

TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

To: The Mayor and Members of Council

Prepared By: Emma Drake and Darryl Tighe, Township Planning Consultants

Meeting Date: December 16, 2019

Subject: Boathouses and Jack Lake

PURPOSE AND EFFECT:

The purpose and effect of this report is to present for review by Council, draft Official Plan and Zoning By-law Amendments regarding the regulation of on-land boathouses and the at-capacity designation of Jack Lake.

RECOMMENDATION:

1. That Council defer a decision on the proposed Official Plan and Zoning By-law Amendments;
2. That Council direct Staff to complete an analysis of public comments received following the preparation and submission of the December 16, 2019 report;
3. That Council direct Staff to contact the appropriate Provincial Ministries regarding the designation of Jack Lake and Sharpe's Bay;
4. That Council direct Staff to bring forward a subsequent report and revised copies of the proposed Official Plan and Zoning By-law Amendments as required following the review of public comments and consultation with the Provincial Ministries; and
5. That the balance of this report be received.

BACKGROUND:

On August 12, 2019, proposed Official Plan and Zoning By-law Amendments were brought forward for the consideration of Council which included provisions for marine facilities (i.e. on-land boathouses). During consideration of the proposed amendments,

several public comments were received and resultantly a decision on the proposed amendments was deferred.

At the subsequent Council meeting of September 16, 2019, Staff brought forward a report for Council's information which was intended to address the comments heard at the August 12th Council meeting. The report highlighted the current deficiencies in the Township's planning documents in respect of both on-land boathouses and the identification of at-capacity lakes and further clarified the need for the amendments to each the Official Plan and Comprehensive Zoning By-law.

Following receipt of the report, Council passed the following resolution:

"R-674-19

That the Planning Consultant and staff are hereby authorized to proceed with draft Official Plan and Zoning By-law Amendments to address on-land boathouses and the at-capacity designation of Jack Lake for presentation to Council for further review and discussion.

Carried."

As interim steps to the preparation of the Official Plan and Zoning By-law Amendments, two additional reports were brought forward for Council's information on October 21 and November 18, 2019. These reports provided information on the history associated with the regulation of on-land boathouses and the at-capacity designation of Jack Lake within the Township, as well as providing preliminary planning options and recommendations.

During discussions at the October 21, 2019 Council meeting, concerns regarding public consultation and input were raised. On that basis, Council directed Staff through resolution R-742-19 to proceed with an online survey for public consultation and engagement regarding the regulation of on-land boathouses and the at-capacity designation of Jack Lake prior to the scheduled Statutory Public Meeting.

This report is being brought forward to Council to present a summary of the public comments received to-date; as well as to present draft copies of the proposed Official Plan and Zoning By-law Amendments.

SURVEY ANALYSIS (INTERIM):

The online survey was created through SurveyMonkey and included nine (9) questions. Refer to Attachment 1.

Notice of the online survey was provided through the Notice of Public Meeting. The Notice was made available on the Township's website and was advertised in the

November 14, 2019 issue Peterborough this Week. Notices were also mailed to all prescribed ministries and agencies on November 14th.

Refer to Attachment 2.

In addition, each of the individual Lakes / Cottage Associations throughout the Township were provided with a copy of the notice, either by mail or email, and were asked to share the notice and survey with their members and lake residents.

As of the date of writing of this report (December 3, 2019), 225 responses to the online survey had been received. Of these responses, majority were received from both the seasonal and permanent residents of Belmont Lake and Jack Lake. Limited responses were received from residents of the other waterfront areas in the Township.

A preliminary review of the survey results by Staff has determined that an approximately equal degree of support and opposition to the permission of on-land boathouses has been expressed by Township residents.

In regard to the regulation of on-land boathouses, responses varied on which provisions should be introduced to regulate their size and location. Generally however, the provisions indicated by residents are similar to those traditionally seen in such by-laws.

Public opinion on the designation of at-capacity lakes also appears to be divided. Through the public survey, residents have expressed support of designating an entire lake as at-capacity; however equal and opposite opinions have been expressed that only those areas specifically identified by the Ontario Ministry of Natural Resources and Forestry (MNRF) should be designated as at-capacity.

As Jack Lake is specifically affected by the at-capacity identification and designation, Staff also separately conducted a preliminary evaluation of the responses received from Jack Lake residents. As with the general public; the opinions of the residents of Jack Lake are also divided on how and which areas of lake should be designated.

A summary of the responses received is included in Attachment 3 to this report. Notwithstanding, Staff would reiterate that the summary and trends identified include only those responses received up to December 3, 2019. Whereas opportunity for public input through the survey is open until the Statutory Public Meeting, Staff would suggest that a more detailed review of responses be completed following the Statutory Public Meeting to incorporate all public feedback received.

PLANNING ANALYSIS:

Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Provincial Policy Statement (PPS), issued under Section 3 of the *Planning Act*, provides Provincial direction on matters of land-use planning throughout the Province. The Growth Plan builds upon and is reflective of the PPS and is intended to direct where and how to grow in the region of the Province known as the Greater Golden Horseshoe.

The waterfront is generally considered as being part of the rural area, as defined by the PPS and the Growth Plan. The PPS directs that healthy and viable rural areas are to be supported by leveraging rural amenities, including natural assets. Further, on rural lands specifically, the PPS promotes recreational and tourism opportunities and recognizes resource-based recreational uses as being permitted. The Growth Plan also recognizes resource-based recreational uses as permitted on rural lands.

Notwithstanding, the PPS and the Growth Plan also emphasize protection of the natural environment. As directed by the Growth Plan specifically, resource-based recreational uses are to be compatible with the scale, character and capacity of the resource.

Moreover, under the policies of the PPS and the Growth Plan, development which may cause environmental concerns is to be avoided and the preservation of biodiversity is to be promoted. Development within and adjacent to significant or key natural heritage features is also restricted. However, shoreline development which provides consideration and restoration of ecological features and functions may be permitted.

As proposed, the Official Plan and Zoning By-law Amendments would recognize on-land boathouses as being permitted on waterfront properties, save and except on Jack Lake. Permitting on-land boathouses is consistent with the direction of the PPS and the Growth Plan which promote recreational uses and opportunities on rural lands. Furthermore, it is our planning opinion that as Sharpe's Bay has been recognized as being at-capacity, that the prohibition of on-land boathouses on the entirety of Jack's Lake is consistent with the Growth Plan, which requires consideration of the capacity of the resource.

In addition, the amendments as proposed would introduce policies and provisions to regulate the size and location of on-land boathouses, including a maximum ground floor area, minimum side lot line setbacks and aesthetic design considerations. The policies and provisions as proposed would ensure maintenance of the rural character, while limiting negative impact and promoting naturalization of the shoreline to the extent possible.

It is therefore our professional planning opinion that the proposed Official Plan and Zoning By-law Amendments are generally consistent with the PPS and the Growth Plan.

