



Baptiste Lake Land Use Study



Draft Version 3.0
July 7th, 2007

Comments are welcome



French Planning Services Inc
1016 Holiday Park Drive, RR #2
Bracebridge, Ontario, Canada P1L 1W9

Introduction

The purpose of the land use study is to describe the current land use patterns and to assess the effectiveness of current provincial and municipal land use regulation in maintaining the desired character of the lake. The study was prepared with the help of David Milne. David provided background information on the historical land use patterns, and provided an inventory of commercial operations on the lake.

The Land Use Study will answer the following questions:

- What are the current land uses around the lake and in the watershed?
- What are the current development pressures?
- What land uses are permitted on Crown Lands?
- Can Crown lands or resources be sold for cottage lots or other purposes?
- What are the current legislative requirements for Crown land and private land development?
- What are the current municipal land use policies and zoning by-law provisions and do they protect the character and health of the lake?
- What are the recommendations that all lake property owners and lake users should consider to protect and improve the natural and social health of Baptiste Lake?
- What stewardship (volunteer) initiatives should the Association and property owners be engaged in to protect and improve the natural and social health of Baptiste Lake?

The information provided is intended to assist the community of Baptiste Lake and the Baptiste Lake Association in working with Crown, County and Municipal governments in establishing appropriate guidelines and stewardship initiatives to ensure the future environmental and social health of the lake. These recommendations must be reviewed by all community members (rural, village and shoreline residents, business operators), the people who directly or indirectly depend on the lake and this includes any government or non government body that has a stake in the future health and use of the lake.

Table of Contents

| | |
|--|-----------|
| 1. Current Land Use | 1 |
| General Description of Land Use | 1 |
| Current Development Pressures | 1 |
| Area Population and Occupations | 3 |
| Land Tenure | 3 |
| Residential Land Use | 4 |
| Commercial Land Use | 5 |
| Residential Occupancy | 8 |
| Septic Systems | 10 |
| | |
| 2. Crown Land Use Regulations | 12 |
| Crown Land Use Policy Atlas | 13 |
| Bancroft Forest Management Plan | 13 |
| Public Lands Act | 14 |
| Lakes and Rivers Improvement Act | 15 |
| | |
| 3. Municipal Land Use Policy | 16 |
| Official Plans – County of Hastings | 17 |
| Rural Designation | 17 |
| Environmental Protection Designation | 20 |
| Lake Capacity Study | 20 |
| Critical Fish Habitat | 21 |
| Zoning By-law – Municipality of Hastings Highlands | 22 |
| Residential Zones | 23 |
| Commercial Zones | 26 |
| Environmental Protection Zones | 27 |
| Marginal Agriculture Zone | 27 |
| Mineral Extraction Zone | 27 |
| | |
| Appendices | 29 |
| Appendix 1 – Crown Land Use Policy Atlas Report G340: Multiple Resource Management Area | 30 |
| Appendix 2 - Letter (March 29, 2007) from Eric Boysen, Manager, Land Management Section, MNR, to the Federation of Ontario Cottagers Association | 32 |

List of Maps

| | |
|--|----|
| 1. Land Use..... | 2 |
| 2. Land Tenure – Crown and Private | 12 |
| 3. County of Hastings – Municipality of Hastings Highlands | 16 |
| 4. Official Plan Schedule | 18 |
| 5. Baptiste Lake Zoning..... | 25 |

List of Figures

| | |
|---|----|
| 1. Population of Canada, Ontario, Hastings County and the Municipality of Hastings Highlands..... | 3 |
| 2. Population and Dwelling Counts for Hastings Highlands | 4 |
| 3. Occupations in Hastings Highlands..... | 4 |
| 4. Shoreline Development – 2004 (MOE) | 5 |
| 5. List of Current Commercial Operators and Type of Use (2007)..... | 5 |
| 6. Future Plans for Permanent Residency | 6 |
| 7. Average Number of Person Days/Household/Season on Baptiste Lake ... | 7 |
| 8a. How Do You Dispose of Household Black Water (from toilet) | 11 |
| 8b. How Do You Dispose of Household Grey water (from sinks)..... | 11 |
| 8c. What is The Age of Your Septic System | 11 |
| 8d. Where is Your Septic Tile Bed Located..... | 11 |
| 8e. Last Time Your Septic System was Pumped out | 11 |
| 8f. Use of Septic Enhancement..... | 11 |
| 9. Permitted Uses in Rural Designation | 17 |
| 10. Main Official Plan Policies that Affect Development on Baptiste Lake | 19 |
| 11. Main Zoning By-law Provisions that Affect Residential Development | 23 |
| 12. By-law Requirements for Residential Zones | 26 |
| 13. Permitted Uses on Baptiste Lake Shoreline – Zoning By-law | 27 |

1 Current Land Use

General Description of Land Use – Map 1 on the following page shows the current land use based on how properties are assessed for municipal property tax purposes. This information was obtained from the County of Hastings and may differ slightly from the Zoning Map 5, (page 25). The zoning map was prepared in 2004 and there have been many changes since then. Map 1 shows a wide range of permanent and seasonal residential properties, resort and rural commercial properties, mineral extraction and waste disposal lands. Map 1 also shows the location of Crown lands, which comprises the majority of the shoreline and rural lands in the watershed.

A “Position Paper” was prepared in 1990 for the Baptiste Lake Association by Ainley and Associates and it provided the following description of Baptiste Lake: “

The majority of Baptiste Lake’s waterfront land use is termed limited service residential. The Official Plan for Hastings describes this use as a residential use adjacent to a lake or river which, by its nature and location is not intended for year round continuous or permanent occupation. Also, less than 10 percent of the residential structures are used for full-time permanent use.

Most of the lake’s residential uses are traditional style cottages, being relatively small in nature, comprised of one or two storeys. However newer development contrasts earlier styles, being larger in floor area and constructed of brick and siding. Also, the new development has brought with it strip landscaping techniques and other similar practices which are detrimental to the natural environment and waterfront aesthetics. Other land uses in the waterfront areas include general commercial uses, lodges and summer camps. Lumber related industry is also prevalent in Baptiste, providing much of the area’s full time employment.”

The general land use in 2007 is much the same as it was described in 1990. The only notable changes are; an increase in permanent shoreline residents from 10% to 15%; the recognition of many existing commercial operations; and many rural properties that now classified as ‘managed forests’ under the Managed Forest Tax Incentive Program.

Current Development Pressures - In 1990 the most prevalent development pressures was the creation of new residential lots (1990 Ainley) and the lack of appropriate planning regulations for the preservation of natural features. It is interesting to note that the 1990 Position Paper indicates that the environmental protection zones, which were designed to protect natural features, allowed such non compatible uses including golf courses, parking lots and agriculture, to name a few. This has since been adjusted by the County and Municipality of Hasting Highlands. The current development pressures identified from the Residents survey and workshops conducted in 2006 include:

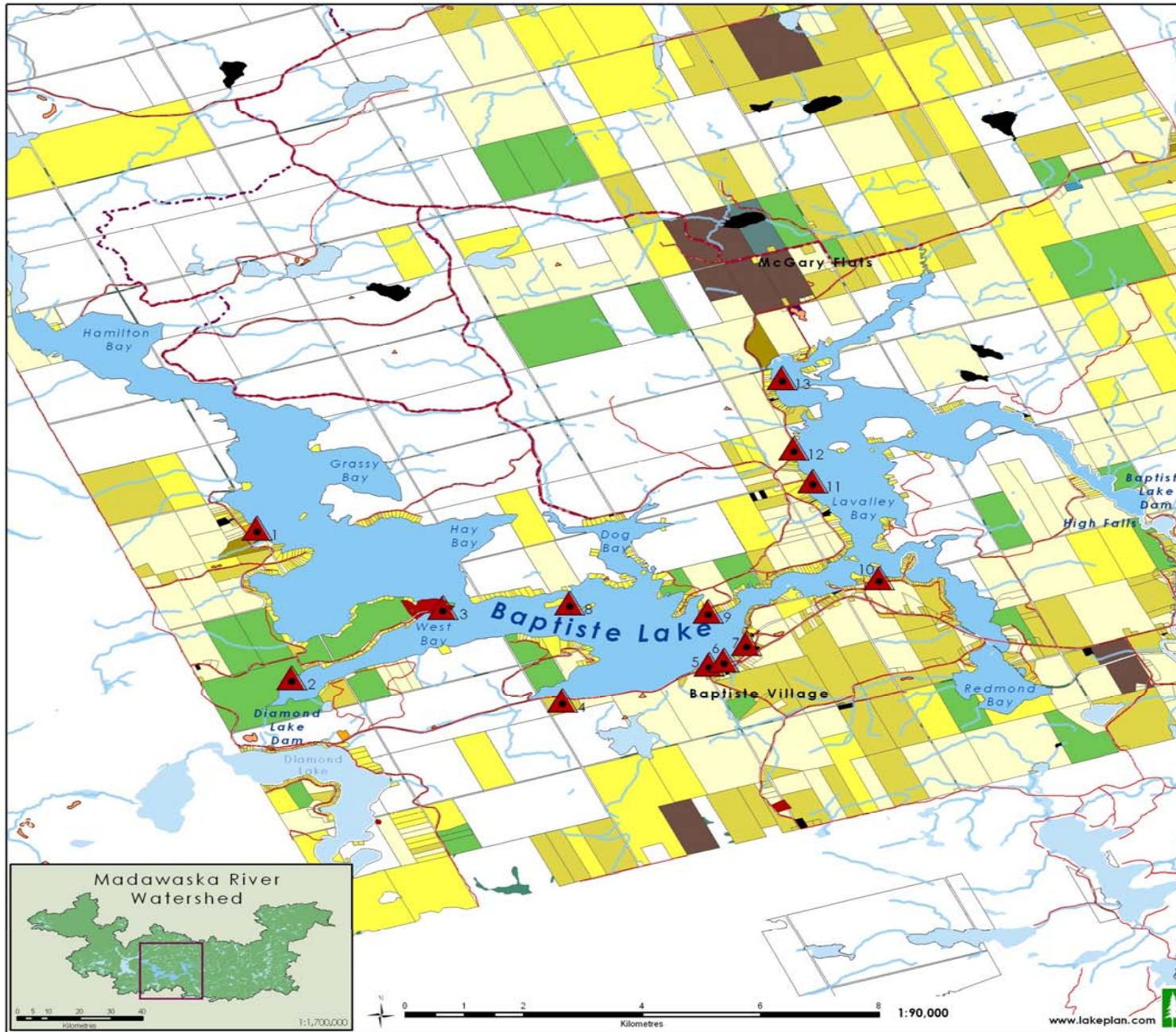
- Water Pollution from septic systems, garbage, boats;
- Urban Landscaping - shoreline vegetation removal;
- Replacement of older traditional style cottages with larger homes and large-scale development along the shoreline;
- Increased lot severances and back-lot re-development;
- Conversion of cottages to permanent dwellings;
- Loss of Crown shoreline for cottage lots;
- Increased number of shoreline structures;
- Loss of natural heritage features and areas (fish and wildlife); and
- The need for walking trails and public lake access for all residents in the municipality.

