, 2013

Mr. David Smith MCIP, RPP
Senior Planner
County of Bruce Planning and Economic Development Department
30 Park Street, P.O. Box 848
Walkerton, ON
N0G 2V0

dsmith@brucecounty.on.ca

Re: Notice of Objection
Northern Bruce Peninsula
New Comprehensive Zoning By-law

Dear Mr. Smith,

We wish to take this opportunity to express our most serious of concerns with our discovery that a significant amount of our property at 33 Dunk’s Bay Road has mysteriously been identified as falling under the definition of Environmental Hazard (EH) under the proposed by-law above. We have attached a copy of our property from the existing zoning bylaw and a copy of the property from the Draft Comprehensive Zoning By-law to demonstrate the magnitude and change to our property.

We will continue to object to the proposed comprehensive zoning by-law with whatever means we have at our disposal, until we have received precise and specific comments from the Municipality and/or your office with regards to the following points:

1. We wish to know who identified and assessed the property to determine that an EH exists and what specific qualifications they have for completing such a task. We also request the evaluation methods and criteria used in the assessment of properties to determine that these designations exist.

2. We would like to know the specific day(s) of entry that the above personnel trespassed onto the property to accurately assess the hazards, as we would think that an on-site inspection would be necessary to accurately determine that such a consequential designation exists and its magnitude/applicability. I understand from recent consultation with a professional qualified in this field, that he/she will need to visit the site to determine and assess the extent of the hazard(s) and therefore, wouldn’t the County’s
assessor be required to do the same for an accurate review? We have never authorized this property to be included in the Conservation Land Tax Incentive Program, therefore there was never any permission given for assessing the natural features of the property.

3. We formally request the report and/or assessment sheets pertaining to the assessment of our specific property and how the shape, location, and size of the designation was determined. Since this service was performed and paid for under the actions of a government entity using taxpayer dollars, we would think that these materials should be made available to us upon request. We find it incredibly surprising that such a large hazard area has never been identified before, when you consider that aerial photography and various mappings (geological, soils, etc.) have been completed or have become available over the course of nearly a century?

4. Presently, the only information we have been provided with is that there will be an EH designation on our property and that this could be caused by any of a list of hazards. We want clarification on what the perceived hazards are and the consequences of the designation before we can even consider supporting such a bylaw.

We would like to take this opportunity to express additional and considerable concerns with the general process and how it has been applied in the local area:

- The EH designation is a serious encumbrance on the useability and value of our property. This designation will make the property less attractive to potential purchasers (loss of property value) and expensive studies will need to be completed, which will hinder us from using our property for a number of purposes.

- If we understand correctly, the Grey Sauble Conservation Authority (GSCA) completed the mapping of the property and the first step in reviewing the EH designation after the by-law is passed, will be to “hire” the GSCA to come out and review the site. Is this not a profound conflict-of-interest and an intrinsic bias to the assessment and identification process? Shouldn’t a private qualified non-biased professional firm been hired to identify these areas? When we review the number of lots that have been affected by a new EH designation under this round of review for the comprehensive zoning bylaw, it becomes apparent that this is a returning cash cow for the GSCA!

- With regards to bias, is it not the intention of the GSCA to conserve land? How can we trust that such an organization will perform a fair assessment of our lands without a serious prejudice towards environmental protection? What would a conservationist rather see, parkland or private land? Easy answer isn’t it?
- We are not naïve, as we know our area is under intense pressure to be preserved and made a playground for naturalists and the government. It is easy to see how the gradual accumulation of these lands and the starving out of the remaining residents and private property owners can be completed. This zoning process definitely facilitates this and it is not hard to wonder how much input and pressure that preservation groups have placed during the execution of these redesignations?

- We feel our democracy, property rights, and entitlement have been stripped away when we don’t even rate a notification letter that there are serious changes with serious financial implications being applied to our property. The public posting notification is not enough for such a serious implication. This process has genuinely made us feel like second-rate citizens (if even that). We contribute significant property tax dollars every year and we don’t rate something as easy as a mailed notification. We would certainly get a special notification from the Municipality if our taxes were overdue. Even if provincial policy dictates that individual notification is not necessary, the Municipality could incorporate a special notification measure into their by-law review process.