County of Peterborough Official Plan

The Official Plan for the County of Peterborough is rooted in a watershed strategic approach which provides consideration for the natural environment and specifically for the lakes, river and streams of the County.

Shoreland Areas and the Waterfront are considered as a strategic component of the watershed. Goals for Shoreland Areas and the Waterfront are found in Section 4.4 of the County Official Plan. These goals direct that the character of shorelines is to be preserved and built form along the shoreline is not to be overly concentrated or detrimental to the natural form. Tree cover and vegetation along the shoreline is encouraged.

To achieve the above goals, the County Official Plan generally directs that development shall be setback at least 30 metres from the high-water mark. However, Section 4.4.3 specifically identifies that water access facilities and minor accessory facilities may be permitted within the 30-metre setback. Further, the County Official Plan recognizes the importance of waterbodies to the economic development of the County and directs that development of waterbodies is to be in a sustainable manner which balances environmental and economic goals.

The County Official Plan also provides specific direction for at-capacity lakes. Such lakes are to be identified in local Official Plans and further, new development which would be pertinent to lake capacity is to be restricted within 300 metres of the shoreline.

As herein noted, the proposed amendments would permit on-land boathouses in the Township; however, on-land boathouses would be prohibited on Jack Lake which has been recognized in part as being at-capacity. Where permitted, the proposed amendments would regulate the size and location of boathouses. Specifically, provisions have been introduced to reduce overall built form on the shoreline and promote the preservation of natural features.

The proposed amendments would thereby encourage sustainable development of the shoreline which considers and preserves natural features, while balancing the economic contribution of the shoreline and the related industry.

The amendments as proposed are therefore considered to uphold the spirit and general intent of the County Official Plan.

Township of Havelock-Belmont-Methuen Official Plan

Aligned with the County Official Plan, the Township's Official Plan recognizes waterbodies and natural resources as strong assets within the Township from each an environmental and economic perspective. Likewise, development along the shoreline is to preserve the natural landscape and the character of the shoreline.

The Official Plan for the Township also provides policy direction for Lake Trout (at capacity) Lakes, however no lakes have as of yet been identified in the Official Plan. Therefore, to comply with the direction received from the MNRF and the Ministry of Environment and Climate Change (MOECC), an amendment is required to recognize Jack Lake as being at-capacity in the Local Official Plan. Refer to Attachment 4.

The Official Plan Amendment as proposed would also introduce policies to limit development of the shoreline which are intended to preserve the natural state and character of the shoreline. Specifically, policies are proposed which would limit the percentage of shoreline development, encourage vegetation of disturbed areas and promote natural materials and colours in boathouse construction.

Where an amendment to the Township Official Plan is considered, the Official Plan directs that the following must be considered:

a) *The need for the proposed change.*

As described above, the amendment is required to designate Sharpe's Bay (Jack Lake) as being at-capacity, subject to the direction received by the Province.

Furthermore, regulations for on-land boathouses beyond Jack Lake are required as at present, such structures are only regulated by the provisions for accessory buildings. On-land boathouses are therefore becoming increasingly large and have a greater footprint and environmental impact. The amendment is therefore required to further regulate on-land boathouses in such a manner which better considers the natural environment and overall shoreline character.

b) *The impact of the proposed change on the achievement or goals, objectives and policies expressed in this Plan and in other municipal policies.*

The proposed amendment would better support the shoreline goals, objectives and policies expressed in the Official Plan by providing greater regulation of on-land boathouses which consider the natural environment.

c) *The effect of the proposed change on the need for municipal services and facilities.*

On-land boathouses will not be permitted to maintain any servicing. Further,

municipal services do not generally extend to the shoreline areas in the Township. There is therefore no impact on the need for municipal services and facilities.

- d) *Whether there is a need to add the lands to lands already within the proposed designation.*

The proposed amendment does not consider the redesignation of any lands within the Township.

- e) *The physical suitability of the lands for the proposed use.*

On-land boathouses will be permitted in the shoreline area, subject to development regulations. On-land boathouses will not be permitted adjacent to at-capacity lakes (Jack Lake) or within significant natural heritage features.

Given the inherent use of a boathouse for watercraft storage, permission along the shoreline is considered suitable.

- f) *The impact on adjacent lands or the community, as applicable, having regard to land use compatibility and other relevant considerations.*

On-land boathouses will be subject to development regulations, including size and side lot line setbacks which are intended to reduce the visual impact on surrounding lands and the waterfront.

- g) *Conformity with the County Official Plan.*

Refer to 'County of Peterborough Official Plan' above.

- h) *Conformity with applicable Provincial policies.*

Refer to 'Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)' above.

The proposed Official Plan Amendment is therefore anticipated to continue to uphold the intended policy direction of the Official Plan.

The proposed Zoning By-law Amendment will further be consistent with the amendment policies of the Official Plan.

Township of Havelock-Belmont-Methuen Comprehensive Zoning By-law No. 1995-42
(as amended)

The Comprehensive Zoning By-law for the Township currently only regulates on-land boathouses (marine facilities) through the provisions for accessory structures. Such being the case, a boathouse may comprise a ground floor area not greater than 75% of the total floor area of the main building. As the size of dwellings in the shoreline areas continue to increase, the potential building size for on-land boathouses has also increased.

Further, in the new proposed Comprehensive Zoning By-law (No. 2012-55), regulation for on-land boathouses were introduced to strictly regulate the size and width of on-land boathouses. However, as By-law No. 2012-55 remains under appeal, these provisions are not in effect.

The proposed Zoning By-law Amendment is therefore required to regulate development of on-land boathouses in a manner which would provide greater consideration to the environment.

As proposed, the Zoning By-law Amendment would implement a maximum ground floor area of 80 square metres; and a maximum height of 4.5 metres. The proposed provisions would also restrict the maximum width to the lesser of 8 metres or 25% of the shoreline width. Through this provision, it is intended that a provision for minimum shoreline frontage shall not be required.

The proposed Zoning By-law provisions would also require a 6 metre minimum side lot line setback. As well, the proposed provisions specify that boathouses shall be required to have a peaked roof, as this is consistent with the provisions of Crowe Valley Conservation Authority. As well, no decks, balconies or habitable spaces or plumbing/sanitary servicing are proposed to be permitted.

Minor housekeeping revisions to the marine facilities section of the Comprehensive Zoning By-law are also proposed.

COMMENTS:

Staff Comments:

None received at the time of report preparation.

Agency Comments:

Notice was circulated to a number of prescribed agencies for review. At the time of the preparation of this report, comments were received from the Ministry of Transportation

(November 21, 2019) indicating no concerns with the proposed amendments. Refer to Attachment 7.

Should any additional comments be received prior to the December 16th meeting of Council they will be brought forward at that time.

Public Comments:

At the time of writing of this report, 225 public responses had been received to the public survey. A summary of the responses is provided in Attachment 3.