Map 1 – Land Use

Baptiste Lake Land Use

Legend

-  Streams & Rivers
 -  Recreational Trails
 -  Roads
 -  Pits & Quarries
 -  Commercial Operation
- ### Property Codes
-  Vacant
 -  Seasonal Residential
 -  Permanent Residential
 -  Mobile Home
 -  Farm
 -  Managed Forest
 -  Land Improvement
 -  Commercial
 -  Campground
 -  Housekeeping Cottage
 -  Marina
 -  Industrial
 -  Institutional
 -  Church
 -  Community Hall
 -  Sewage/Water Treatment
 -  Special
 -  Unknown
 -  Crown Land



Land Tenure – About 60% of the shoreline of Baptiste Lake is Crown, and the remaining 40% is privately owned. Map 2 (page 12) shows the location of Crown land surrounding the lake. There is an abundance of Crown lands located throughout the rural portions of the watershed and along the shoreline of Baptiste Lake. More information on the Crown land and private land regulations is provided in Sections 2 and 3.

Area Population and Occupations – Baptiste Lake is located in Hastings County which is predominantly rural in nature except for the urban centres of Belleville and Quinte West in the south. The permanent population of the County not including the urban areas is 38,520 (Census Canada, 2001) and this is expected to increase to 49,878 by 2016 (Hastings County Official Plan). The rural population has increased at a higher rate than that of the urban centres. Specifically, growth has occurred in those townships surrounding the urban centres and around the recreational lakes (source County of Hastings OP, p 6). Baptiste Lake is located in the Municipality of Hastings Highlands and the permanent population of the entire municipality was 3,992 in 2001 see Figure 1.

Figure 1 – Population of Canada, Ontario, Hastings County and the Municipality of Hastings Highlands

| Name | Type | Total Population | Urban Population | | Rural Population | |
|---------------------------|-----------------|-------------------|-------------------|-------------|------------------|--------------|
| | | | Total | % of Total | Total | % of Total |
| Canada | | 30,007,094 | 23,908,211 | 79.7 | 6,098,883 | 20.3 |
| Ontario | | 11,410,046 | 9,662,547 | 84.7 | 1,747,499 | 15.3 |
| Hastings County | | 125,915 | 73,176 | 58.1 | 52,739 | 41.9 |
| Bancroft | T own | 4,089 | 0 | 0.0 | 4,089 | 100.0 |
| Belleville | City | 45,986 | 38,306 | 83.3 | 7,680 | 16.7 |
| Carlow/Mayo | Township | 833 | 0 | 0.0 | 833 | 100.0 |
| Centre Hastings | Township | 4,226 | 1,730 | 40.9 | 2,496 | 59.1 |
| Deseronto | T own | 1,796 | 1,796 | 100.0 | 0 | 0.0 |
| Faraday | Township | 1,581 | 0 | 0.0 | 1,581 | 100.0 |
| Hastings Highlands | Township | 3,992 | 0 | 0.0 | 3,992 | 100.0 |
| Limerick | Township | 362 | 0 | 0.0 | 362 | 100.0 |
| Madoc | Township | 2,044 | 0 | 0.0 | 2,044 | 100.0 |
| Marmora | Township | 3,985 | 1,589 | 39.9 | 2,396 | 60.1 |
| Quinte West | City | 41,409 | 26,067 | 63.0 | 15,342 | 37.0 |
| Stirling-Rawdon | Township | 4,887 | 2,149 | 44.0 | 2,738 | 56.0 |
| Tudor and Cashel | Township | 665 | 0 | 0.0 | 665 | 100.0 |
| Tweed | Township | 5,612 | 1,539 | 27.4 | 4,073 | 72.6 |
| Tyendinaga | Township | 3,769 | 0 | 0.0 | 3,769 | 100.0 |
| Wollaston | Township | 679 | 0 | 0.0 | 679 | 100.0 |

Source – 2001 Census Canada

<http://www12.statcan.ca/english/census01/Products/Standard/popdwel/Tabl-UR-M.cfm?T=1&PR=35&CD=3512>

The Municipality of Hastings Highlands has a total number of 3,518 private dwellings (Figure 2) of which 2,253 dwellings are estimated to be seasonal (63%) and 1,265 dwellings are permanent (37%). (Source – Census Canada 2001)

Figure 2 – Population and Dwelling Counts
for Hastings Highlands

| | Total |
|---|--------|
| Population in 2001 | 3,992 |
| Population in 1996 | 3,829 |
| 1996 to 2001 population change (%) | 4.3 |
| Total private dwellings | 3,518 |
| Population density per square kilometre | 4.1 |
| Land area (square km) | 967.43 |

Source – 2001 Census Canada

Based on a conservative assumption that the average seasonal household size is 3.0 people, the estimated seasonal population would be about 6,759. According to the Residential Survey conducted in 2006 the average household size of seasonal residents was 4.93 people / household, which is almost twice the average household size for permanent residences in the municipality. If this figure is considered then the seasonal population would be about 11,100 people. Based on the survey household size for seasonal population the estimated population in Hastings Highlands is 15,092; 3,992 permanent (26%); and 11,100 seasonal (74%). The Municipality of Hastings Highlands has a higher percentage of cottage households and population as compared with permanent residents. This ratio of higher seasonal to permanent population is common for most cottage county municipalities across Southern Ontario.

About 7% of the workforce in Hastings Highlands has occupations unique to the primary industry such as forestry, mining, and agriculture (Figure 3). Other occupations such as construction, service, sales and management occupations are directly related to the tourism and the cottage industry.

Figure 3 – Occupations in Hastings Highlands

| Occupation | Total | % |
|---|-------|------|
| Total - Experienced labour force | 1,655 | 100% |
| Management occupations | 220 | 13 % |
| Business, finance and administration occupations | 220 | 13 % |
| Natural and applied sciences and related occupations | 45 | 3 % |
| Health occupations | 75 | 5 % |
| Social science, education, government service and religion | 65 | 4 % |
| Art, culture, recreation and sport | 30 | 2 % |
| Sales and service occupations | 340 | 21 % |
| Trades, transport and equipment operators and related occupations | 390 | 24 % |
| Occupations unique to primary industry | 115 | 7 % |
| Occupations unique to processing, manufacturing and utilities | 150 | 9 % |

Source Census Canada 2001

Residential Land Uses – According to a report prepared by the Ministry of Environment (MOE, February 2006), the total number of residential shoreline lots in 2004 was 918 and in 1997 there were 15 commercial properties with a total number of 113 accommodation units (see Figure 4). This information is used by the MOE to assess the impacts of phosphorus loadings from human activities.

Figure 4 – Number of Shoreline Properties (MOE)

| | | Baptiste Lake |
|---------------------------|--------|---------------|
| Residential | | |
| Seasonal Dwellings | (2004) | 640 (70 %) |
| Permanent Dwellings | (2004) | 114 (12 %) |
| Vacant Residential Lots | (1977) | 164 (18 %) |
| Total Residential | | 918 |
| Commercial | | |
| Resorts | (1977) | 15 |
| Rooms/Cabins | | 113 |
| Campsites | | n/a |
| Total Accommodation Units | | 113 |

Source – MOE Water Quality Report, February 2007

Commercial Land Use - Tourist resort and rural commercial operations have a major financial investment in the sustained health of Baptiste Lake, simply by the fact that they earn their living from occupations in and around the lake. Due to this investment, resort operators may have less of an opportunity to sell their properties and move to another location should the features that attract guests to their resort diminish or their markets change (pers. comm. Peninsula Lake). Throughout southern Ontario many commercial resort operators indicated that the highest value that their guests seek is the natural beauty, as well as the clean and quiet surroundings of the lake. The overall success of the tourist resort is directly linked to the same values that attract seasonal and permanent residents. Due to the significant investment and limited opportunity to replace commercial properties, the impact of the loss of features or values is just as significant to resort operators as they are to residents.

According to the MOE there were 15 commercial properties operating in 1997 providing 113 accommodation units or tent and trailer sites to the traveling public (Figure 5). According to a recent inventory, there are 13 currently operated commercial properties, 11 provide accommodation to tourists, 1 is a private camp (Ponacka) and 1 is the Baptiste Lake Marina.

Figure 5 – List of Current Commercial Operators and Type of Use

| Resort Name | Operators Residence | People Accommodated | Hotel or Motel Units | House-keeping Units | Tent and Trailer sites |
|----------------------------------|---------------------|---------------------|----------------------|---------------------|------------------------|
| 1 Forest View Lodge | 1 | - | - | n/a | - |
| 2 West Bay House | - | - | - | 1 | - |
| 3 Camp Ponacka | 1 | 220 | - | - | - |
| 4 Bel Air Resort | 1 | - | - | 2 | n/a |
| 5 Country Fare | 1 | - | - | 1 | - |
| 6 Lakeview Lodge | 1 | - | - | 3 | - |
| 7 Birch Cliff Lodge | 1 | - | - | 15 | 34 |
| 8 Herschel Island (Birch Cliff) | - | 24 | - | n/a | n/a |
| 9 LaValley Bay Cottages | 1 | - | - | 9 | - |
| 10 Baptiste Lake Marina | 1 | - | - | - | - |
| 11 Sunrise Lodge | 1 | - | - | 9 | - |
| 12 Scott's Cottages | 1 | - | - | 5 | - |
| 13 Musky Bay Resort (McGary Bay) | n/a | n/a | n/a | n/a | n/a |
| Total | 10 | 268 | | 45 | 34 |

n/a information not available

Source-Dave Milne and Bancroft.com

There are an additional 6 properties that are no longer operated commercially, and some of these properties remain in a commercial zone. There are another 2 properties that are zoned commercial, but have never been used commercially. The current uses will be recognized as being legal non-conforming uses.

List of current commercial operations (See Map 1 for location):

1. **Forest View Lodge** was built c. 1946 but has not been active as a resort since about 2000. It is currently being redeveloped as a shared cottage ownership resort.
2. **West Bay House** is a small cottage resort with a mainly private or repeat clientele. It has been in operation since the 1940's.
3. **Camp Ponacka**, a boy's camp founded by Bruno and Gwen Morawetz in 1946 and now owned by their daughter and son in law. Camp Ponacka comprises the eastern end of the West Bay peninsula and is the only privately owned summer camp located on Baptiste Lake. The camp encompasses 160 acres including shoreline and forest and has an estimated resort population of 220 (Source – BLA communications and Camp Ponacka website). <http://www.ponacka.com>
4. **Bel Air Resort** was started about 1960 and has one and two bedroom cottages and seasonal trailer sites. The resort has a sandy beach and docks for rent across the road from the cottages
5. **Country Fare** is a store, hotel/resort, licensed restaurant and bar. It is the site of Grant's Store which was, in the early twentieth century, a railway boarding house and then the post office, general store and in later years a restaurant before being torn down c. 2000. It was rebuilt about four years ago. <http://www.cfarebaptiste.com>
6. **Lakeview Lodge** located in the Baptiste Village has three one bedroom cottages and dock slips for rent. Many years ago it was a larger resort property. <http://www.leedy.ca/home.htm>
7. **Birch Cliff Lodge** has 15 cottages, 34 trailer sites, a dining room, store and dock slips. It was started in 1931 and has operated continuously since then.
8. **Herschel Island** also called Millionaire's Island, is the old Herschel Fishing Club, a private corporate club built c.1934 by Niagara Mohawk, a large New York State power company. The club closed in 1976 and has been operated as a resort, booked through Birch Cliff Lodge since about 1984.



9. **Lavalley Bay Cottages**, located to the east of Irwin Lane, is a cottage resort with about nine cottages established c. 1960.



10. **Baptiste Lake Marina** is on the site of the old Martin's Mill (c. 1926 – c. 1957) and has been operated as a commercial marina since about 1960. It is the only marina on the lake.



11. **Sunrise Lodge** opened in 1948 and operates 9 housekeeping cabins. <http://www.sunriseonbaptiste.com>

12. **Scott's Cottages** opened about 1960 with five cottages and a small store and gas pump.