- I have a general doubt in the accuracy and/or intent of the assessment completed. From my understanding of EH and the potential hazards included thereof, there are other “well-known” hazards that have frequent recurring drainage and “hazard” problems and somehow these have been missed on the current proposed mapping, perhaps because they are owned by government or institutional entities? There also appear to be suspicious indications on the mapping that certain private properties have been mysteriously excluded from the EH due to personal connections with municipal officials.

- We wish to express to the assessors of these designations that their actions cause considerable property value erosion and considerable distress when applied, and they therefore, have an obligation to the taxpaying landowner to be diligent and fair in executing their duties.

- This process has caused and continues to cause us considerable grief, worry, and insult. It has forever scarred our perception that our democratic system is secure because apparently property rights aren’t.

We recommend that Council reject the passing of this by-law until a complete comprehensive review can be completed by non-bias parties and reviewed again by the public. A suitable alternative would be to return to the current comprehensive zoning bylaw and abort the current proposed by-law.

We trust that this letter will be reviewed fairly and included in its entirety to the Municipality and Council for their review.
We would be pleased to be contacted if you require any further information or can provide information, especially to our questions above. As a respectful reminder, we require a suitable response to our numbered comments above, before we retract our objection.

Sincerely,

Mr. Marshall Mielhausen
R.R.1, Tobermory, ON
N0H 2R0
519-596-2838
danshel@amtelecom.net
Landowner, Taxpayer and
Local Businessperson

Mrs. Tammie Mielhausen
R.R.1. Tobermory, ON
N0H 2R0
519-596-2838
danshel@amtelecom.net
Landowner, Taxpayer and
Local Businessperson

cc: Mr. Milt McIver, Mayor, Municipality of Northern Bruce Peninsula
Mr. John Bainbridge, Deputy-Mayor, Municipality of Northern Bruce Peninsula
Mr. Ray Burns, Councillor, Municipality of Northern Bruce Peninsula
Ms. Betsy Stewart, Councillor, Municipality of Northern Bruce Peninsula
Mr. Tom Boyle, Councillor, Municipality of Northern Bruce Peninsula
General Delivery  
Miller Lake, Ontario  
N0H 1Z0  
519-795-7757

September 13, 2013

Mr. David Smith MCIP, RPP  
Senior Planner  
County of Bruce Planning and Economic Development Department  
30 Park Street, P.O. Box 848  
Walkerton, ON  
N0G 2V0

dsmith@brucecounty.on.ca

Re: Notice of Objection  
Draft Comprehensive Zoning By-law  
Northern Bruce Peninsula

Dear Mr. Smith,

We wish to take this opportunity to express our concern with the discovery that a significant amount of our property at Lots 47 & 48, Concession 2 WBR has been identified as falling under the definition of Environmental Hazard (EH) under the proposed by-law above.

We have attached a copy of our property from the existing zoning by-law mapping and a copy of the property mapping from the Draft Comprehensive Zoning By-law to demonstrate the magnitude and change to our property's zoning which is incomprehensible. Our property parcel is 200 acres and under the existing zoning, has an existing EH designation of approximately 13 acres. Under the Draft Comprehensive Zoning Bylaw the EH designation has been increased to 111 acres! This is an increase of 860%!

We will continue to object to the proposed comprehensive zoning by-law with whatever means we have at our disposal, until we have received precise and specific comments from the Municipality and/or your office with regards to the following:
1. The organization who assessed the property must be identified to us.
2. What qualifications do the organization and personnel responsible have in order to complete this assessment? We want to ensure that this was not a project to keep a summer student busy.
3. We request the provincially-approved evaluation methods and criteria used in the assessment of such properties to determine that the conditions supporting the designation actually exist.
4. We wish to receive a copy of the written permission that the personnel of the assessing entity received from the landowner to trespass on the property to perform the assessment as we would expect that on-site review would be required to confirm the conditions of such a designation. We have never acknowledged the Conservation Land Tax Incentive Program for this property, so permission has never been authorized for such purposes.
5. We would expect that the assessment report for the property is available for our review, therefore we request a copy of such.
6. We require clarification and details on the supposed hazards present.