Written responses were also received from members of the public, which included responses which were submitted as part of historical consultation on the matter. These comments generally indicated non-support of on-land boathouses, specifically on Jack Lake. A copy of the written responses received are included in Attachment 8.

FINANCIAL IMPACT:

There are no financial impacts unless Council's consideration respecting the approval or refusal of the amendments is appealed to the Local Planning Appeal Tribunal. In the event of an appeal, certain costs may be incurred.

CONCLUSION:

It is our planning opinion that the amendments as proposed are consistent with Township and Provincial planning documents.

However, Staff recognize the importance of on-going public consultation. Therefore, it is our recommendation that the amendments be deferred at this time to allow for greater analysis of all public comments received prior to at and the Statutory Public Meeting. Following analysis of the public comments, together with consultation with the appropriate Provincial ministries, it is our recommendation that the amendments be brought back to Council for consideration at a subsequent meeting.

All of which is submitted for Council's consideration and hopeful assistance.

Submitted by:



Emma Drake, M.Sc.
Planner
Landmark Associates Limited



Darryl J. Tighe, M.Sc., RPP,
Director of Planning
Landmark Associates Limited



Attachments:

Attachment 1 – SurveyMonkey Public Questionnaire

Attachment 2 – Notice of Public Meeting

Attachment 3 – SurveyMonkey Summary

Attachment 4 – Ministry of Environment and Climate Change Correspondence

Attachment 5 – Proposed Official Plan Amendment

Attachment 6 – Proposed Zoning By-law Amendment

Attachment 7 – Ministry and Agency Comments

Attachment 8 – Public Comments

Township of Havelock-Belmont-Methuen: Boathouses and At-Capacity Lakes Public Consultation

The Township of Havelock-Belmont-Methuen has initiated Official Plan and Zoning By-law Amendments to address the at-capacity status of Jack Lake. The amendments are also proposed to regulate on-land boathouses throughout the Township.

In advance of the public meeting, the Township is seeking to obtain public input through an online survey. Have your say on the issues by completing the survey below.

The public meeting to consider the proposed amendments will be held on December 16, 2019 at 5:00 p.m. in the Municipal Office of the Township of Havelock-Belmont-Methuen at the corner of Highway 7 (Ottawa Street) and Oak Street in Havelock. Any person may attend the public meeting and make submissions either in support of or in opposition to the proposed amendments.

For more information on this matter, please contact Bob Angione, Municipal Clerk at the address below:

Township of Havelock-Belmont-Methuen
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0
705-778-2308
705-778-5248

* 1. Please provide your name and mailing address:

Name

Address

Address 2

City/Town

State/Province

ZIP/Postal Code

Email Address

2. For waterfront property owners, please provide the name of the lake/waterbody:

3. Please indicate the type of residency on your property (select one):

- Permanent
- Seasonal

4. New on-land boathouses should be permitted on (select one):

- All lakes in the Township
- Only those lakes which are not at-capacity or cold-water lakes
- On-land boathouses should not be permitted on any lakes in the Township
- Other (please specify)

5. Regulations of new on-land boathouses should include (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Maximum Ground Floor Area | <input type="checkbox"/> Decks / Balconies |
| <input type="checkbox"/> Maximum Width | <input type="checkbox"/> Required Lot Frontage |
| <input type="checkbox"/> Maximum Height | <input type="checkbox"/> Minimum Side Lot Line Setbacks |
| <input type="checkbox"/> Roof Design | <input type="checkbox"/> Minimum Shoreline Setbacks |
| <input type="checkbox"/> Other (please specify) | |

6. Existing on-land boathouses (select one):

- Should be permitted to be repaired / reconstructed to their original size and in their original location
- Should be permitted to be repaired / reconstructed in accordance with new on-land boathouses provisions
- Should not be permitted
- Other (please specify)

[Redacted text box]

7. At-capacity and cold-water lakes should be designated (select one):

- As at-capacity / cold-water for the entire lake
- As at-capacity / cold-water only for those areas identified by the Ministry of Natural Resources and Forestry
- Other (please specify)

[Redacted text box]

8. Please provide any additional comments:

[Redacted text box]

9. Would you like to receive further notices of these amendments?

- Yes
- No



**THE CORPORATION OF THE TOWNSHIP OF
HAVELOCK-BELMONT-METHUEN
NOTICE OF A PUBLIC MEETING CONCERNING AN OFFICIAL PLAN
AMENDMENT AND ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Township of Havelock-Belmont-Methuen will hold a public meeting on December 16th at 5:00 p.m. in the Municipal Office of the Township of Havelock-Belmont-Methuen at the corner of Highway 7 (Ottawa Street) and Oak Street in Havelock to consider a proposed Official Plan Amendment and Zoning By-law Amendment under Sections 17 and 34 of The Planning Act, R.S.O., 1990, as amended.

PURPOSE AND EFFECT: The proposed Official Plan Amendment will revise and add certain policies in the Official Plan for the Township of Havelock-Belmont-Methuen as they pertain to at-capacity lakes and on-land boathouses. The effect of the proposed Official Plan Amendment is to recognize Jack Lake as an at-capacity lake in the Township and regulate the establishment of on-land boathouses.

The proposed Zoning By-law Amendment will implement the policies of the proposed Official Plan Amendment and will amend certain provisions in the Township's Comprehensive Zoning By-law No. 1995-42, as amended, to regulate on-land boathouses.

LOCATION: This amendment is considered to have application to all waterfront lands within the Corporation of the Township of Havelock-Belmont-Methuen; and therefore, a key map has not been provided.

REPRESENTATION: ANY PERSON may attend the public meeting and/or make verbal or written representation either in support of or in opposition to the proposed Amendments. Written submissions in respect of the proposed Amendments should be directed to the Municipal Clerk of the Township of Havelock-Belmont-Methuen.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the Township of Havelock-Belmont-Methuen to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Havelock-Belmont-Methuen before the proposed official plan amendment is adopted or before by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make an oral submission at the public meeting, or make written submissions to the Township of Havelock-Belmont-Methuen before the proposed official plan amendment is adopted or before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

NOTIFICATION: ANYONE wishing to be notified of Council's decision in respect of the proposed Official Plan Amendment and Zoning By-law Amendment must file a written request with the Clerk of the Township of Havelock-Belmont-Methuen.

ADDITIONAL INFORMATION: Additional information on the proposed Amendments is available for inspection by the public as of the date of this notice at either the municipal offices during regular business hours (8:30 a.m. to 4:30 p.m.); or by going to the Township's website at www.hbmtwp.ca. A public survey regarding the proposed Amendments is also available on the Township's website.

Complete copies of the proposed Amendments will be available by December 6, 2019.

For more information about this matter, including information about appeal rights, contact the Township of Havelock-Belmont-Methuen at the address below or at saaltonen@hbmtwp.ca.

DATED at the Township of Havelock-Belmont-Methuen this 14th day of November 2019.