13. **Musky Bay Resort** is a small resort located in McGarry Bay with a few small cottages and trailer sites. It has been in existence for about forty years.

There are also a number of commercial operations that have converted to residential uses:

14. **The Chateau** was located across the road from the Country Fare was an operating cottage resort and at one time the railway express office and the telegraph office.

15. **O-AT-KA** is located east of LaValley Bay Cottages. O-AT-KA was a small cottage resort which operated from c.1948 to c.1980. The property was divided into two cottage lots and has had a dwelling on each lot since that time.



16. **Lydia's Restaurant** was a licensed restaurant but closed and was sold in 2006. This is the site of the first resort on Baptiste Lake, dating to c.1914.

17. **Camp Comfort** was one of the smallest but also one of the first resorts on the lake. It is now a private cottage or home and has not been operated as a resort for about twenty years.



18. **Camp Mak Wan** is located on the west side of LaValley Bay, Camp Mak Wan opened as a boy's camp c. 1940 but operated as a resort from c. 1945 to c. 1985. It now comprises two private cottages along with a few older cottages.

Observations – Land Use

- *About 60% of the shoreline of Baptiste Lake is Crown land.*
- *Rural population in Hastings County is growing faster than the urban population.*
- *The total population for Municipality of Hastings Highlands is estimated to be 15,092; 3,992 permanent (26%); and 11,100 seasonal (74%).*
- *A high percentage of occupations in Hasting Highlands are in the prime industry (forestry, mining) and related to tourism and the cottage industry.*
- *Most of the lake's residential uses are traditional style cottages, being relatively small in nature, comprised of one or two storeys. However newer development contrasts earlier styles, being larger in floor area and constructed of brick and siding. Also, the new development has brought with it strip landscaping techniques and other similar practices which are detrimental to the natural environment and waterfront aesthetics.*
- *There are 13 known active commercial operations on the lake, 10 provide accommodation to the traveling public, 1 is the local store as well as provides accommodation, 1 is a private camp and 1 provides the only marina service on the lake. There are several properties zoned for commercial use that are no longer commercially operated.*
- *According to the Ministry of Environment (MOE) there are 15 commercial properties, 114 permanent residences, 640 seasonal residences and 164 vacant lots on the Baptiste Lake shoreline. This information is based on old information from 1977 and 2004.*
- *A considerable amount of undeveloped property on the lake exists and contributes greatly to the natural beauty of the lake. Some of these properties have the potential of being subdivided into a large number of residential lots.*
- *The economic importance of the tourist industry is essential to the area. Sustainable growth of this industry should be considered.*

Recommendations – Land Use

1. Conduct a current inventory of all residential, commercial and vacant lots on the lake and provide information to the Ministry of Environment to be used in their water quality modelling program. It will provide up to date data and will enable more accurate predictions on phosphorus loadings and the impact on water quality and lake trout habitat.
2. Work with the municipality to update the zoning by-law and to prepare a communication/regulation program regarding the rehabilitation and protection of shoreline areas.

Residential Occupancy

The number of people living on and using the lake can have a direct impact on water quality. Longer visits to the cottage as well as conversion from seasonal to permanent residence can increase the amount of phosphorus generated from human waste and sewage.

Current water quality models often refer to “estimates” of phosphorus loading based on the total number of shoreline lots, whether the lot is used permanently or seasonally. Current information on

residential occupancy will help to provide more accurate predictions of future water quality based on known information on the amount of time people stay on the lake. For seasonal residences, it is also important to know the average number of days that the cottage is occupied as well as the estimated household size as this number is often higher than permanent households. Occupancy refers to the number of residential users and the duration of time of their stay on the lake.

During the 2006 resident survey, about 27% of seasonal residents on the lake provided information on their intention to convert from seasonal residency to permanent (Figure 6). About 60% indicated no intentions to convert and only 15% indicated future plans for permanent residency. 25% were undecided.

The survey also provided information on the average household size by season as well as the number of days they occupied their season residence. (Figure 7) Not surprising was the fact that the summer was the most popular season, followed by fall, spring and winter. The average household size during the summer was 4.93 people, which is almost twice the average household size for permanent residences in the municipality.

Figure 6 – Future Plans for Permanent Residency

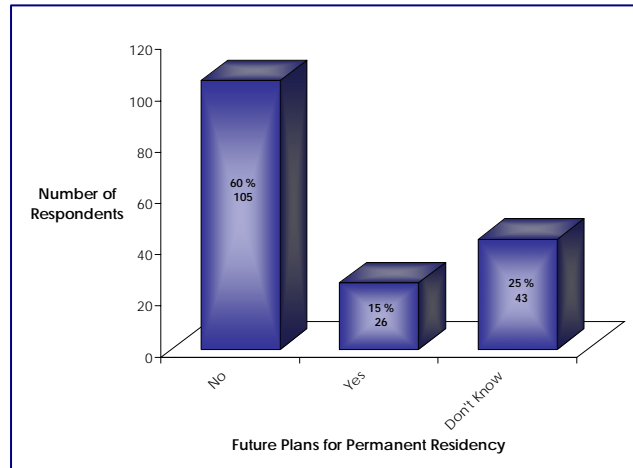


Figure 7 – Average Number of Person Days per Household per Season on Baptiste Lake

| Season | Average Number of Person Days per Households | Average Number of Persons per Household per Season |
|------------|--|--|
| Spring | 33.54 | 3.20 |
| Summer | 200.26 | 4.93 |
| Fall | 49.96 | 3.51 |
| Winter | 21.58 | 2.14 |
| Unoccupied | 59.66 | -- |

Source – Baptiste Survey 2006 - Total Number of Respondents = 176

Observations - Occupancy

- Seasonal households represent about 85% of all built residential properties on the lake
- About 15% of seasonal residents indicated their intent to convert to permanent residency.
- Seasonal households have a larger number of people staying at the cottage (4.93) which is more than average household size for the Province of Ontario (2.7, Census Canada).

Recommendations - Occupancy

3. Provide updated land use information and residential occupancy rates to the MOE for use in their Lake Capacity Assessment model.

Septic Systems

All development in the Baptiste Lake watershed depends on some form of septic system or holding tank for the disposal of sewage. There are no municipal sewage treatment plants. Applications for new septic systems are reviewed and approved by the Building Department of the Municipality of Hastings Highlands. Prior to 1998 this was the responsibility of the County Health Unit. While the municipality has access to the records of all septic systems there is currently no program established to re-inspect septic systems.

Many municipalities in southern Ontario have initiated a Septic Re-Inspection Program to assess the status of septic systems throughout their jurisdiction. The BLA should consider working with the Municipality to put in place a re-inspection program. Consider hiring an environmental student in cooperation with the municipality and the Ministry of Environment or Health Unit to assist with the collection of existing permits.

The 2006 Residents Survey asked a number of questions about septic system use. Figures 8 a. to f) on the following page are based on a response of about 30% of all residents on the lake: More information on septic system and potable water use is also available from the Residential Survey (see questions 22, 23, 24, 25).

Observations – Septic Systems

- *The Municipality of Hastings Highlands is responsible for reviewing and approving the location and type of new septic systems.*
- *There is very little information on the status of septic systems on Baptiste Lake.*
- *The Municipality of Hastings Highlands has not initiated a Septic System Re-inspection Program to monitor and update septic systems across the township.*

Recommendations – Septic Systems

4. The Lake Association should work with the Municipality of Hastings Highlands to undertake a Septic Re-Inspection Program. Consider hiring a summer student to assist with the inventory of existing septic system applications and approvals.

Figure 8 a – How Do You Dispose of Household Black Water (from toilet)?

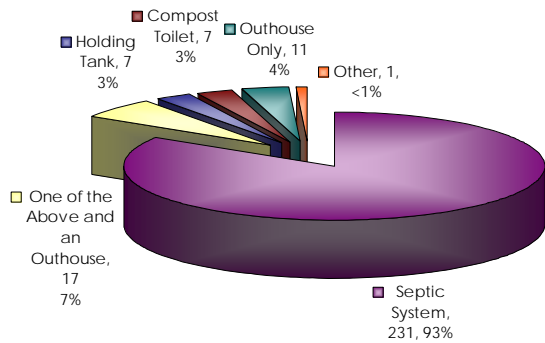


Figure 8 b – How Do You Dispose of Household Grey water (from sinks)?

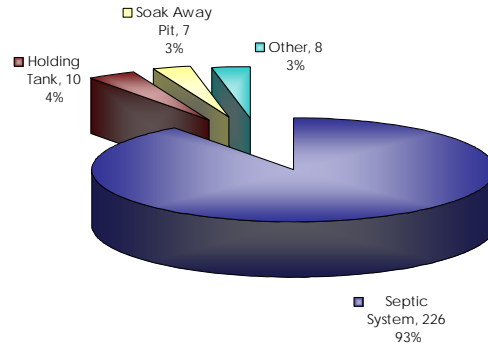


Figure 8 c – What is The Age of Your Septic System?

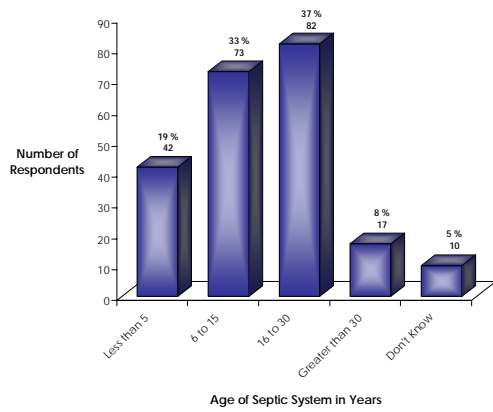


Figure 8 d – Where is Your Septic Tile Bed Located?

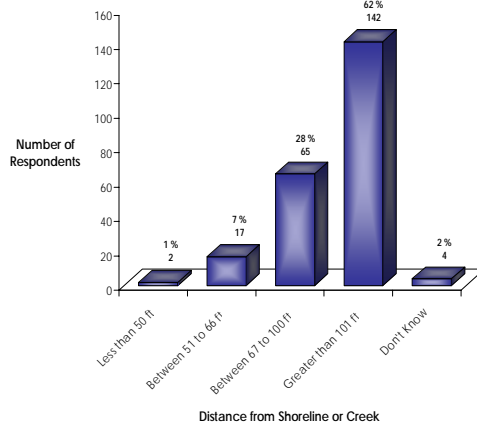


Figure 8 e – Last Time Your Septic System was Pumped out

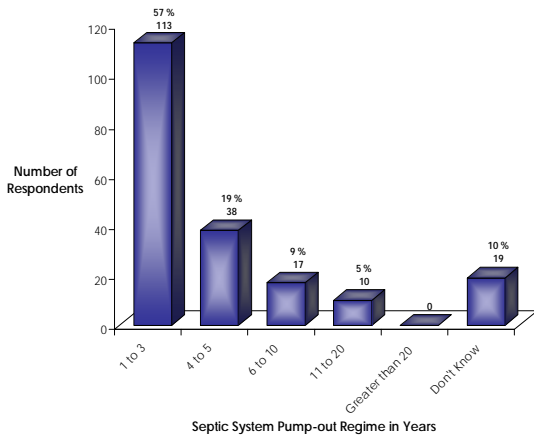
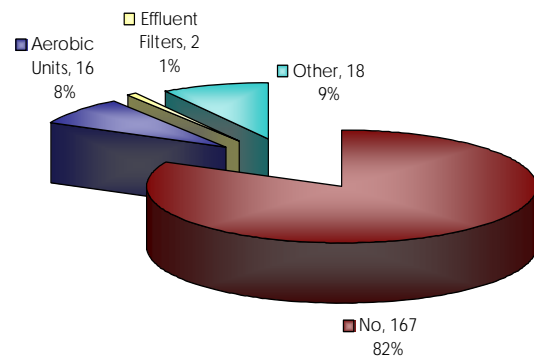


Figure 8 f – Use of Septic Enhancement



3 Crown Land Use Regulations

Within the Baptiste Lake watershed there are a wide range of activities carried out on Crown lands and waters. An estimated 40% of all lands within the vicinity of Baptiste Lake are Crown owned as shown on Map 2. Approximately 60 % of the Baptiste waterfront land is Crown owned (1990, Ainley). However there are no Crown lands with protected status such as a Provincial Park, or Conservation Reserve, within the immediate area and therefore general land use activities such as forestry, mineral exploration and development are permitted.