We would like to take this opportunity to express additional and considerable concerns with how this re-designation affects our lives, ability to support ourselves and general democratic rights:

- This property is a part of both our business and our retirement package. The EH designation is a serious encumbrance on the useability and value of our property. The EH designation will complicate and make any expansion plans to my business that much more expensive and prohibitive. This designation will definitely make the property less attractive to potential future purchasers. This proposed zoning change will continue to cause severe monetary loss to us both in the operation of our business and when we sell the property.

- Expensive studies will need to be completed and **paid for by us** to assess the identified area and to confirm if an environmental hazard even actually exists.

- It is rumoured that the Grey Sauble Conservation Authority (GSCA) completed the mapping of the EH designation on the property. If this is the case then we see this as a profound conflict of interest in two ways. The first is that they are a conservation based organization with the mandate to conserve land, so they have an inherent motive to be conservative in restricting lands for development. Secondly, we understand that the GSCA must be hired by proponents to carry
out an initial assessment of environmental hazards prior to any development with an application fee to be paid by the proponent; therefore they have a conflict of interest in assessing the properties as they have an ultimate monetary gain guiding their assessment.

- We know our area is under intense pressure to be preserved and made a playground for naturalists and the government. It is not difficult to see how this latest Draft Comprehensive Zoning By-law caters to the overall plans of Parks Canada to assimilate all the properties of St. Edmund's (and ultimately the Peninsula) into the Park. It is easy to see how the gradual accumulation of these lands and the starving out of the remaining residents and private property owners can be completed. This zoning process definitely facilitates this and one wonders how much input and pressure that preservation groups have placed during the execution of these redesignations?

- We feel our democracy, property rights, and entitlement to making a living have been stripped away when we don't even rate a notification letter that there are significant changes with serious financial implications being applied to our property. The general public posting notification is not enough for such a serious change to the details of one's property. This process has genuinely made us feel like second-rate citizens (if even that). We contribute significant property tax dollars every year and we don't rate something as easy as a mailed notification. We would certainly get a special notification from the Municipality if our taxes were overdue or we were in non-compliance with a by-law. Even if provincial policy dictates that individual notification is not necessary, the Municipality should incorporate a special notification measure into their by-law review process.

- I have a general doubt in the accuracy and/or intent of the assessment completed. From my understanding of EH and the potential hazards included thereof, there are other "well-known" hazards that have frequent recurring drainage problems, exposed fractured bedrock, etc. and somehow these have been missed on the current proposed mapping, perhaps because they are owned by government or institutional entities or special interest groups? There also appears to be indications on the mapping and rumours that certain private properties have been mysteriously excluded due to personal connections with municipal officials. These implications must be reviewed and straightened out for the record with new mapping provided for public review.
We perceive this latest comprehensive zoning by-law issue as only another attempt in the continuing discouragement of business and investment in the local area. Government officials must begin to acquaint themselves and comprehend the magnitude of taxes, user fees, by-laws, permitting, burdens and government "kingdom-building" that is being passed down to small business and the regular working person. We are in an economic recession and small business is faltering under the overhead that is being downloaded on them by the provincial and municipal governments and there is too much overhead to be passed off on the consumer, since consumers are reluctant to spend or invest as it is (if they are even able to consider spending at all).

I was a deputy mayor and councilor for the Township of Lindsay prior to amalgamation with over twenty years of service, many of those years sitting on the planning board so I understand the planning process and what power the Municipality has in this process.

We respectfully request that the present Council not succumb to special interest groups and the province, and instead support local taxpaying landowners by postponing the vote on this bylaw and conduct a full impartial review of the procedures and repercussions involved with this bylaw.

Our recommendation to the Municipality is to either revoke the new EH designations under this Draft Comprehensive Zoning Bylaw or undertake a comprehensive review of the entire process including a thorough review of the real world consequences that these designations present.

The bylaw must be reviewed and the results of the review and the edited comprehensive zoning bylaw must be reposted for public review prior to the Municipality voting to accept it. This Municipality must return to an independent mindset of what is appropriate for its core taxpayers and carefully review what is being handed down by higher tiers of government and the special interest groups driving policy. With the greatest respect and sincerity, we ask that the County and Municipality review the implications of the EH designation on our local community and consider whether or not it is really worth the economic ruin and emotional strife?

If suitable action is not undertaken with regards to our file and others similarly affected by this Draft Comprehensive Bylaw, we will be forced to pursue an investigation into the matter by legal counsel.