Mr. Robert Angione, M.P.A., B. Admin,
Municipal Clerk
Township of Havelock-Belmont-Methuen
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0
(705) 778-2308
(705) 778-5248 (fax)

Q1 Please provide your name and mailing address:

Answered: 224 Skipped: 1

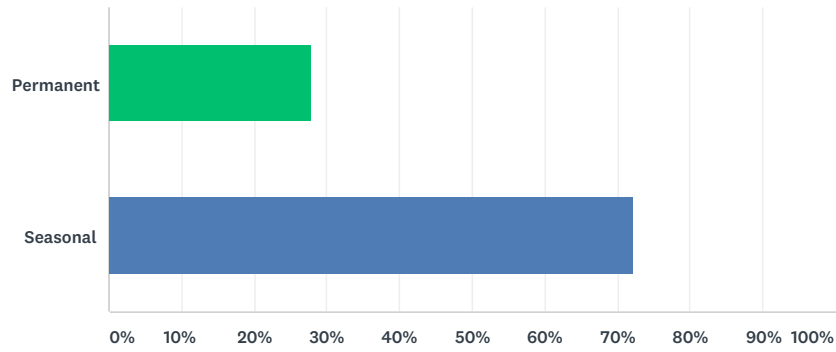
ANSWER CHOICES	RESPONSES	
Name	99.55%	223
Company	0.00%	0
Address	99.11%	222
Address 2	16.52%	37
City/Town	99.11%	222
State/Province	99.11%	222
ZIP/Postal Code	99.11%	222
Country	0.00%	0
Email Address	98.21%	220
Phone Number	0.00%	0

Q2 For waterfront property owners, please provide the name of the lake/waterbody:

Answered: 218 Skipped: 7

Q3 Please indicate the type of residency on your property (select one):

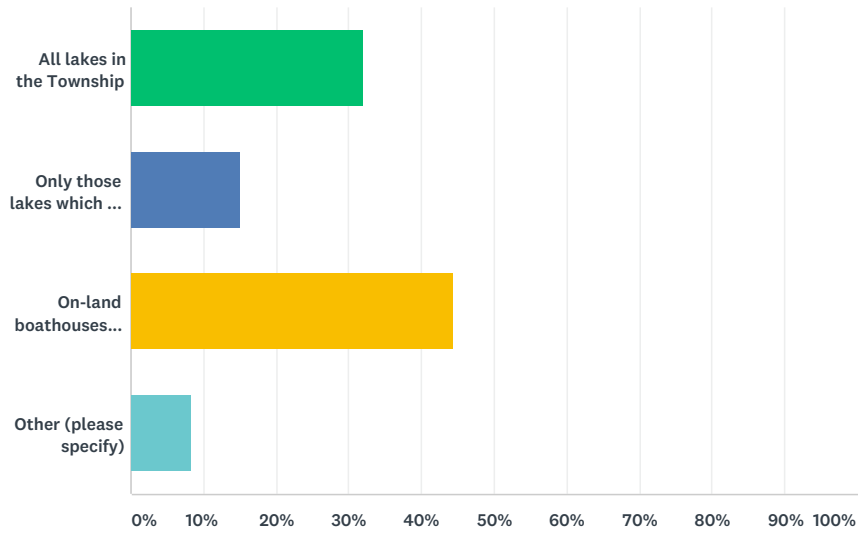
Answered: 222 Skipped: 3



ANSWER CHOICES	RESPONSES	
Permanent	27.93%	62
Seasonal	72.07%	160
TOTAL		222

Q4 New on-land boathouses should be permitted on (select one):

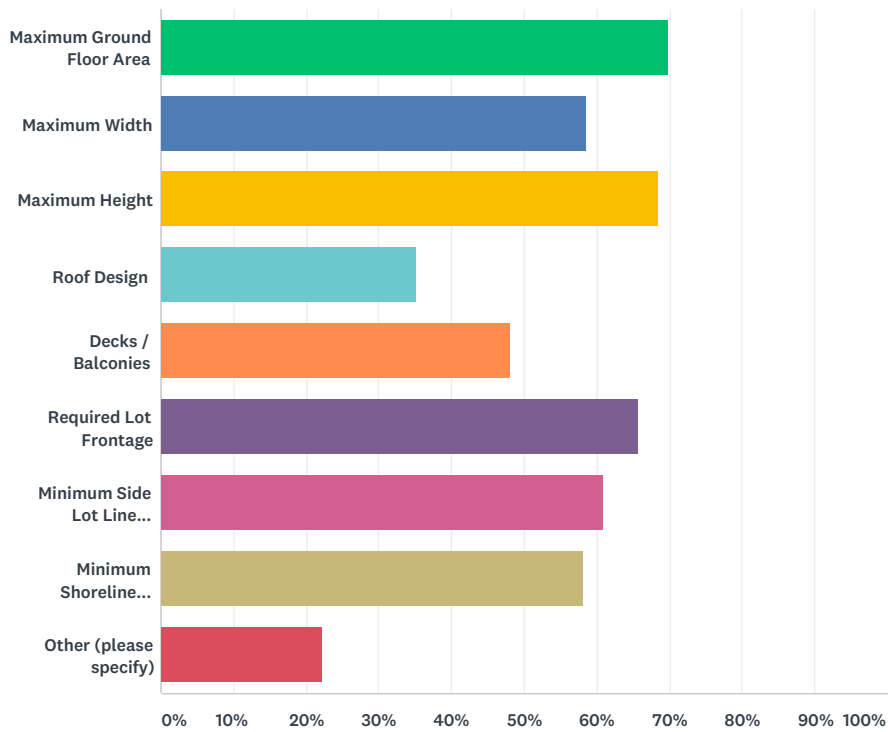
Answered: 225 Skipped: 0



ANSWER CHOICES	RESPONSES	
All lakes in the Township	32.00%	72
Only those lakes which are not at-capacity or cold-water lakes	15.11%	34
On-land boathouses should not be permitted on any lakes in the Township	44.44%	100
Other (please specify)	8.44%	19
TOTAL		225

Q5 Regulations of new on-land boathouses should include (check all that apply):