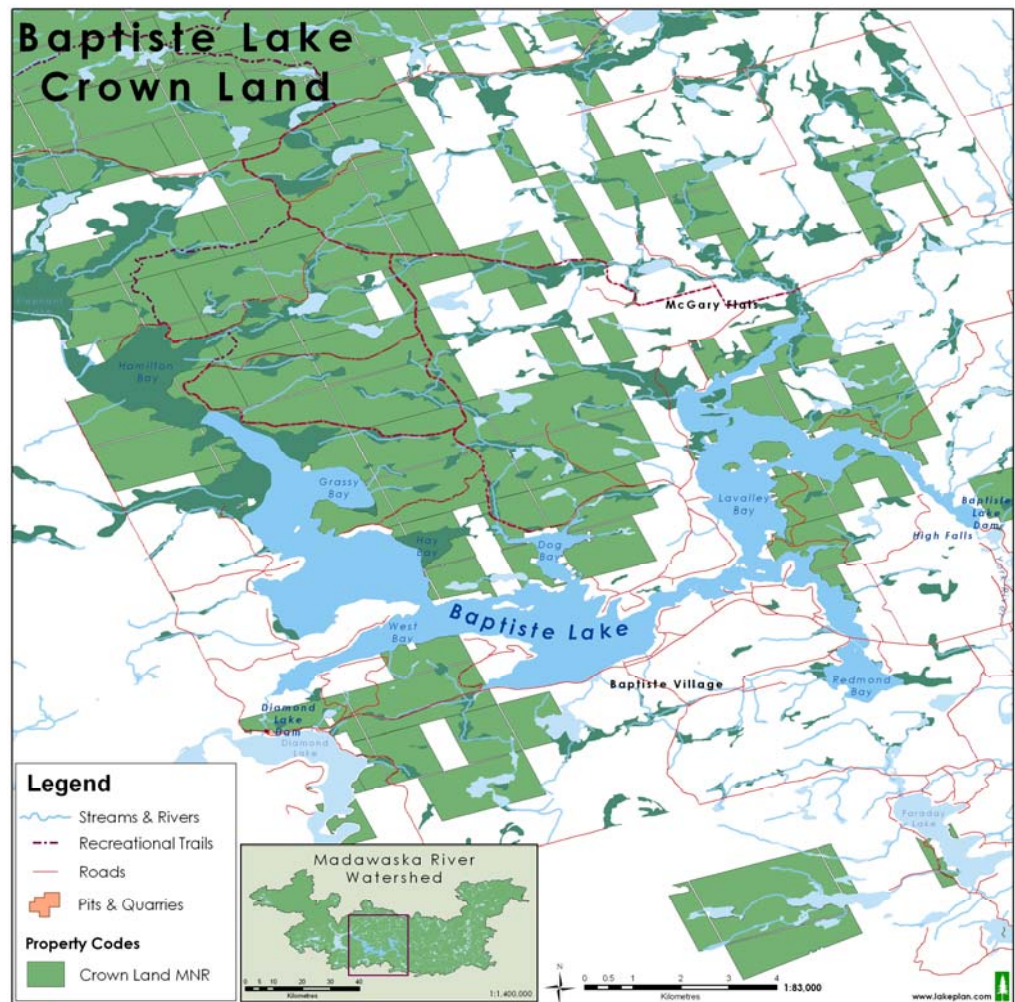
Map 2 – Land Tenure – Crown and Private

Since the area surrounding Baptiste Lake is almost completely Crown lands, provincial regulations and guidelines will play a significant role in the management and future development of the lands surrounding Baptiste Lake. Almost all lands under water are Crown owned, except where lands that were disposed of prior to the established water level in 1931.

Within the watershed, there is a wide range of permitted activities carried out on Crown lands and waters

and these activities are subject to the following Crown policy documents and legislation:

1. Crown Land Use Atlas - Ontario Living Legacy Land Use Strategy, Bancroft District Land Use Guidelines (1988)
2. Bancroft-Minden Forest Management Plan
3. Public Lands Act
4. Lakes and Rivers Improvement Act



Crown Land Use Policy Atlas - The Crown Land Use Policy Atlas (CLUPA) outlines the intended strategic direction for the management of Crown lands and waters throughout Ontario. The CLUPA provides a registry of current policy for future land and resource management on Crown lands and provides guidance and direction on permitted and restricted land uses and activities. Any new or revised management plans or a decision to dispose of Crown lands must be consistent with the policy listed in the Atlas. The Atlas provides policy based on documents such as the Ontario Living Legacy Strategy and the Bancroft District Land Use Guidelines (1983).

According to the Crown Land Use Atlas all of the Crown lands in the Baptiste Lake watershed are designated as a 'general land use area' and MNR's intent is to provide and encourage provision for a wide variety of resource production and recreation opportunities (Source G 340 – Crown Land Use Policy Atlas Policy Report, MNR See Appendix 1).

<http://crownlanduseatlas.mnr.gov.on.ca/pdfs/G340.pdf>

The following activities are permitted on crown lands, provided certain requirements and guidelines are followed:

Commercial Activities – aggregate extraction, bait fishing, commercial fishing, commercial fur harvesting, power generation development, timber harvest, new and existing tourism services and/of facilities, mineral exploration and development, peat extraction and wild rice harvesting

Land and Resource Management Activities – crown land disposition, road development and maintenance (new and existing).

Recreation Activities and Facilities – crown land recreation, hunting, public road use (new and existing) sport fishing.

Policy Report G 340 prohibits the sale of Crown lands for new cottage lots or for new seasonal or recreational camps. The MNR recently posted a Notice on the Environmental Bill of Rights Registry that proposes to continue to restrict the sale of cottage lots, but may consider selling Crown land on lake trout lakes through application of the Class Environmental Assessment for MNR resource Stewardship and Facility Development Projects and other Public Lands Act policy directives where:

- there is adequate lakeshore development capacity on put-grow take lakes (lakes that are stocked)
- disposition relates to an existing occupation of Crown land with occupational authority (e.g. land use permit, lease, license of occupation); or
- disposition is recognized as not having a significant impact upon lake trout habitat.

As well, in a letter dated March 29, 2007 from Eric Boysen, Manager, Land Management Section, MNR, to the Federation of Ontario Cottagers Association the Ministry confirmed their position that “the Ministry will not sell vacant, undeveloped Crown land, where the sale of Crown land could subsequently lead to lakeshore capacity development impacts to lake trout” and that this memo notes that the moratorium on the sale of cottage lakes dates as far back as 1983. (Appendix 2)

Bancroft Forest Management Plan - On Crown lands, forestry activities are carried out in accordance with Forest Management Plans. These plans have a 20 year planning horizon and are reviewed every 5 years. Their purpose is to identify the location of areas that are selected for harvest

or tending, identify sensitive natural and social features as “Areas of Concern” and prescribe mitigation measures to avoid or minimize impacts from operations. More information on Crown land and private land forestry practices is provided in the Physical Elements Study.

Public Lands Act - The Ministry of Natural Resources (MNR) is responsible for the management of Crown land, pursuant to the Public Lands Act, which includes acquisition, disposition and management of Crown waters and lands and shorelands. Shorelands are defined to mean lands covered or seasonally inundated by the water of a lake, river, stream or pond. Dredge is defined to mean the removal or displacement of material from any shore lands, but does not include removal or displacement relating to the installation of service cables, heat loops or water intakes for private residences.

A work permit is a document issued by the Ministry of Natural Resources under authority of Section 14 of the Public Lands Act, to authorize specific activities and works on public lands and shore lands. A work permit is required to:

- fill shore lands such as creating a beach and constructing shoreline protection works (e.g. break wall, groyne, seawall);
- dredge shore lands such as:
 - creating a boat slip, boating channel or swimming area;
 - installing a water line, heat loop or cable for commercial use (i.e. marina, Resort or large scale development); and
 - removal of rocks/boulders from shore lands or the bottom of a lake or stream;
- construct a dock or boathouse where the total surface area of the supporting structure (e.g. pipes, cribs) placed on the bed of the water body exceeds 15 square metres;
- construct a building on public land;
- construct a road on public land, except where constructed under the authority of the Crown Forest Sustainability Act;
- construct a trail on public land, except where constructed under the authority of the Crown Forest Sustainability Act or for purpose of mineral exploration;
- construct a water crossing (e.g. bridge, culvert and causeway) on public land, except where constructed under the authority of the Crown Forest Sustainability Act; and
- remove aquatic vegetation.

Some types of activities that do not require a work permit include:

- minor road maintenance on public land;
- cantilever docks where the footings are located off the shore lands;
- floating docks and floating boathouses;
- docks or boathouses where the total surface area of the supporting structure (e.g. pipes, cribs) placed on the bed of the water body is less than 15 square metres;
- removal of an old dock or boathouse;
- ice fishing huts; and
- installation of a water line, submarine cable or heat loop for private use.

When in doubt, contact the Bancroft MNR office for advice (613 332 3940), or you can get more information on work permits at: <http://www.mnr.gov.on.ca/mnr/crownland/p797.html>

Chapter 413, Part 1, 3 of the Public Lands Act states that 25% of all Crown shorelines will be set aside for public recreation and access. Since more than 25% of the shoreline of Baptiste Lake is Crown land, the Public Land Act would not prevent the further disposition of Crown shorelands.

Lakes and Rivers Improvement Act (LRIA) - The purpose of this Act is to provide for the use of water and to regulate improvements on crown, municipal and private lands that forwards, holds back or diverts water. Ontario Regulation 454/96 requires the approval of the following:

- Construction or improvements of dams,
- Private water crossings draining an area > 5 sq km,
- Enclosing or covering a length of river or stream > 20 m, or
- Installation of a cable or pipeline if it results in damming, forwarding or diverting water.

Approval for any alteration to the High Falls Dam is required pursuant to the Lakes and Rivers Improvement Act. Contact the Bancroft MNR District Office to obtain an application or to receive more information on the process.

Observations – Crown Land Policy:

- *About 60% of Baptiste Lake's shoreline is Crown land. However, current Crown land policy prohibits the disposition of Crown lands for new cottages or hunt camps but does not restrict new commercial tourism. The Public Lands Act will not prevent the disposition of shoreline areas.*
- *About 40% of the lands in the vicinity of Baptiste Lake are Crown land. Three areas within the immediate watershed have been selected for forestry operations. While there are guidelines to protect natural features such as lakes, wetlands, streams, wildlife habitat and other values there are no guidelines restricting visual and noise impacts on the lake (see Physical Study).*
- *The current policy of the Province is that Crown land will not be disposed of for cottage lots. Commercial hydro development and commercial tourism are permitted.*
- *Work permits are required from MNR for some shoreline structures and activities.*

Recommendations – Crown Land Policy

5. Consider new Crown land policy on hydro development, commercial tourism and mineral exploration and development to ensure public participation and protection of local values and sites.
6. Continue monitoring of Crown policy on disposition of lands on Baptiste Lake. Encourage FOCA to continue lobbying with the Provincial government to keep the 'no cottage lot' policy in place.
7. Provide information on work permit requirements for shoreline development and activities to all shoreline property owners.