We trust that this letter will be included in its entirety and reviewed fairly by the Municipality and County.
We would be pleased to be contacted if you require any further information or can provide some on this issue. As a respectful reminder, we require a suitable response to our numbered comments above, before we consider retraction of our objection.

Sincerely,

Mike Robins
Mr. Mike Robins
Local Landowner, Taxpayer and Business Owner

Margaret Robins
Mrs. Margaret Robins
Local Landowner, Taxpayer and Business Owner

cc: Mr. Milt McIver, Mayor, Municipality of Northern Bruce Peninsula
    Mr. John Bainbridge, Deputy-Mayor, Municipality of Northern Bruce Peninsula
    Mr. Ray Burns, Councillor, Municipality of Northern Bruce Peninsula
    Ms. Betsy Stewart, Councillor, Municipality of Northern Bruce Peninsula
    Mr. Tom Boyle, Councillor, Municipality of Northern Bruce Peninsula
    Mr. Bill Jones, CAO, Municipality of Northern Bruce Peninsula
After close examining of the new Proposed bylaw for Tobermory area I feel this is very detrimental for Tobermory's future.
Please put me on record as being against this bylaw.
Dale and Susan Lyons
14 Carlton St.
Tobermory, On.

Sent from Dale and Susan's iPad
dsmith@brucecounty.on.ca
Cc: billjones.nbp@eastlink.ca
Subject: cottage rental

Thanks for the by-law info. A number of owners are not in favor to people buying cottages and renting them and using them as a business. there are a number of them on the internet for rent which adds to the population density and environment impact on the lake, the by-law should include restrictions for long term rentals i.e. 2 weeks or more.

angus parsons ,276 cameron lake rd.          home -340
willowdale -703 ,sarnia ont n7t7s8
September 11, 2013

County of Bruce Planning Department
30 Park Street, Box 848
Walkerton, Ontario
NOG 2VO

Attention: David Smith

Dear David:

Re: Northern Bruce Peninsula Zoning By-law Application Z-33-13.66

We are writing to express our concerns and objection to the above noted application as it applies to property we own in the former Township of St Edmunds. This property is described as Part of Lot 50, Concession 2, W.B.R. under Roll#41096800003094 on Cape Hurd Road.

It has come to our attention that the proposed by-law would rezone a good portion of our fifty acre property from RU2 (Restricted Rural) to PD (Planned Development). We would be very interested in hearing from you as to the justification for rezoning our property to Planned Development. We recognize that it is sometimes necessary to zone lands for future community planning and needs but we do not understand the purpose of this proposed change in zoning.

We purchased this property a few years ago specifically because it was a large rural property that afforded us a great deal of privacy, would allow us to build a new home and also undertake rural uses such as housing animals and livestock. Currently we have horses on the property. A garage and another accessory building have already been constructed. The building site for our new home has been excavated and a building permit is pending. It is also our intention in the future to construct a barn and house other animals/livestock on our property.

Changing the zoning on the property to Planned Development would potentially restrict the uses we intend for the property in the future. It is our understanding that the only permitted uses in a Planned Development zone are those that existed on the date the new zoning is implemented. Any new uses on the property would require a zoning by-law amendment which is a costly and lengthy process.

We strongly object to the proposed rezoning of our property and request that the current rural zoning remains in effect.

Yours truly,

Cathy Robins/Kirk Gibbons
Dear Mr. Smith. I wish to inform you of my opposition to this proposed bylaw change as it affects the area in and around Little Tub Harbour in Tobermory. Our waterfront property is located on Elgin Street in Tobermory. We have owned this property for 26 years and have come to know all our waterfront neighbours during that time. Everyone along this stretch of waterfront is very conscious of the pristine environment that we share and we all constantly do our utmost to protect our waterfronts from any environmental hazards. Therefore, I feel that this proposed zoning change is unnecessary. Thank you for recording my opposition to Z-33-13.66 and thank you for the planning work that you do for Bruce County. Mark Summerfield 1105 Prince Philip Drive, London, Ontario N6H-4F6 519-473-5541 [Tobermory address is 65 Elgin Street.]
Mr. David Smith, Senior Planner
Bruce County Planning & Economic Development
30 Park Street, P.O. Box 848
WALKERTON, Ontario, N0G 2V0

Mr. Smith:

Re: 2013 Comprehensive Zoning By-Law Review

We are opposed to an Environmental Hazard Zone being added to our property at 49 Front Street, Tobermory.