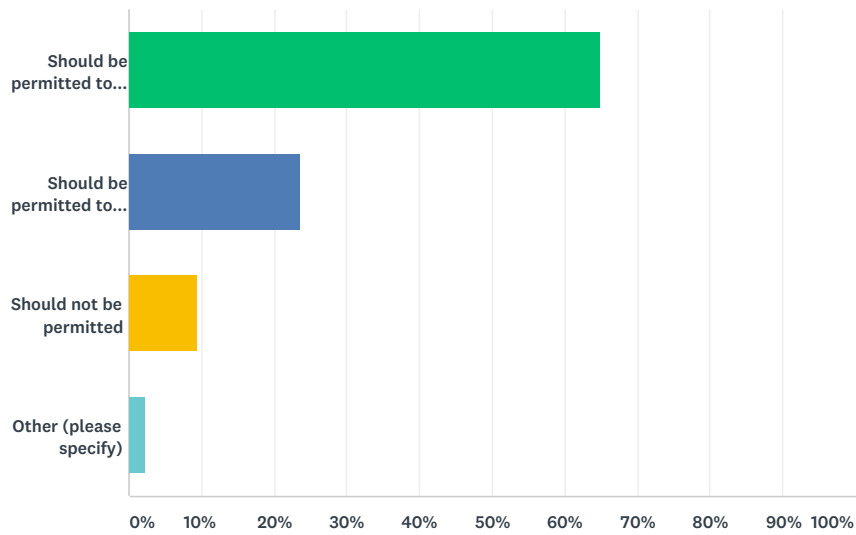
Answered: 222 Skipped: 3



ANSWER CHOICES	RESPONSES	
Maximum Ground Floor Area	69.82%	155
Maximum Width	58.56%	130
Maximum Height	68.47%	152
Roof Design	35.14%	78
Decks / Balconies	48.20%	107
Required Lot Frontage	65.77%	146
Minimum Side Lot Line Setbacks	60.81%	135
Minimum Shoreline Setbacks	58.11%	129
Other (please specify)	22.07%	49
Total Respondents: 222		

Q6 Existing on-land boathouses (select one):

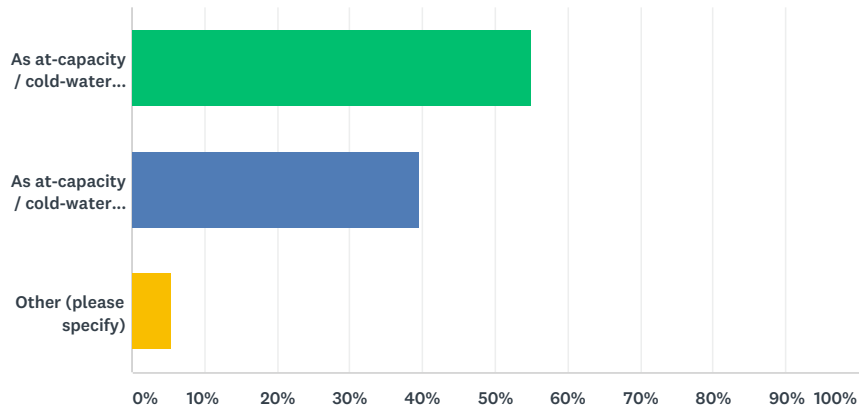
Answered: 225 Skipped: 0



ANSWER CHOICES	RESPONSES	
Should be permitted to be repaired / reconstructed to their original size and in their original location	64.89%	146
Should be permitted to be repaired / reconstructed in accordance with new on-land boathouses provisions	23.56%	53
Should not be permitted	9.33%	21
Other (please specify)	2.22%	5
TOTAL		225

Q7 At-capacity and cold-water lakes should be designated (select one):

Answered: 218 Skipped: 7



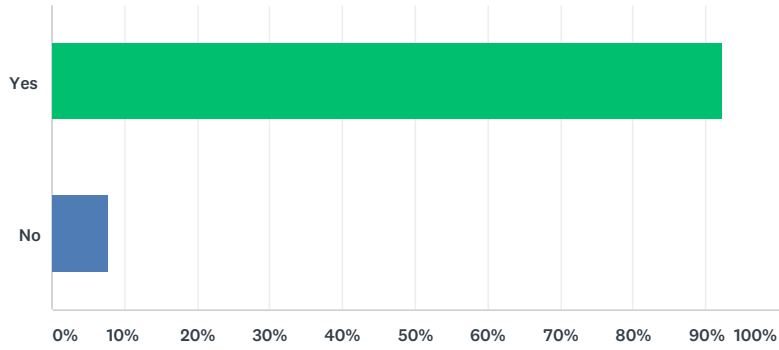
ANSWER CHOICES	RESPONSES	
As at-capacity / cold-water for the entire lake	55.05%	120
As at-capacity / cold-water only for those areas identified by the Ministry of Natural Resources and Forestry	39.45%	86
Other (please specify)	5.50%	12
TOTAL		218

Q8 Please provide any additional comments:

Answered: 86 Skipped: 139

Q9 Would you like to receive further notices of these amendments?

Answered: 219 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	92.24%	202
No	7.76%	17
TOTAL		219

Ministry of the Environment
and Climate Change

P.O. Box 22032
Kingston, Ontario
K7M 8S5
613/549-4000 or 1-800/267-0974
Fax: 613/548-6908

Ministère de l'Environnement et de l'Action
en matière de changement climatique

C.P. 22032
Kingston (Ontario)
K7M 8S5
613/549-4000 ou 1-800/267-0974
Fax: 613/548-6908



By Email

August 16, 2017

The County of Peterborough
County Court House
Peterborough, Ontario
K9H 3M3

Attention: Brian Weir, Peterborough County, Director of Planning
Email – bweir@ptbocounty.ca

Dear Mr. Weir

Re: Jacks Lake Status and Development Capacity Designation

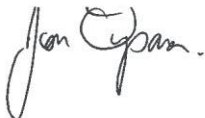
The Ministry of Natural Resources and Forestry (MNRF) in conjunction with the Ministry of Environment and Climate Change (MOECC) have undertaken monitoring and water quality sampling on Jacks Lake in the Townships of North Kawartha and Havelock-Belmont and Methuen, in the County of Peterborough.

The basin known locally as Sharpe's Bay has been identified to contain a population of lake trout and subsequent water quality sampling by MOECC has deemed this bay to be at capacity for development. In addition to this letter you also may refer to the supporting report and map that include the details regarding this decision.

It is the expectation that any planning applications that are received going forward will reflect the new capacity designation and as such the appropriate lake capacity development policies found in your respective County Official Plan and lower tier Official Plans would apply.

If you have any questions you may feel free to contact me at my coordinates below.

Regards,



Jon K. Orpana
Environmental Planner & Environmental Assessment Coordinator
Ministry of the Environment
Kingston Regional Office
1259 Gardiners Road, PO Box 22032
Kingston, Ontario
K7M 8S5

Phone: 613 548 6918
Fax: 613 548 6908
Email: jon.orpana@ontario.ca

CC. Township of Havelock-Belmont Methuen
havbelmet@hbmtwp.ca

Township of North Kawartha
d.page@northkawartha.on.ca

From: noreply@hbmtwp.ca <noreply@hbmtwp.ca> On Behalf Of Jon Orpana, 613 548 6918
Sent: July 31, 2019 10:52 AM
To: Sonia Aaltonen <SAaltonen@hbmtwp.ca>
Subject: JACK LAKE – SHARPE'S BAY

Hello,

It has come to our attention that you are undergoing an update to your Official Plan. The Jack's Lake Cottage Association is of the understanding that you have not yet updated the status of Sharpe's Bay to an "at capacity lake trout lake" per the correspondence attached on August 16th, 2017 from this ministry to both the County of Peterborough and both lower tier municipalities. Again, we formally ask that you make the appropriate changes to your Official Plan recognising the sensitive nature of these lakes and related habitat that supports lake trout in the south part of its range. In addition as with other municipalities that we notify of such changes that any planning applications that are considered going forward from the date of notification must consider the new status of Sharpe's Bay, Jacks Lake.