4 Municipal Planning Regulations

The entire shoreline of Baptiste Lake is located within the geographic township of Herschel, Municipality of Hastings Highlands, County of Hastings. Portions of the upper watershed, including Elephant Lake are in the County of Haliburton, Township of Dysart et al. The review of land use policy has focused on the County of Hastings Official Plan and the Zoning By-law for the Municipality of Hastings Highlands.

The County of Hastings was originally incorporated in 1850 under the main classifications of the 1849 Baldwin Act. The county system exists primarily to provide services which cannot effectively be provided by individual municipalities, usually because of the cost, or to provide other services in which the area with a common interest is greater than one or a few local municipalities (e.g. long term care facilities, social assistance, planning). Some services have been downloaded from the province to the County (e.g. land ambulance, child care, social housing) and in the case of the County of Hastings, some services have been transferred to the local municipalities (e.g. roads and bridges).

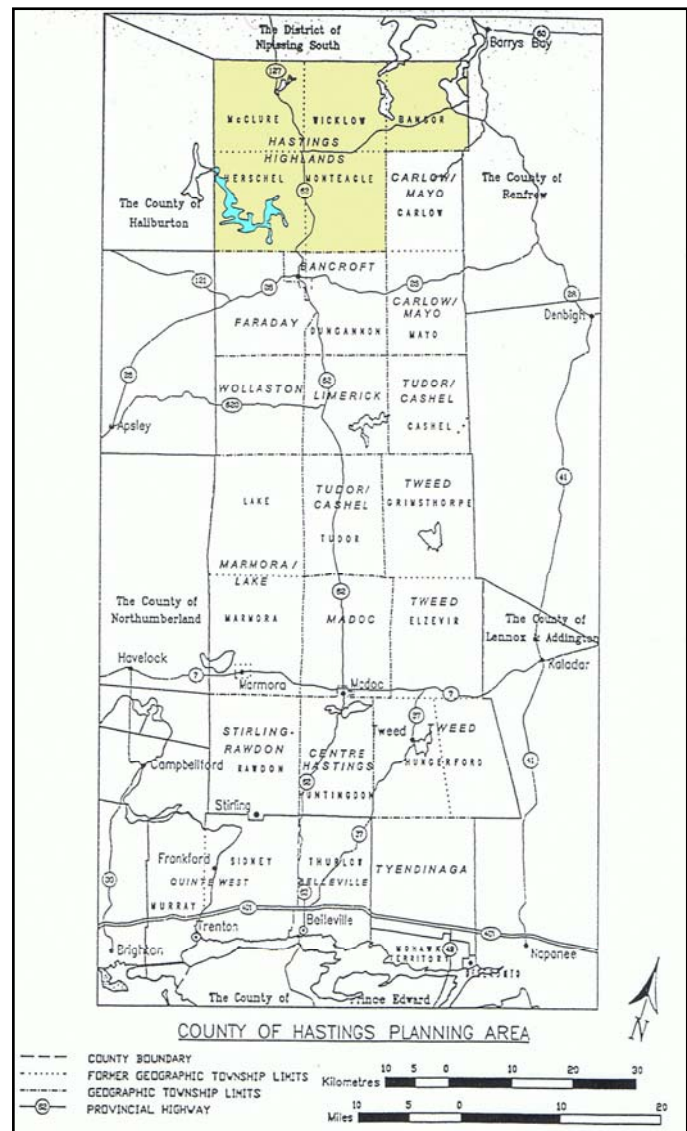
Source <http://www.hastingscounty.com>

There are three levels of government involved in private land planning. The Province, through the Ministry of Municipal Affairs and Housing, provides legislative and policy requirements through the Planning Act and the Provincial Policy Statement.

The County represents the upper tier planning authority and is responsible for Official Plan Policy, the creation of new lots through consent and subdivision applications and the review of zoning amendment applications.

The Municipality of Hastings Highlands was created in 1998 and consists of 5 geographic townships; Bangor, Wicklow, McClure, Herschel, and Monteagle. The Municipality of Hastings Highlands is responsible for providing comments to the County on all lot creation applications and for providing building permits for development that is in conformity with the zoning by-law.

Map 3 – County of Hastings, Municipality of Hastings Highlands



County of Hastings Official Plan

The Official Plan (OP) is a municipal land-use planning document that provides guidance for the physical development of the municipality while having regard for social, economic and environmental matters. It is prepared with input from the community and helps to ensure that future planning and development will meet the specific needs of your community. Once an official plan is in effect, it guides all of the municipality's planning decisions.

The current official plan for Baptiste Lake is the “Official Plan of the County of Hastings” dated January 12, 2002, prepared by the Ainley Group in Belleville. The planning period of the plan is to the year 2020, and Council is required to hold a special meeting every five years to consider the need to revise the plan. The County is currently undertaking a review of the Official Plan. A copy of the OP is available by contacting the County Planning Office at 613 966 6712.

The OP states that the area north of Highway No. 7 is “dependent upon the primary sector and tourism, including recreational waterfront development” and that it is quite different from the southern portions of the County where the economy is more diversified and is based upon a viable agricultural industry.

Map 4 - Schedule A2 of the Official Plan (on following page) shows that about 90% of the lands in the Baptiste watershed are designated for rural purposes. The only exceptions to this designation are the Baptiste Hamlet and the Environmental Protection and Significant Wetland designations associated with the location of wetlands. Unlike the southern portions of the County there are no lands designated specifically for agricultural purposes.

The following is a summary of the key land use matters to be considered:

Rural Designation – About 90% of the lands surrounding Baptiste Lake are designated for Rural uses and activities. The official plan provides a list of permitted uses that are allowed in both the rural designation and waterfront sub-category (Figure 9). Many of these uses are not compatible with the residential and resort character of the shoreline of Baptiste Lake.

Figure 9 – Permitted Uses in Rural Designation

| List of Permitted Uses in Shoreline Areas | | |
|---|---------------------------------|---|
| Agricultural operations, livestock operations | Livestock operations | Farm related residences |
| Home occupations | Home industries | Conservation projects, |
| Passive open space uses | Agricultural supply and service | Cold storage |
| Forestry activities | Recreational uses | Community facilities (including charitable camps) |
| Non farm residential | Non farm commercial | Non farm industrial |

Source – County of Hastings Official Plan

All lands within 300 m of the shoreline are in a sub category called waterfront. Figure 10 provides information on the specific policies that apply to residential development.

Map 4 – Official Plan Schedule

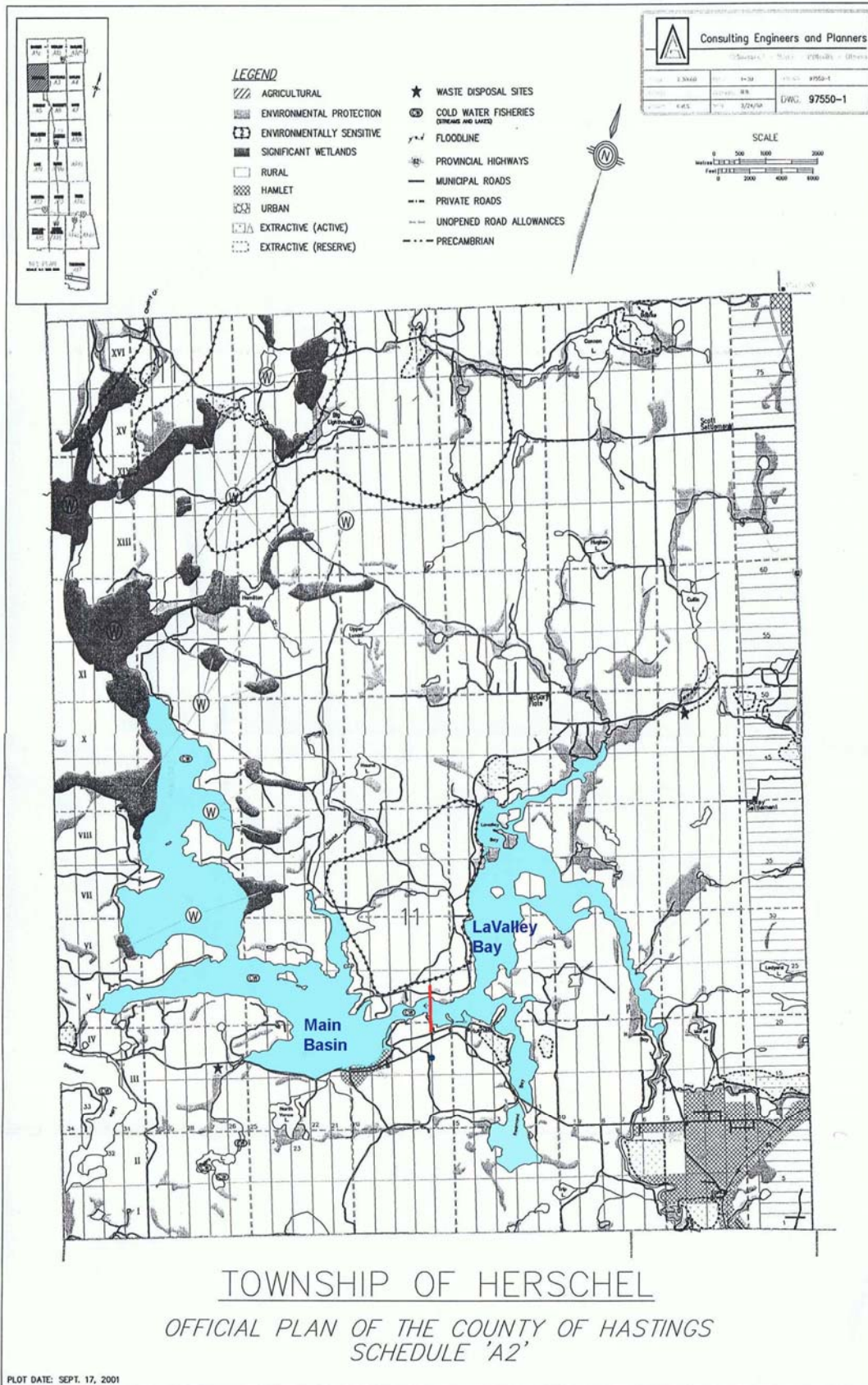


Figure 10 – Main Official Plan Policies that Affect Residential Development on Baptiste Lake