Sincerely,

Arliss & Lynn Golden

ccc: Bill Jones, Chief Administrative Officer
Mary Lynn Standen, Municipal Clerk
Milt McIvor, Mayor
John Bainbridge, Deputy Mayor
Tom Boyle, Councillor
Ray Burns, Councillor
Betsy A. Stewart, Councillor
Dear Sir,

My name is Terry Van Lare and I am a tax paying citizen who resides at 966 Spry Road in Lions Heads area. I wish to go on record as of today after just finding out about this bylaw proposal from neighbor. It is disgusting to me that I did not receive a letter in mail from something that is going to affect our properties to a degree of such that we have no say in what we can do with a property and that we pay extensive taxes to employ yourself and others. I can understand having to manage the lands to some extent however, for your people to tell everyone what is hazard and restrict use beyond reason is not acceptable. This municipality in last 20 years has created bylaws for trailers, boats, camping, tents, ect, ect, and may as well buy all our properties and or at least pay our taxes for we no longer feel we own our homes and properties because of this township dictating through by-laws what we can or cannot do. It is somewhat disgusting again to hear all this after the fact and without a letter notifying us taxpayers. The township can afford to pay all their employees from out tax base, but cannot afford a stamp, too much. Who is in charge, I cannot wait till the next election to have my say through voting out these dictators respectfully. I am beginning to understand hearing from everyone how un-democratic our council has become. I wish to go on record that if this should become law I wish to be able to appeal it even if it does or does not affect my property or others.

Terry Van Lare
966 Spry Road
Lions Head, Ontario
N0H 1W0
Hi my name is Norma MacLeod. I’m emailing you with a couple of concerns surrounding the re-zoning taking place in Bruce County.

First of all I do not live in the area and if it was not for a couple neighbours bringing the changes to our attention we would have had no notice what so ever. Just wondering if in the future a letter should go out to the property owner.

My second concern is around the terminology being used to describe the zoning. Environmental Hazard seems a little harsh for a property that has water on it. I think particularly for the neighbours are reacting more to that than anything as they are concerned about the property value of the land with a land close by zoned as EH. I would think something less severe would be less alarming.

Norma and Martin MacLeod
Barrow Bay
September 12, 2013

Mr. David Smith MCIP, RPP
Senior Planner
County of Bruce Planning and Economic Development Department
30 Park Street, P.O. Box 848
Walkerton, ON
N0G 2V0

dsmith@brucecounty.on.ca

Re: Building Height Restriction
Draft Comprehensive Zoning By-Law August 27, 2013

Dear Mr. Smith,

While reviewing the proposed Zoning By-Law for Northern Bruce Peninsula I noticed that the definition of "Height" as it relates to buildings has been changed significantly.

In the Current Comprehensive Zoning By-Law 2002-54 the height of a building is based on the type of construction considering variables such as roof type and average grade at the front of the building. The proposed definition does not consider these variables and I believe that this change will create many problems. I have provided the two definitions below for a clear comparison.

Current Definition
"HEIGHT" when used with reference to a building or structure means the vertical distance between the average grade at the front of such building or structure to the highest point therein exclusive of any ornamental dome, chimney, tower, cupola, steeple, church spire, water storage tank, electrical apparatus, television or radio antenna, or structure for the mechanical equipment required for the operation of such building or structure.
Without limiting the generality of the foregoing, the highest point shall be taken as:
(a) in the case of a flat roof, the highest point of the roof surface or parapet, whichever is the greater;
(b) in the case of a mansard roof, the deck roof line;
(c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridge.
Where the height is designated in terms of storeys, it means the designated number of storeys above and including the first storey.

Proposed Definition
"HEIGHT" when used with reference to a building or structure means a vertical distance measured between the ground surface to the highest point of a building or structure excluding any ornamental dome, chimney, tower, cupola, steeple, Place of Worship spire, water storage tank, electrical apparatus, television or radio antenna, etc., or structure required to house mechanical equipment for the operation of such building or structure.
If the proposed definition is adopted most buildings constructed over 2 storeys will need to have a flat roof to comply with the by-law. In my opinion, a building with a flat roof does not lend itself to our area at all! In order to construct a building with the pleasing architectural features that our existing buildings enjoy you would be limited to 2 storeys.