Thank you in advance.

Jon Orpana,
Environmental Planner / Environmental Assessment Coordinator Ontario Ministry of the Environment,
Conservation and Parks
1259 Gardiners Road, Unit 3
Kingston, Ontario
K7P 3J6

Cell Ph. 613-561-8250
Phone Number. 613 548-6918
jon.orpana@ontario.ca

**AMENDMENT NO. ___
TO THE OFFICIAL PLAN
OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

Prepared By:



**380 Armour Road, Suite 140
Peterborough, Ontario
K9H 7L7**

December 2019

**CERTIFICATE
OFFICIAL PLAN
OF THE
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN
AMENDMENT NO. __**

The explanatory text and attached schedule, constituting Amendment No. __ to the Official Plan of the Township of Havelock-Belmont-Methuen was initiated by the Council of the Township of Havelock-Belmont-Methuen and was adopted by the Corporation of the Township of Havelock-Belmont-Methuen by By-law No. 2019-_____ in accordance with the provisions of Sections 17 and 21 of The Planning Act, R.S.O. 1990 on the ___th day of _____ 2019.

MAYOR, JIM MARTIN

CORPORATE SEAL
OF MUNICIPALITY

CLERK, ROBERT ANGIONE

This Amendment to the Official Plan of the Township of Havelock-Belmont-Methuen which has been prepared and adopted by the Council of the Township of Havelock-Belmont-Methuen is hereby approved in accordance with the provisions of Sections 17 and 21 of The Planning Act, R.S.O. 1990 as Amendment No. __ to the Official Plan of the Township of Havelock-Belmont-Methuen.

DATE

BRYAN WEIR,
DIRECTOR OF PLANNING
COUNTY OF PETERBOROUGH

**ADOPTION BY-LAW FOR OFFICIAL
PLAN AMENDMENT NO. __
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

The Council of the Corporation of the Township of Havelock-Belmont-Methuen in accordance with the provisions of Sections 17(22) and 21 of The Planning Act R.S.O. 1990 hereby enacts as follows:

1. Amendment No. __ to the Official Plan of the Township of Havelock-Belmont-Methuen consisting of the attached explanatory text and Schedule, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Peterborough for approval of the aforementioned Amendment No. __ to the Official Plan of the Township of Havelock-Belmont-Methuen.
3. The Clerk is hereby authorized and directed to proceed with the giving notice under Section 17(23) of The Planning Act.
4. This By-law shall come into force and take effect on the day of the final passing thereof subject to the approval of the County of Peterborough.

Read a FIRST, SECOND, and THIRD TIME and FINALLY passed this __th day of _____ 2019 and given By-law No. 2019-_____.

MAYOR, JIM MARTIN

CLERK, ROBERT ANGIONE

CORPORATE SEAL
OF MUNICIPALITY

I, Robert Angione, Clerk of the Township of Havelock-Belmont-Methuen do hereby certify that the above is a true copy of By-law No. 2019-_____ as enacted and passed by the Council of the Township of Havelock-Belmont-Methuen on the __th day of _____ 2019.

CLERK

AMENDMENT NO. __
TO THE OFFICIAL PLAN
OF THE
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN

<u>INDEX</u>	<u>PAGE NO.</u>
CERTIFICATE PAGES	
INTRODUCTION	1
PART 'A' - THE PREAMBLE	2
1. PURPOSE	2
2. LANDS AFFECTED BY THIS AMENDMENT	2
3. BASIS OF THE AMENDMENT	2
PART 'B' - THE AMENDMENT	4
1. INTRODUCTORY STATEMENT	4
2. DETAILS OF THE AMENDMENT	4
3. IMPLEMENTATION AND INTERPRETATION	5
PART 'C' - APPENDICES	6
APPENDIX I – BACKGROUND TO THE AMENDMENT	i
APPENDIX II – PUBLIC CONSULTATION	vi
APPENDIX III – MINISTRY AND AGENCY REVIEW COMMENTS	vii
APPENDIX IV – PUBLIC MEETING NOTICE	viii
APPENDIX V - COUNCIL MEETING MINUTES	ix

INTRODUCTION

PART 'A' - **THE PREAMBLE** does not constitute part of this Amendment.

PART 'B' - **THE AMENDMENT** consisting of the following text and map (Schedule 'A') constitute Amendment No. ___ to the Official Plan of the Township of Havelock-Belmont-Methuen.

PART 'C' - **THE APPENDICES** do not constitute part of this Amendment. The appendices contain the background planning considerations and agency circulation and notification and public involvement associated with this Amendment.

PART 'A' – THE PREAMBLE

AMENDMENT NO. __ TO THE OFFICIAL PLAN OF THE TOWNSHIP OF
HAVELOCK-BELMONT-METHUEN.

Only that part of the document entitled PART 'B' - THE AMENDMENT constitutes
Amendment No. __ to the Official Plan of the Township of Havelock-Belmont-
Methuen.

1. PURPOSE

The purpose of this Amendment is to add and revise certain definitions and
policies of the Official Plan to address the at-capacity status of Jack Lake
(Sharpe's Bay) and the permission and regulation of on-land boathouses.

2. LANDS AFFECTED BY THIS AMENDMENT

All lands within the Township of Havelock-Belmont-Methuen are subject to the
amendment.

3. BASIS OF THE AMENDMENT

i. **Scope**

This amendment has been prepared at the direction of Council to incorporate
revised policies into the Official Plan for the Township of Havelock-Belmont-
Methuen to specifically recognize Jack Lake as being at at-capacity lake. In
addition, this amendment introduces provisions to regulate the construction of
on-land boathouses.

ii. **Public Consultation**

A public meeting under Section 17 of the *Planning Act*, R.S.O. 1990, as
amended, was convened on August 12th, 2019 for a proposed official plan
amendment and accompanying zoning by-law amendment to consider
policies and provisions for marine facilities.

Following further direction from Council, a second public meeting was
convened on December 16th, 2019 for the proposed amendments to
specifically consider the designation of Jack Lake as an at-capacity lake and

policies and provisions for the regulation of on-land boathouses.

iii. **Ministry/Agency Review**

A draft copy of this amendment was circulated to the County of Peterborough Planning Department for review and comment. A notice of first and second public meetings was also circulated to the prescribed ministries and agencies.