| A Brief list of Residential Official Plan Policies | |
|--|--|
| What land uses are permitted on the shoreline? | A wide range of waterfront oriented (residential, commercial) and non waterfront uses (agriculture, industry) are permitted along the shoreline. See Figure 9 |
| Can new lots be created on the shoreline? | <p>New lots may only be created on Lavalley Bay. The main basin of Baptiste Lake is considered to be at capacity for new development. In general no new lots may be created. Development on existing lots of record and in accordance with the existing zoning is permitted. The County Official Plan recognizes that unique circumstances, such as the physical features of the property, may allow some limited development on the main basin to be considered. In these circumstances, detailed studies are required to demonstrate that the physical features and the citing and design of the development shall result in no impact on the lake. Consultation with MNR and MOE is required.</p> <p>Over the past decade numerous applications for new lots have been considered and refused on the main basin. Lavalley Bay is not considered part of the Main Basin (red line on Map 4 divides the two basins), and new lots may be created provided they meet the minimum lot requirements and standards for new development.</p> |
| What are the size requirements for new lots? | <p>Waterfront lots must have a minimum of 0.4 hectares (1 acre) and a minimum water frontage of 46 m (150 ft). Water frontage requirements may be increased for areas that contain wetlands, sensitive fish or wildlife habitat, extreme slopes or other natural constraints. These areas are not indicated on the land use schedule.</p> <p>Lot frontages of 100 m are required for new lots on narrow waterbodies. Narrow waterbodies are areas where the minimum average distance from shoreline to shoreline is 150 m for a lake and 50 m for a river (policy 3.3.5 b i). This restriction does not apply to new commercial uses See Physical report for identification of narrow waterbodies.</p> |
| Are there specific requirements to limit large buildings? | The official plan does not provide specific restrictions on the size of buildings. The official plan requires lot coverage to be kept to a 'low level' in order to avoid an overdeveloped appearance to keep buildings in proportion to their surroundings. However, the zoning by-law currently permits a max lot coverage of 30 % for shoreline residential lots, which is considered to be quite high (Provision 3.3.5 b ii)). Most waterfront by-laws only permit 10 % lot coverage. |
| What is the shoreline setback? | The setback should be at least 30 metres from the high water mark. Some exceptions may apply. (Provision 3.3.5 b iii) |
| What are the requirements for shoreline buffers? | A natural vegetative buffer strip 15 m in width should be maintained where possible. (provision 3.2.5 b iv). The maintenance of shoreline buffers help reduce stormwater runoff, phosphorus migration from septic systems and are a key ingredient in maintaining the natural appearance of the shorelines. The official plan does not provide enough direction on defining and maintaining natural shorelines. |
| Can I fill my shoreline? | Not permitted. (Provision 3.3.5 b v) |
| Is backlot development permitted? | Backlot or second tier residential development is not permitted in waterfront areas where adequate and open access to the shoreline is not available (Policy 3.3.54 b viii) |

The official plan recognizes existing commercial operations and requires a zoning amendment for new operations or the expansion of existing facilities. Such a development would require an application, notification to surrounding property owners and a public meeting. Some of the specific criteria to be addressed in the approval of new or expanded facilities tent and trailer or resort commercial facilities include:

- a minimum lot area of 4 hectares
- maximum of 50 campsites per property
- preferred density for resorts is 1 accommodation unit per 0.4 hectares (1 acre)

As well, specific policies are provided for existing industrial extractive uses such as pits and quarries. In general, new or expanded operations require an amendment to the official plan and zoning by-law. While the official plan provides criteria for reviewing new and expanded operations it does not recognize that industrial extractive uses are not compatible with waterfront residential and resort areas. The official plan should consider a policy prohibiting this type of use within the viewscape or a minimum distance of 500 m from the lake to reduce impacts associated with sight and noise.

Environmental Protection Designation – The Environmental Protection designation includes lands that play an important role in the preservation of the County's wetland natural heritage systems" (Hastings OP). Wetlands that have been evaluated as being provincially significant are designated on the schedule as 'significant wetlands 'W' See Map 4 – Official Plan Schedule. Other wetlands of regional or local significance are identified on the schedule as 'environmental protection'.

The permitted uses in the Environmental Protection designation are limited to open space and open air recreational uses, including accessory structures and buildings which do not adversely affect the natural characteristics of the environment or require approval under the Planning Act as well as conservation uses and agricultural uses. While the likelihood of new agricultural uses occurring in the wetland areas is limited, they are not an appropriate or compatible use and the official plan should be updated. Established agricultural uses should be permitted to remain and encouraged to adopt green farming practices.

The current Official Plan states that development is not permitted in Provincially Significant Wetlands (PSW) south and east of the shield (which is south of Baptiste Lake). However the current policy indicates that development and site alteration in the PSW on the Canadian Shield (on Baptiste Lake) may be permitted provided an Environmental Assessment Statement proving no negative impacts has been completed. Since the completion of the current official plan in 2002 the Province introduced a new Provincial Policy Statement (2005) that prohibits any development in the wetland and the official plan should be updated to reflect this policy.

Lake Capacity Study Required - The Environmental Protection Designation also identifies lands as being 'environmentally sensitive' and requires further studies before development may be permitted. In particular there is a requirement for a Lake Capacity Study and/or an Environmental Impact Assessment to be completed for all development or site alterations on lands within 300 m of Baptiste Lake or any other cold water lake. According to the recent MOE Water Quality Report (2007) the main basin of Baptiste Lake is at capacity for new lots. More information is available on this in the Natural Areas Inventory. Development in this case includes new lots, a change in land use or

construction of buildings and structures that require a zoning amendment or other Planning Act approval as well as activities such as fill, grading and excavation that would change the landforms and natural vegetative characteristics of the site. While the policy applies to activities such as fill, grading and excavation, the municipality presently does not have a regulatory tool in place to regulate such activities.

Critical Fish Habitat - The official plan also requires that any development within 30 m of critical fish habitat, as identified on the land use schedules will require an Environmental Impact Statement prepared to demonstrate no negative impacts. However, no specific information on critical fish habitat has been identified on the land use schedule. The Association should consider working with the MNR to identify the location of critical fish habitat and provide it to the County. Critical fish habitat is defined by the Ministry of Natural Resources as the following:

Critical habitats (formerly Type 1) are those which have high productive capacity, are rare, highly sensitive to development, or have a critical role in sustaining fisheries (e.g., spawning and nursery areas for some species, and ground water discharge areas).

Many official plans in other municipalities include new policies that prohibit the creation of new lots that totally front these critical habitats. While the current policy helps to mitigate impacts on adjacent fish habitat, it does not recognize that in some cases it may be better served by allowing development on existing lots only and restricting the creation of new lots. Some municipalities require a minimum of 15 m of shoreline on new lots that is outside of the critical fish habitat.

Observations – Official Plans

- *The County is currently undertaking a review of the Official Plan which provides a good opportunity to update current policy.*
- *The rural designation covers about 90% of Baptiste Lake watershed, including about 95% of the shoreline. The rural designation permits a number of land uses that may not be compatible with the residential and commercial character of the lake. Many other rural/lake municipalities have created a separate waterfront designation that separates the rural policies from those that apply to the waterfront.*
- *Policy is vague in many areas by the use of terms such as ‘encourage’, ‘discourage’, and ‘consideration will be given’.*
- *Very little policy direction is provided on the maintenance of natural buffers.*
- *The policies that permit development in provincially significant wetlands are outdated and must now be consistent with the Provincial Policy Statement (2005) which prohibits new development on PSWs located on the Canadian shield.*
- *No maps are provided to identify development constraints such as steep slopes, narrow waterbodies or critical fish habitat. This information should be in the Official Plan so that people will understand the development restrictions (e.g. no development, no lot creation or increased lot frontages for new lots).*
- *The location of Crown land is not shown on the Land Use Map, and the official plan could provide policy that restricts the disposition of shoreline Crown land for private purposes in order to maintain the natural character of the lake.*

Recommendations – Official Plan

8. Work with the County and the Municipality in updating the official plan. Submit the Lake Plan and Background Studies for their information and reference. Following the public consultation during the summer of 2007 develop specific recommendations for Baptiste Lake and submit to the County. Some of the themes to be considered include:
 - a) Change the Environmental Protection designation to prohibit uses such as new agriculture (note - existing agriculture operations should be allowed to continue).
 - b) Update the policies on Provincially Significant Wetlands in accordance with the Provincial Policy Statement (2005) to prohibit development and site alteration.
 - c) Consider creating a specific Waterfront designation that is separate from the Rural designation and permit only residential and commercial activities that are compatible with shoreline areas. Uses such as agriculture, industry and others conflict with the recreational character of the area.
 - d) Prohibit pits and quarries and mining operations within the viewscape or a minimum of 500 m from the shoreline, whichever is greater.
 - e) Identify the location of narrow waterbodies, steep slopes and other natural constraints on a land use schedule to the Official Plan so that property owners will know where the restrictions for new development are.
 - f) Provide the location of Crown land on the land use schedule and include policy restricting disposition.
 - g) Improve policies on the protection of natural buffer areas.
 - h) Require an Official Plan Amendment for new golf courses and resorts, and establish appropriate density limitations.
9. Request the County to notify the Baptiste Lake Association about any development applications in the watershed.

Zoning By-law – Municipality of Hastings Highlands

The Municipality of Hastings Highlands regulates land use and the location and construction of new buildings and structures through Comprehensive Zoning By-law 35-2004 (prepared by Ainley Graham and Associates, August 11, 2004). A copy of the by-law is available at the municipal office.

Zoning by-laws must conform to the policies of the official plan and be consistent with the Provincial Policy Statement (2005). Zoning by-laws provide specific classes of land use and associated standards to ensure that new construction or changes to existing land uses are undertaken with regard for safety, privacy and the peaceful enjoyment of neighbouring land uses and the protection of ratepayers from undue expenses related to development (Hastings Official Plan, page1).

A building permit is required for all buildings and structures over 10 sq. m. (108 sq ft). Before proceeding with any development activity, you should check with the building department. All development, including some activities that do not require a building permit, must conform to the requirements of the zoning by-law. For example, a small 50 ft sq unattached deck may not require a building permit, but it must still be located 3 m from the side lot line (depending on the zone category). Any new development proposal that does not conform to the zoning by-law will require a complete application to be made, notice to surrounding property owners and a public meeting before a variance to the by-law can be made. There are several properties around the lake that have already received variances to the by-law for height, setbacks, density and for other purposes.

Map 5 – Zoning is a reproduction of the 2004 Zoning Map for Baptiste Lake and many changes have occurred since then by zoning by-amendments or minor variances. The information was obtained from the County of Hastings. Generally, there are four categories of zoning categories within the watershed of Baptiste Lake and each category has a number of zones to recognize existing land uses:

- Residential - rural, limited service residential, limited service residential island, waterfront, second density (village of Baptiste)
- Commercial – recreational/resort, rural and urban
- Environmental Protection – environment protection, and environment protection wetland
- Rural/Resource Use – marginal agriculture. Mineral Extraction and Waste Disposal

Residential Zones – There are 5 types of residential zones along the shoreline or within the watershed. Figure 11 describes the main zoning provisions that affect residential development.

