

Our lakes deserve better treatment

Back when Hastings Highlands was created one of the required regulations was a set of zoning by-laws (ZBL) that were compliant with the Provincial Planning Act and Provincial Policy Statement (PPS) as well as the County Official Plan (OP). All of these were to ensure that land use planning was, well.... planned. In HH we threw together some 100 pages of by-laws from the 5 former townships with no research and voila..... we had some zoning by-laws. Mind you it took 4 years just to cobble this package together. And the Planning Act required regular reviews of the provincial and county documents every 5 years, with subsequent municipal updates

So what has been happening the last 20 years on land use planning in HH?

Well the province has twice updated their PPS , the County finally got an approved revision to their OP in August 2018 (ten years late) and HH is still working with by-laws some of which have been in existence in the old townships for >60 years. Now although the Province and the County were late in getting their revisions done, HH is required to bring its ZBL into compliance with the upper tier governments by August 2021. The requirement is only to ensure the ZBL is in compliance with provincial and county regulations and policies.

Well, you say, what we don't need is new laws and rules around property use.

You would be wrong, particularly for municipalities that have a high proportion of waterfront development.

We have learned a lot in the past 60 years about the impact of land development on our lakes, rivers and watersheds and the science is unassailable.....the more we allow development to infringe on these natural resources, the more we risk destroying them. Remember we have 7 lake trout lakes in HH all of which have stringent provincial rules on development. And this Fall we had confirmed cases in lakes near us of blue-green algae (the same stuff that destroyed Lake Simcoe 10 years ago)

A couple of examples of current by-laws that desperately need education/ revision/enforcement.

Phosphorous is best kept at bay from our waterways by septic setbacks... all three bodies (province, county and HH) recognize this and recommend 30 metre setbacks for septics. However the Ontario Building Code only requires a 15 metre set back, so that is the rule of law in HH (although we have a 30 meter by-law). The Province also requires 300 metre setbacks for lake trout lakes, but I doubt anyone can find a case where this was enforced in HH.

Setbacks are further protective of our waterways if we leave a natural vegetation buffer zone of 30 metres between buildings/ septics and the water. We have such a by-law in HH but it gets ignored regularly. And both of the above are exacerbated by the steep slopes we have on our lakes.

There are many other examples of outdated by-laws in HH because we are so far behind other lakes-based municipalities in Ontario.... lot coverage allowed in HH is 5 times what is typical for waterfront elsewhere, lot sizes are too small, shoreline development size needs review.... The list is long.

So what has been happening lately in administering these antiquated zoning by-laws in HH?

One of the requirements is for the municipality to have a Committee of Adjustment...a body that meets when someone says they don't want to comply with a by-law. The committee can authorize a "minor variance" which must meet 4 tests set by the province. And of course HH gets fees for each of these applications. The normal approach in HH has been to approve all requests unless there is strong opposition by neighbours. More concerning is the tendency to let the applicant know that HH works hard to avoid enforcement of by-laws ...we mostly want to go along with whatever you want to do.

But if the variance requested is not minor (one boathouse application with which I am familiar was 5 times the by-law) the easiest work around is to designate the property with its own special by-law...but for this the Council is required to sign off. Then you are free of by-law restrictions.

Both of these options to avoid by-law enforcement have been extensively used in the past 20 years. You will be hard pressed to find many cases where HH simply asked the property owner to comply with its by-laws.

A note of good news on this story.... In the past couple of years, HH has been working to put in place enforcement penalties for folks who ignore by-laws (we had none previously). And the Committee of Adjustment is finally demonstrating more consideration of the rule of law. This Fall we hired a municipal planner to work on revisions to our 100+ pages of by-laws and all of the additional special by-laws and revisions to make them reflective of current standards for a lakes-based economy like ours, and to bring our by-laws into compliance with Provincial and County land development laws

Will we complete a full and thorough long overdue review of all of our by-laws by August as required including the obligatory public consultation in a time of continuing COVID impact?

More as this story unfolds.

Bill Cheshire Baptiste Lake

January 2021