Any agency review comments received in response to this amendment are included in Appendix III to this amendment.

iv. **Council Action**

Refer to the following minutes, included in Appendix V to this amendment:

- August 12th, 2019 Statutory Public Meeting
- September 16th, 2019 Council Meeting
- October 21st, 2019 Council Meeting
- November 18th, 2019 Council Meeting
- December 16th, 2019 Statutory Public Meeting

PART 'B' – THE AMENDMENT

1. INTRODUCTORY STATEMENT

All of this part of the document entitled PART 'B' - THE AMENDMENT, consisting of the following text and attached Schedule constitutes Amendment No. ___ to the Official Plan of the Township of Havelock-Belmont-Methuen.

2. DETAILS OF THE AMENDMENT

The Official Plan of the Township of Havelock-Belmont-Methuen is amended as follows:

Item (1) - **Section 3.3.4.2 – Marine Facilities** is hereby amended by repealing subsection 3.3.4.2 b) in its entirety and replacing it with the following:

“b) On-land Structures

On-land structures such as pumphouses, walkways and boathouses may be exempt from the 30 metre (98 foot) shoreline setback requirement where the use of such a structure justifies a reduced setback from the high-water mark. The following policies shall apply where development is proposed within the water yard:

i) Development of the shoreline shall be limited to 20% of the length of the shoreline frontage, or 12 metres, whichever is less.

ii) Where disturbance of the shoreline occurs as a result of the construction, it is expected that the area will be returned to a natural state using native vegetation.

iii) Marine facilities located within the water yard should be limited to a size appropriate for the primary function of the structure.

iv) Marine facilities located within the water yard should be designed to reduced any environmental or visual impacts. The use of natural materials and colours is encouraged to uphold the character of the shoreline area.

v) On-land boathouses shall not be permitted on at-capacity lakes, as identified in Section 3.3.4.10 of this Plan.

vi) Specific provisions regulating the location and size of on-land marine facilities will be established in the implementing Zoning By-law.

Item (2) - **Section 3.3.4.10 – Lake Trout (at capacity) Lakes** is hereby amended by adding a new subsection 3.3.4.10 b, immediately following subsection 3.3.4.10 a) as follows, and renumbering all subsequent subsections:

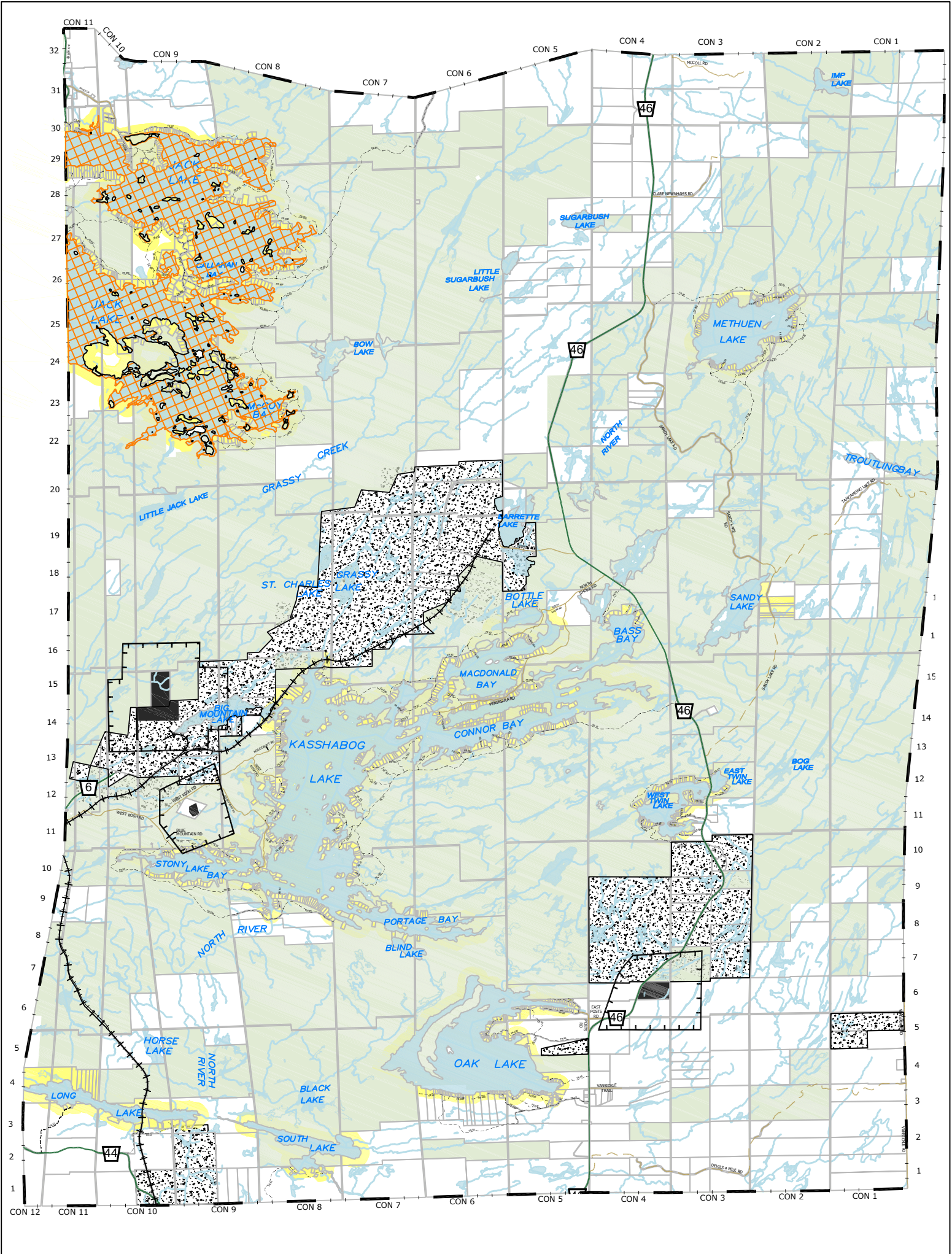
“b) The following lakes have been identified as being Highly Sensitive or ‘At Capacity’ within the Township:

- Jack Lake

Highly Sensitive and ‘At Capacity’ lakes are illustrated on Schedule F to the Official Plan.”

3. IMPLEMENTATION AND INTERPRETATION

Amendment No. __ to the Official Plan of Township of Havelock-Belmont-Methuen shall be implemented and interpreted in accordance with respective policies of the Official Plan of the Township of Havelock-Belmont-Methuen.



- LEGEND**
- LAKES IDENTIFIED AS BEING HIGHLY SENSITIVE OR 'AT CAPACITY'
 - RURAL
 - HAMLET
 - DISPOSAL INDUSTRIAL
 - SHORELINE
 - CROWN LAND
 - MINERAL MINING AND AGGREGATE RESOURCE EXTRACTION
 - HIGHWAY COMMERCIAL
 - INFLUENCE AREA
 - RURAL EMPLOYMENT AREA

Scale 1 : 80 000

**SCHEDULE 'F'
OFFICIAL PLAN AMENDMENT No.**

**OFFICIAL PLAN OF THE
TOWNSHIP OF
HAVELOCK-BELMONT-METHUEN
(METHUEN WARD)**



NOTE: -THE ENVIRONMENTAL PROTECTION DESIGNATION SHOWN ON SCHEDULE 'B2' TAKES PRECEDENT OVER THE LAND USE DESIGNATIONS SHOWN ON THIS SCHEDULE.