In areas such as Tobermory and Lions Head where lots are small, difficult and expensive to obtain and parking is limited wouldn’t it make sense to construct buildings with a smaller footprint? If we are limited to 2 storey buildings we will need to consume much more property to create the same amount of floor space as a 3 storey building. This increases the amount of disrupted area on a lot and reduces area for undisturbed natural features, landscapes, parking etc.

I cannot see what good this change in definition will do our municipality and I ask that it be reconsidered to conserve property and help prevent our municipality from being consumed by ugly 3 storey boxes.

Regards,

Brent Robins
Bruce Anchor Motel & Cruises
7468 Highway 6 Tobermory

cc: Mayor Milt McIver, Deputy Mayor John Bainbridge, Councillor Ray Burns, Councillor Betsy Stewart, Councillor Tom Boyle, CAO Bill Jones
COMPLIANT and could not be constructed unless redesiigned as the half roof building shown the right

Using the proposed BY-Law the height of the same building would be considered 35'4" which IS NOT

Which is compliament (under 32'8" for residential areas)

Using the existing BY-Law the height of the building on the left is calculated as 19'4" + 16/2 = 27'4"

32'8"

19'4"

35'4"

16
I have been instructed to inform you that the owners of 18 Ira Lake Road are opposed to pending bylaw changes restricting usage and future development.

Assessment Roll Number 410966000203302

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Chris McLaughlin
Sales Representative
Magic Realty - Sarnia
519-332-6880

[Signature]
Our property is a waterfront lot on Simpson Avenue on the north side of Hay Bay near Tobermory. Some of our concerns and questions are as follows:

- The current zoning is resort residential but the proposed zoning is lake residential. What exactly is the difference?

- The area is has been designated as an environmental hazard zone. Please explain this designation, why it has been added and what restrictions would be added. What notice has been given regarding this change?

- the new zoning by-law appears to give unfettered access of entry and inspection. This very same issue was recently proposed to council for officers of the municipality and was turned down. It should not be a part of this new document.

- while a table of changes has been provided, this is very general and unsatisfactory. A Table of Concordance is the appropriate tool that needs to be prepared for changes of this magnitude. Please assure us that this will be done.

A response to the concerns above is requested.

Rob Davis
93 Simpson Ave.
Tobermory ON N0H 2R0
We own a cottage at 71 Borden Drive; our home address is 289 St. David St., Stratford, On. N5A 1E1. We will be out of the country on September 23 and unable to attend the public meeting on the proposed Comprehensive Zoning bylaw, so we are writing to ensure our concerns with the proposed bylaw are on the public record.

Our Borden Drive cottage is in proposed Zone 9 Lake Residential (LR). Parts of Borden Drive are shown as “EH-a” Zoning.

We appreciate that a comparison table of the existing and proposed bylaws is now available; this assisted us in identifying changes to the existing bylaw and new provisions. The large number “NEW” provisions alone (we found over 25 applicable to our property, without considering new definitions) and a further long list of “revisions to” (another 10 applicable to us), also clearly demonstrate the extent of the proposed changes. In addition, many provisions described as “similar to” an existing provision are in fact substantive changes and additions. The proposed bylaw is more than mere housekeeping or updating, and we are concerned that the public has not been adequately informed of either the scope of change or the implications that may follow from it.

Many of the changes are no doubt intended to reflect changes in provincial legislation, or to respond to judicial interpretation or administrative matters. However, this is impossible to determine as there is little if any explanation of, or rationale for, the new provisions or other substantive changes. For example, why is the current 53 word section 6.1.2 Construction Facilities being replaced with the 299 word section 3.1.2 Temporary Buildings and Construction Facilities? This change is also misidentified as “new”. Why does the bylaw not apply to buildings or structures under 9.0 sq. ft (section 1.4.2)? What is the rationale for, and the implications of, the proposed section 1.5 Continuation of Minor Variances? There are numerous other examples, but in the interest of brevity we’ll stop here.

The comparison states that most definitions are “new”, but fails to identify which are new, which have been changed or deleted, and why this has been done. For example, why has “boathouse “ been included?