Figure 11 – Main Zoning By-law Provisions that Affect Residential Development

| A Brief List of Common Zoning Provisions | |
|---|---|
| Seasonal Conversions | The conversion of seasonal residences to permanent may require a certificate of occupation from the municipality together with a site plan indicating size and location of all structures and the septic systems. Sewage disposal facilities must comply with regulation for year round occupancy (Provision 4.7). |
| Building in a Limited Service Residential zone | All lots on a private road or with water access must be zoned LSR before a permit is issued, and legal access must be proven. Property owners must enter into a limited service agreement with the municipality to ensure the municipality is not liable for maintenance of the road, provision of access or other services normally associated with public highways, including emergency services. (Provision 5.48) |
| Setback from High Water Mark | No development is permitted within 30 m (98.4 ft) of the high water mark. This includes buildings, structures, septic tanks, weeping tile field, however a minor variance is not required for septic systems provided they are 15 m (49.2 ft) from the high water mark. This requirement does not apply to boathouses, marinas, marine facility or other buildings, structures and services requiring direct access to the water (Provision 5.9.2). |
| Definition of High Water Mark – the shoreline | The by-law defines high water mark to mean the mark made by action of the water under natural conditions on the shore or bank of a body of water which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark (Definition 3.120). |
| Replacement or Expansion of Existing Building | Existing buildings can be restored, rebuilt or replaced on the existing foundation. Any enlargement must meet the required setbacks and lot coverage provisions. (Provision 5.12) |

Figure 11 – Main Zoning By-law Provisions that Affect Residential Development

| A Brief List of Common Zoning Provisions | |
|---|---|
| Maximum Building Size | The maximum building size is based on the lot coverage and there is currently no other maximum limit on gross floor area. The lot coverage for most shoreline residential zones in Hastings Highlands is 30%. If an average lot is 150 ft. by 200 ft., or 30,000 sq feet in area, the lot coverage of 30% would allow 9,000 sq ft of first floor coverage of all buildings combined. A second or third floor can double or triple this number. |
| Minimum Gross Floor / Dwelling | Single detached – 74.3 sq m (800 sq ft) (provision 5.49) Seasonal – 58.99 sq. m. (635 sq ft) |
| Development on Main (west) Basin | Development within 300 metres of the main basin requires a cold water Lake Capacity Study (Provision 5.9.6). Note – the official plan indicates that no new development except for the development of existing lots of record in accordance with existing zoning within 300 m of the west basin of Baptiste Lake. “No development” applies to the creation of new lots or the establishment of new resort commercial operations. Development on existing lots of record that conform with the policies of the official plan and zoning by-law do not require a Lake Capacity Study. |
| Boathouses and Docks | Boathouses are not to be used for human habitation. The maximum height is 4.1 m (13.45 ft) which prohibits the construction of a second storey (Definition 3.23). Docks and boathouses shall not be closer than 1.5 m (4.9 ft) to a side lot line. The normal side yard setback for all other structures is 3 m (9.8 ft) (Provision 5.43). Some recent 2 storey boathouses have received approved variances to the by-law. |
| Accessory Structures | Not to be used for human habitation; must not occupy more than 10% of the lot; must be at least 3.0 m (9.8 ft) from the principal building; and not exceed a height of 4.5 m (14.8 ft). (Provision 5.25) |
| Sleeping Cabins | Sleeping cabins are permitted in Limited Services (LSR) and Waterfront Residential (WR) zones provided they do not exceed 29.7 sq. m (320 sq ft) and are designed as sleeping accommodation and shall not be used to provide accommodation to the public for a fee. The size of the cabin may be increased to 55.7 m (600 sq ft) on larger lots (i.e., 300 ft frontage and 2 acres) (Definition 3.31) |
| Garden Suites | Garden suites are manufactured detached dwellings for the temporary accommodation of seniors and may be considered by Council subject to the passage of temporary use by-law establishing the period of time for use not exceeding ten years. These structures must be removed. (Provision 5.33) |
| Use of Mobile Homes, trailers, and recreational vehicles | A maximum of one vehicle may be stored on the property but may not be used for human habitation, except in a resort commercial zone. (Provision 5.44). |
| Fences | Must not exceed 1.8 metres (5.9 ft) (Provision 5.46). |
| Forestry Operations | Forestry operations are permitted in the Marginal Agricultural zone. No clear cut logging operation is permitted with 600 m of a settlement area or 120 m (393.7 ft) from the high water mark of any lake, river or stream, except an intermittent stream, or with 30 m (98.4 ft) from a residence on an adjacent property |
| New lots / narrow waterbodies | Require a minimum lot frontage of 100 m (328.1 ft). Applies to LSR LSRI and WR zones |
| Shoreline Buffers | A natural vegetative buffer strip 15 m (49.2 ft) in width shall be maintained in LSR, LSRI, and WR |
| Home Occupation /Industry | Home occupations that are administrative office type uses are permitted provided the business is conducted entirely within the principal residence or in an accessory structure. Some additional requirements apply (Provision 5.29). |
| Bed And Breakfast | Bed and Breakfast operations are permitted in most residential zones as a home occupation provided no more than 4 guest rooms (Provision 5.29.3) |

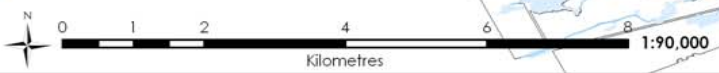
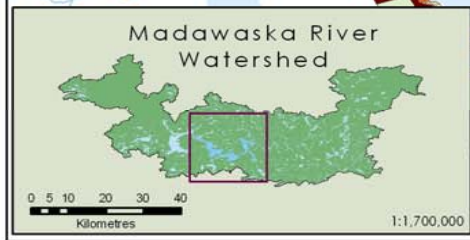
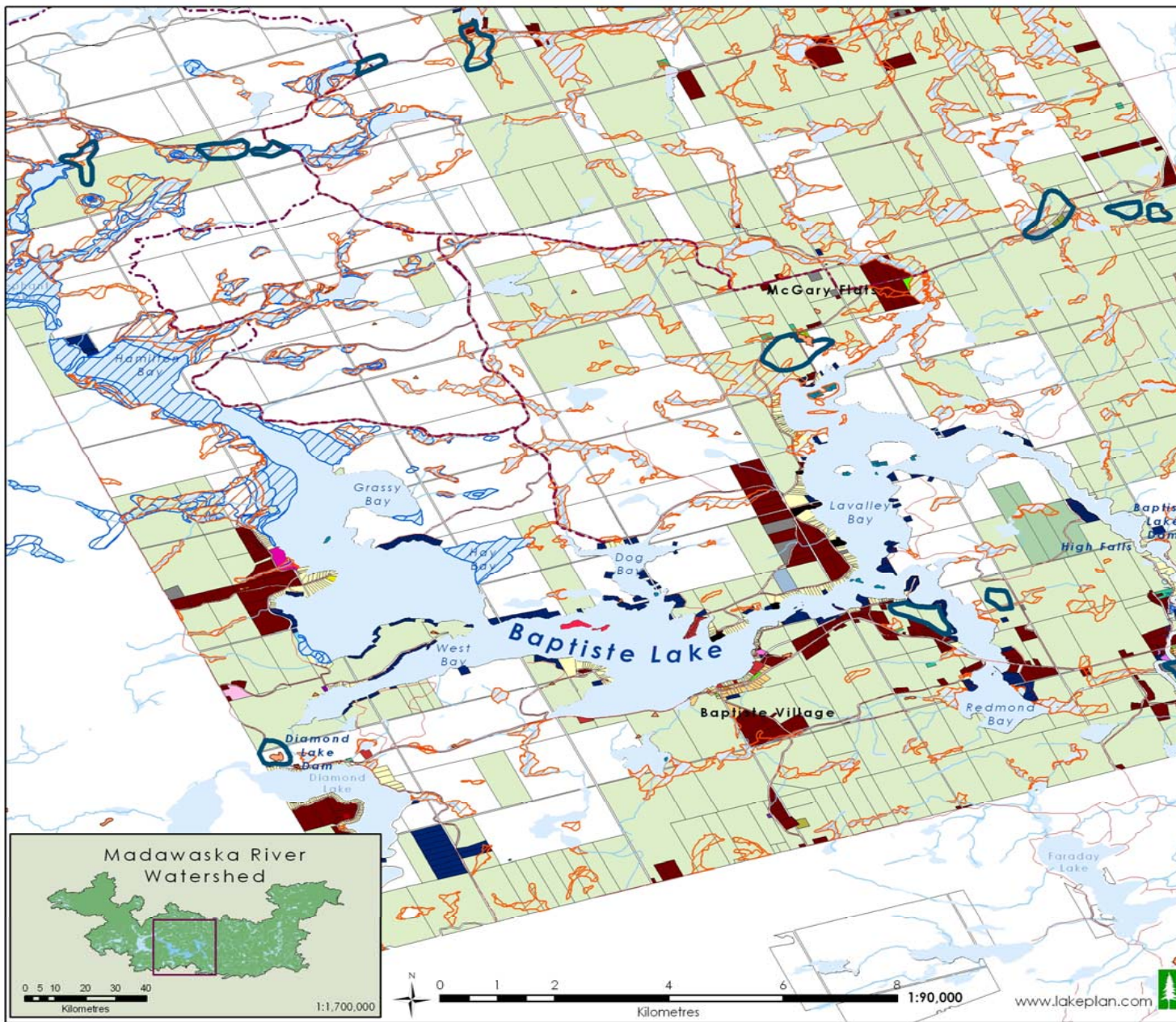
Map 5 – Baptiste Lake Zoning

Baptiste Lake Zoning

Legend

- Streams & Rivers
- Recreational Trails
- Roads
- Environmental Protection, Wetland
- Mapped Wetlands, Ducks Unlimited
- Aggregate Reserves
- Pits & Quarries
- Crown Land

| RESIDENTIAL | COMMERCIAL | OTHER LAND USES |
|-------------|------------|-----------------|
| RI-5 | UC | MA |
| RI-7 | RC | MX |
| RI-8 | RRC | NA |
| R2 | RRC-1 | OS-3 |
| R2(f) | RRC-2 | OS-4 |
| R2-h | RRC-4 | WD |
| RR | RRC-5 | CF |
| RR-1 | RRC-6 | CF-1 |
| LSR | | FL |
| LSR(f) | | |
| LSR-1-h | | |
| LSR-h | | |
| LSRi | | |
| WR | | |
| WR-1 | | |



www.lakeplan.com

Figure 12 provides the by-law requirements for lot area, frontage, coverage and setbacks for most shoreline residential development.

Figure 12 – By-law Requirements for Residential Zones

| By-law Requirements | MA Marginal Agriculture | RR Rural Residential | LSR Limited Service Residential | LSRI Limited Service Residential Island | WR Waterfront Residential |
|--|-------------------------------|----------------------------|--|---|---------------------------------|
| Lot Area* | 40,000 (10 acres) | 4,000 (1 acre) | 4,000 (1 acre) | 20,000 (5 acres) | 4,000 (1 acre) |
| Lot Frontage* | 45.7 (150.1 ft) | 45.7 (150.1 ft) | 46.0 (150.1 ft) | 60 (196.9 ft) | 46.0 (150.1 ft) |
| Maximum Lot Coverage | - | 30% | 30% | 30% | 30% |
| Maximum Lot Coverage / accessory buildings | 10 | 10 | 10 | 10 | 10 |
| Shoreline Setback | 30 m (98.4 ft) | 30 m (98.4 ft) | 30 m (98.4 ft) | 30 m (98.4 ft) | 30 m (98.4 ft) |
| Front Yard* | 20 (65.6 ft) | 10 (32.8 ft) | 10 (32.8 ft) | 10 (32.8 ft) | 20 (65.6 ft) |
| Side Yard (interior)* | 5 (16.4 ft) | 3 (9.8 ft) | 3 (9.8 ft) | 3 (9.8 ft) | 3 (9.8 ft) |
| Rear Yard* | 20 (66 ft) | 10 (32.8 ft) | 10 (32.8 ft) | 10 (32.8 ft) | 30 m (98.4 ft) |
| Max. Height | 25 | 11 (36.1 ft) | 11 (36.1 ft) | 11 (36.1 ft) | 11 (36.1 ft) |

Commercial Zones – There are thirteen (13) commercially operated properties on Baptiste Lake (see Figure 5). Seven (7) properties are zoned for resort commercial use, five (5) are zoned Rural Commercial and one (1) property is zoned urban commercial. New commercial development outside of these 13 areas will require a zoning amendment and a lake capacity study in accordance with the Official Plan.

The Recreational/Resort Commercial zones will permit a marina, tent and trail park and or a tourist establishment such as hotels, lodges, housekeeping cottages and tourist cabins. These sites are permitted to have one unit for every 4000 sq. m. (1 acre) of lot area to maximum of 50 units. Tent and trailer operations can have a maximum density of 30 trailers per hectare to a maximum of 50 sites. The factor that will limit the opportunity for resort expansion will be the density requirement of 1 acre for every unit.