We also note that the current section 4.4 Remedies, which allowed private individuals to restrain activities that contravened the bylaw has not been included in the proposed bylaw, but this is not identified in the comparison, and no rationale is given.
We also are concerned about the implications of the changes that will directly impact our property, including the more restrictive building and development rules associated with the LR Zoning and EH designations. We understand the need for appropriate measures to guide and control building, particularly in environmentally sensitive areas, but we do not understand why the proposed changes are being sought – what problems exist and how would these changes address them? What are the practical implications for property owners impacted by these changes? As an example, what is the purpose of the extended setbacks from the EH-a areas shown on the maps, and what provision of the bylaw provides for these?

We believe there should be considerable more consultation with owners of LR properties, many of whom are seasonal residents. We urge the council to defer any decision on the bylaw until there has been full and adequate explanations as to the reasons for, and implications of, all the changes provided to all property owners and other interested parties, an extended period for consideration and for submission of comments, followed by a further public meeting timed to allow full participation.

Thank you for consideration of our views.

Patrick and Mary O’Rourke
From: Tom and Sandra
To: David Smith
Subject: proposed zoning changes
Date: September-13-13 11:36:11 AM

Please be advised that we are opposed to the proposed zoning changes under the comprehensive zoning by-law and the setback and buffer zones indicated. Such changes will eventually erode the future tax base and effectively render many properties valueless to owners. We plan to attend the Sept 23 meeting. Kindly acknowledge your receipt of this email. Thank you. Tom and Sandra Whiting
843 Stokes Bay Rd, Stokes Bay, On.
Dear Mr. Smith,

Please note that as a property owner within the Northern Bruce Peninsula - 1443 Bury Road, Con. 1, WBR, Part Lot 30 And Con 1, EBR, Lot 32, and PT Lot 31. I oppose the Draft Zoning By-Law Application Z-33-13.66.

C. Everatt
September 13, 2013

Mr. David Smith MCIP, RPP
Senior Planner
County of Bruce Planning and Economic Development Department
30 Park Street, P.O. Box 848
Walkerton, ON
N0G 2V0

dsmith@brucecounty.on.ca

Re: Notice of Objection
Northern Bruce Peninsula
Draft Comprehensive Zoning By-law

Dear Mr. Smith,

We wish to take this opportunity to express our most serious of concerns with our discovery that a significant amount of our property at 7032 Highway 6, Tobermory (Former Township of St. Edmunds) has mysteriously been identified as falling under the definition of Environmental Hazard (EH) under the proposed by-law above. We have attached a copy of our property from the existing zoning by-law and a copy of the property from the Draft Comprehensive Zoning By-law to demonstrate the magnitude and change to our property.

We will continue to object to the proposed comprehensive zoning by-law with whatever means we have at our disposal, until we have received precise and specific comments from the Municipality and/or your office with regards to the following points:

1. We wish to know who identified and assessed the property to determine that an EH exists and what specific qualifications they have for completing such a task. We also request the evaluation methods and criteria used in the assessment of properties to determine that these designations exist.

2. We would like to know the specific day(s) of entry that the above personnel trespassed onto the property to accurately assess the hazards, as I would think that an on-site inspection would be necessary to accurately determine that such a consequential designation exists and its magnitude/applicability. We understand from recent consultation with a professional qualified in this field, that he/she will
need to visit the site to determine and assess the extent of the hazard(s) and therefore, wouldn't the County's assessor be required to do the same for an accurate review? We have never authorized this property to be included in the Conservation Land Tax Incentive Program, therefore there was never any permission given for assessing the natural features of the property.

3. We formally request the report and/or assessment sheets pertaining to the assessment of my specific property and how the shape, location, and size of the designation was determined. Since this service was performed and paid for under the actions of a government entity using taxpayer dollars, I would think that these materials should be made available to us upon request. We find it incredibly surprising that such a large hazard area has never been identified before, when you consider that aerial photography and various mappings (geological, soils, etc.) have been completed or have become available over the course of nearly a century?

4. Presently, the only information we have been provided with is that there will be an EH designation on our property and that this could be caused by any of a list of hazards. We want clarification on what the perceived hazards are and the consequences of the designation before we can even consider supporting such a bylaw.