The five properties zoned Rural Commercial are allowed a wide range of general commercial uses. Some of the permitted uses may not be generally compatible with the surrounding residential or traditional resort commercial uses such as farm implement dealer, fertilizer mixing and sales

establishment, service stations, car washes and a tavern to name a few. Hotels or motels are also permitted.

Environmental Protection Zones – Similar to the Official Plan, there are two Environmental Protection (EP) zones; EP Wetland Zone and EP zone. The EP Wetland zone applies to the Provincially Significant Wetland (PSW) located on the north end of the West Basin and Hamilton Bay. This zone prohibits the construction of buildings and structures, except for those used for conservation or flood or erosion control. Existing uses are allowed to continue. According to the official plan schedule the PSW extends further along the shoreline than covered in the zoning by-law and this should be reviewed with the County and the municipality and the zoning by-law should be updated.

The EP Zones are shown on Map 5, together with recent information on wetland boundaries provided by Ducks Unlimited. The existing EP zone is smaller than the wetlands as shown by DU and the zoning maps should be updated.

The second zone is the Environmental Protection zone, which applies to waterbodies and permanent watercourses and includes areas such as floodplains, erosion, hazards, poor drainage, organic soil and non PSWs.

Marginal Agriculture – Most of the land within the watershed and along the shoreline is zoned marginal agriculture which permits a wide range of uses as shown on Figure 13. Some of these uses are not compatible with the lake or with adjacent uses such as agricultural uses, livestock facilities, kennels, fur farms, warehouses and golf courses. The shoreline areas should be placed in a waterfront zone with a limited list of permitted uses.

Figure 13 – Permitted Uses on Baptiste Lake Shoreline – Zoning By-law

| Uses Permitted Along the Shoreline in a Marginal Agriculture Zone/ | | |
|---|-----------------------------------|-----------------------------|
| Agricultural uses | Livestock facility | Conservation uses |
| Forestry | Wood lots | Wayside pits and quarries |
| Open space uses | Kennel | Apiary |
| Fur farm | Riding Club or boarding stable | Greenhouse |
| Golf course | Passive recreational uses | A warehouse |
| Grain drying facility | Livestock assembly area | Livestock exchange |
| Hunt camp | Single detached dwelling | Bed and Breakfast operation |
| Research facility | Agricultural produce sales outlet | Accessory buildings |
| Home occupations | Home industry | Secondary farm occupation |
| Logging | Hiking and ski trails | |

Mineral Extraction - There are five sites that are zoned for Mineral Extraction and two sites for Waste Disposal within one kilometre of the shoreline. Each of these zones recognizes an existing use of the properties. New sites for mineral extraction and waste disposal would require an amendment to the zoning by-law and notice to surrounding property owners. In order to be aware of any new development, the Association should request the municipality to notify them of any application to amend the zoning by-law or official plan.

Observations - Zoning By-laws

- *Much of the rural lands and portions of the shoreline are zoned Marginal Agriculture which permits a wide range of uses including agricultural, livestock facilities, kennels, warehouses, sales outlets and a golf course among other uses listed in Provision 6.2 of the By-law. Many of the uses are not compatible with character shoreline development, and other uses, such as golf courses and rural industrial uses should require a zoning amendment to allow consideration of Environmental Assessments and to obtain comments from the community.*
- *There are 13 commercially zoned properties. 7 properties are zoned Resort Commercial. 5 are zoned Rural commercial and 1 is zoned urban commercial. Both the Rural and Urban Commercial zones permit a wide range of commercial uses that is not compatible with the character of the lake or surrounding properties.*
- *The EP Zones do not include wetland areas identified by Ducks Unlimited.*
- *There are some properties that are zoned commercial and are used for residential purposes and there are some commercial operations that are not zoned for commercial use. These uses should be reviewed and appropriately recognized.*
- *The lot coverage provision of 30% will not prevent oversized buildings on small lots.*

Recommendations – Zoning By-law

10. Work with municipality to update the zoning by-law and address the following:
 - a) Rename the marginal agricultural zone into a more appropriate title such as Rural, and amend the permitted uses such as to prohibit agriculture, warehouses, golf courses and other non shoreline uses.
 - b) Reduce lot coverage requirement to prevent monster sized homes and cottages.
 - c) Review the properties zoned Rural Commercial and Urban Commercial and update the list of permitted uses to those that are compatible with the lake or surrounding land uses.
 - d) Increasing side yard setback for docks and boathouses to a minimum of 3 m (9.8ft) to address the width of boats and the activity associated with mooring, provide additional provisions for shoreline structures, width of boathouses,
 - e) Improve requirements for shoreline buffers
 - f) Update the EPW zone boundaries for the PSW in the West Basin. Portions of the Wetland that are in the water should be included in the EPW zone in order to provide proper regulation for shoreline structures located in that area.
11. Request the Municipality to strictly enforce the Zoning By-law, except in exceptional circumstances, and to notify the Baptiste Lake Association about any development application in the watershed.

Appendices

Appendix 1 – Crown Land Use Policy Atlas Report G340: Multiple Resource Management Area

Appendix 2 - Letter (March 29, 2007) from Eric Boysen, Manager, Land Management Section, MNR, to the Federation of Ontario Cottagers Association

Crown Land Use Policy Atlas Report G340: Multiple Resource Management Area



Ministry of Natural Resources

**CROWN LAND USE POLICY ATLAS POLICY
REPORT G340: Multiple Resource
Management Area**

Designation: General Use Area
Category:

District (s) Peterborough,
Pembroke, Algonquin
Park, Bancroft

Area (hectares) 403,847

Date Policy Last Updated: 31/01/2006

DESCRIPTION:

This area includes most of the Bancroft Area.

LAND USE INTENT:

The intent is to provide and encourage provision of a wide variety of resource production and recreation opportunities. Within this area, integrated resource management principles will be fully practiced.

Management of this area is also governed by the general policies contained in the Bancroft District Land Use Guidelines (1983).

MANAGEMENT DIRECTION:

Commercial Activities

| ACTIVITY | PERMITTED | GUIDELINES |
|---|-----------|------------|
| Aggregate Extraction | Yes | |
| Bait Fishing | Yes | |
| Commercial Fishing | Yes | |
| Commercial Fur Harvesting | Yes | |
| Commercial Power Generation Development | Yes | |
| Commercial Timber Harvest | Yes | |
| Commercial Tourism (services and/or facilities), Existing | Yes | |
| Commercial Tourism (services and/or facilities), New | Yes | |
| Mineral Exploration and Development | Yes | |
| Peat Extraction | Yes | |
| Wild Rice Harvesting | Yes | |

Land and Resource Management Activities

| Activity | Permitted | Guidelines |
|--|-----------|---|
| Crown Land Disposition | Yes | |
| Crown Land Disposition, Cottaging | No | No disposition of Crown lands for new cottage lots. |
| Crown Land Disposition, Seasonal Recreation Camp, Existing | No | |
| Road Development and Maintenance, Existing | Yes | |
| Road Development and Maintenance, New | Yes | |

Recreation Activities and Facilities

| Activity | Permitted | Guidelines |
|---|-----------|---|
| Crown Land Recreation | Yes | |
| Hunting | Yes | No disposition of Crown lands for new hunt camps. |
| Road Use (public), Existing Road Use (public), New Road Use | Yes | |
| Sport Fishing | Yes | |

ADDITIONAL INFORMATION:

Note: MNR will consider the Land Use Intent and Management Direction outlined in this policy report when reviewing applications for permitted activities that require licenses, leases, permits, or other forms of approval. The review of individual applications involves the consideration of a variety of factors and requirements on a site-specific basis in addition to land use policy.

SOURCE OF DIRECTION:

Bancroft District Land Use Guidelines (1983)

Amendment to Area-specific Crown Land Use Policy # 2003-16 (2003)

This policy report is available online at the following address:

English Policy Report: <http://crownlanduseatlas.mnr.gov.on.ca/htmls/G340.html>

Rapport de la politique en français: <http://crownlanduseatlas.mnr.gov.on.ca/french/htmls/G340.html>

© Queen's Printer for Ontario, 2006

Appendix 2

Letter (March 29, 2007) from Eric Boysen, Manager, Land Management Section,
MNR, to the Federation of Ontario Cottagers Association

Ministry of
Natural Resources

Natural Resource Management Division
Lands and Waters Branch
P.O. Box 7000, 300 Water Street
Peterborough, ON K9J 8M5
Telephone: (705) 755-5999
Fax: (705) 755-1267

Ministère des
Richesses naturelles

Division de la gestion des richesses naturelles
Direction des terres et eaux
C.P. 7000, 300, rue Water
Peterborough (Ontario) K9J 8M5
Téléphone : (705) 755-5999
Télécopie : (705) 755-1267



March 29, 2007

Federation of Ontario Cottagers' Association
#18 – 156 Duncan Mill Road
Toronto, Ontario
M3B 3N2

File: PL 4.02.01

Dear Sirs:

Subject: **Environmental Registry Posting #010-0172**
Proposed Revisions to Public Lands Act Policy PL 4.02.01
Disposition of Crown Land on Designated Lake Trout Lakes

Please find attached a copy of the recent Environmental Registry posting #010-0172, as well as a copy of proposed revisions (addition of an Appendix A) to the Ministry's Public Lands Act Policy PL 4.02.01 and a copy of the Ministry's *Inland Ontario Lakes Designated for Lake Trout Management*.

This information package is being provided to key Crown land stakeholders and organizations. MNR is taking this approach to provide for thorough consultation on the consolidation of the Ministry's policy approach to disposition of Crown land adjacent to designated lakes, as detailed in the Environmental Registry posting.

This Crown land disposition policy consolidation is the fourth and final component of a broader *Coordinated Strategy to Protect Lake Trout Populations in Ontario*, announced by the Minister of Natural Resources in October 2005 (Environmental Registry Notice #XB05E6802).

Dating as far back as the Ministry's 1983 era District Land Use Guidelines (DLUG's), Ministry land use planning documents and interim Crown land disposition guidelines have advanced a precautionary approach to the management and disposition of Crown land adjacent to lake trout lakes, including a moratorium on the sale of Crown land cottage lots on lake trout lakes.

Since 1995, the Ministry has been implementing on an interim basis, the fundamental components of this policy approach - that the Ministry will not sell vacant, undeveloped Crown land, where the sale of Crown land could subsequently lead to lakeshore capacity development impacts to lake trout habitat.

As detailed in Appendix A of the attached proposed policy, the Ministry may however sell Crown land on lake trout lakes through application of the *Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects* and consideration of other Public Lands Act policy directives where:

- there is adequate lakeshore development capacity on put-grow-take lakes;
- disposition relates to an existing occupation of Crown land with occupational authority (e.g. land use permit, lease, licence of occupation); or
- disposition is recognized as not having a significant impact upon lake trout habitat (e.g. shore road allowances, existing encroachments).

While this policy proposal does not fundamentally represent new Crown land disposition policy direction for the Ministry, this formal policy consolidation will provide greater consistency and clarity in implementation and delivery by MNR field offices.

Should the Federation of Ontario Cottagers' Association wish to formally comment on this proposed policy, comments must be submitted to the Ministry in the manner detailed in the Environmental Registry posting. Should FOCA however wish to discuss the proposed policy prior to submitting its formal comments, please feel free to contact Ken Cain, Senior Policy Advisor (705-755-2140) of this office.

Yours sincerely,



Eric Boysen
Manager
Land Management Section

Attch/