We would like to take this opportunity to express additional and considerable concerns with the general process and how it has been applied:

- The EH designation is a serious encumbrance on the useability and value of our property. This designation will make the property less attractive to potential purchasers (loss of property value). Expensive studies will need to be completed to assess the identified area and to confirm if an environmental hazard even actually exists.

- If we understand correctly, the Grey Sauble Conservation Authority (GSCA) completed the mapping of the property and the first step in reviewing the EH designation after the by-law is passed, will be for us to “hire” the GSCA to come out and review the site. Is this not a profound conflict-of-interest and an intrinsic bias to the assessment and identification process? Shouldn't a private qualified non-biased professional firm been hired to identify these areas? When we review the number of lots that have been affected by a new EH designation under this round of review for the comprehensive zoning bylaw, it becomes apparent that this is a returning cash cow for the GSCA!
• With regards to bias, is it not the intention of the GSCA to conserve land? How can we trust that such an organization will perform a fair assessment of our lands without a serious prejudice towards environmental protection? What would a conservationist rather see, parkland or private land? Easy answer isn't it?

• We are not naïve, as we know our area is under intense pressure to be preserved and made a playground for naturalists and the government. It is easy to see how the gradual accumulation of these lands and the starving out of the remaining residents and private property owners can be completed. This zoning process definitely facilitates this and it is not hard to wonder how much input and pressure that preservation groups have placed during the execution of these redesignations?

• We feel our democracy, property rights, and entitlement have been stripped away when we don't even rate a notification letter that there are serious changes with serious financial implications being applied to our property. The general public posting notification is not enough for such a serious implication. This process has genuinely made us feel like second-rate citizens (if even that). We contribute significant property tax dollars every year and we don't rate something as easy as a mailed notification. We would certainly get a special notification from the Municipality if our taxes were overdue or we were in non-compliance with a by-law. Even if provincial policy dictates that individual notification is not necessary, the Municipality could incorporate a special notification measure into their by-law review process.

• I have a general doubt in the accuracy and/or intent of the assessment completed. From my understanding of EH and the potential hazards included thereof, there are other "well-known" hazards that have frequent recurring drainage problems and somehow these have been missed on the current proposed mapping, perhaps because they are owned by government or institutional entities? There also appears to be blatant indications on the mapping that certain private properties have been mysteriously excluded due to personal connections with municipal officials.

• We wish to express to the assessors of these designations that their actions cause considerable property value erosion and considerable distress when applied, and they therefore, have an obligation to the taxpaying landowner to be diligent and fair in executing their duties.

• This process has caused and continues to cause us considerable grief, worry, and insult. It has forever scarred our perception that our democratic system is secure because apparently property rights aren't.
We trust that this letter will be included in its entirety and reviewed fairly by the Municipality and County for their review.

We would be pleased to be contacted if you require any further information or can provide some on this issue. As a respectful reminder, we require a suitable response to our numbered comments above, before we retract our objection.

Sincerely,

[Signature]

[Signature]

Mr. Murray McArthur and Mrs. Michelle McArthur
124 McArthur Road
RR # 1
Tobermory, Ontario
N0H 2R0

cc: Mr. Milt McIver, Mayor, Municipality of Northern Bruce Peninsula
Mr. John Bainbridge, Deputy-Mayor, Municipality of Northern Bruce Peninsula
Mr. Ray Burns, Councillor, Municipality of Northern Bruce Peninsula
Ms. Betsy Stewart, Councillor, Municipality of Northern Bruce Peninsula
Mr. Tom Boyle, Councillor, Municipality of Northern Bruce Peninsula
NOTES:

EH zone as per By-law 2002-54

Intake Protection Zones 1 & 2: Development applications for lands that are within an Intake Protection Zone 1 or 2 are delineated on Schedule A may require the submission of an Environmental Impact Study.

Wellhead Protection Area: Development applications for lands that are within a Wellhead Protection Area as delineated on Schedule A may require the submission of an Environmental Impact Study.

All properties shown on Schedule A as DC are located within the Niagara Escarpment Development Control Area, and therefore, are subject to Regulation 828/90.

Appendix ‘D’
Example of part of Draft Zoning Schedule #1

MUNICIPALITY OF NORTHERN BRUCE PENINSULA (former Township of St. Edmunds)

ZONE MAP 1

Prepared by: County of Bruce Planning & Economic Development Department
Date Printed: September 23rd, 2013

Scale 1:18000