PART 'C' – THE APPENDICES

The following appendices do not constitute part of Amendment No. ___ to the Official Plan of the Township of Havelock-Belmont-Methuen but are included as information supporting the amendment.

<u>APPENDIX</u>	<u>PAGE NO.</u>
I BACKGROUND TO THE AMENDMENT	i
II PUBLIC CONSULTATION	vi
III MINISTRY AND AGENCY REVIEW COMMENTS	vii
IV PUBLIC MEETING NOTICE	viii
V COUNCIL MEETING MINUTES	ix

APPENDIX I - BACKGROUND TO THE AMENDMENT

INTRODUCTION AND HISTORY

On August 12, 2019, proposed Official Plan and Zoning By-law Amendments were brought forward for the consideration of Council which included provisions for marine facilities (i.e. on-land boathouses). During consideration of the proposed amendments, several public comments were received and resultantly a decision on the proposed amendments was deferred.

At the subsequent Council meeting of September 16, 2019, Staff brought forward a report for Council's information which was intended to address the comments heard at the August 12th Council meeting. The report highlighted the current deficiencies in the Township's planning documents in respect of both on-land boathouses and the identification of at-capacity lakes and further clarified the need for the amendments to each the Official Plan and Comprehensive Zoning By-law.

Following receipt of the report, Council passed the following resolution:

"R-674-19

That the Planning Consultant and staff are hereby authorized to proceed with draft Official Plan and Zoning By-law Amendments to address on-land boathouses and the at-capacity designation of Jack Lake for presentation to Council for further review and discussion.

Carried."

The amendment has therefore been prepared at the direction of Council, and following public input via an online survey, to address the at-capacity designation of Jack Lake and regulate on-land boathouses.

PROVINCIAL POLICY

The Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS), issued under Section 3 of the Planning Act, provides Provincial direction on matters of land-use planning throughout the Province.

The waterfront is generally considered as being part of the rural area, as defined by the PPS. The PPS directs that healthy and viable rural areas are to be supported by leveraging rural amenities, including natural assets. Further, on rural lands specifically, the PPS promotes recreational and tourism opportunities and recognizes resource-based recreational uses as being permitted.

Notwithstanding, the PPS also emphasizes protection of the natural environment. As directed by the PPS, development which may cause environmental concerns is to be avoided and the preservation of biodiversity is to be promoted. Development within and adjacent to significant features is also restricted.

As proposed, the Official Plan and Zoning By-law Amendments would recognize on-land boathouses as being permitted on waterfront properties, save and except on Jack Lake, while providing greater regulation to ensure consideration of the natural environment. Permitting on-land boathouses is consistent with the direction of the PPS which promote recreational uses and opportunities on rural lands.

It is therefore our professional planning opinion that the proposed Official Amendment is generally consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Growth Plan builds upon and is reflective of the PPS and is intended to direct where and how to grow in the region of the Province known as the Greater Golden Horseshoe.

Aligned with the PPS, the Growth Plan recognizes the waterfront as being part of the rural area and further permits resource-based recreational uses as permitted on rural lands.

The Growth Plan also emphasizes the protection of the natural environment. As directed by the Growth Plan, resource-based recreational uses are to be compatible with the scale, character and capacity of the resource. Development within and adjacent to key natural heritage features is restricted. However, shoreline development which provides consideration and restoration of ecological features and functions may be permitted.

As described above, the Official Plan Amendment would recognize on-land boathouses as being permitted on waterfront properties, save and except on Jack Lake. As Sharpe's Bay has been recognized as being at-capacity, that the prohibition of on-land boathouses on the entirety of Jack's Lake is consistent with the Growth Plan, which requires consideration of the capacity of the resource.

In addition, the accompanying Zoning By-law Amendment as proposed would introduce policies to regulate the size and location of on-land boathouses, including a maximum ground floor area, minimum side lot line setbacks and aesthetic design considerations. The policies and provisions as proposed would ensure maintenance of the rural character, while limiting negative impact and promoting naturalization of the shoreline to the extent possible.

The amendment therefore generally does not conflict with the Growth Plan.

THE COUNTY OF PETERBOROUGH OFFICIAL PLAN

The Official Plan for the County of Peterborough is rooted in a watershed strategic approach which provides consideration for the natural environment and specifically for the lakes, river and streams of the County.

Shoreland Areas and the Waterfront are considered as a strategic component of the watershed. Goals for Shoreland Areas and the Waterfront are found in Section 4.4 of the County Official Plan. These goals direct that the character of shorelines is to be preserved and built form along the shoreline is not to be overly concentrated or detrimental to the natural form. Tree cover and vegetation along the shoreline is encouraged.

To achieve the above goals, the County Official Plan generally directs that development shall be setback at least 30 metres from the high-water mark. However, Section 4.4.3 specifically identifies that water access facilities and minor accessory facilities may be permitted within the 30-metre setback. Further, the County Official Plan recognizes the importance of waterbodies to the economic development of the County, and directs that development of waterbodies is to be in a sustainable manner which balance environmental and economic goals.

The County Official Plan also provides specific direction for at-capacity lakes. Such lakes are to be identifies in local Official Plans and further new development which would be pertinent to lake capacity is to be restricted within 300 metres of the shoreline.

As herein noted, the proposed amendment would permit on-land boathouses in the Township; however, on-land boathouses would be prohibited on Jack Lake which has been recognized in part as being at-capacity. Where permitted, the accompanying Zoning By-law Amendment would regulate the size and location of boathouses. Specifically, provisions have been introduced to reduce overall built form on the shoreline and promote the preservation of natural features.

The proposed amendment would thereby encourage sustainable development of the shoreline which considers and preserves natural features, while balancing the economic contribution of the shoreline and the related industry.

The amendment as proposed is therefore considered to uphold the spirit and general intent of the County Official Plan.

TOWNSHIP OF HAVELOCK-BELMONT-METHUEN OFFICIAL PLAN

Aligned with the County Official Plan, the Township's Official Plan recognizes waterbodies and natural resources as strong assets within the Township from each an environmental and economic perspective. Likewise, development along the shoreline is to preserve the natural landscape and the character of the shoreline.

The Official Plan for the Township also provides policy direction for Lake Trout (at capacity) Lakes, however no lakes have as of yet been identified. Therefore, to comply with the direction received from the MNRF and the Ministry of Environment and Climate Change (MOECC), an amendment is required to recognize Jack Lake as being at-capacity in the Local Official Plan. Refer to Attachment #4.

The Official Plan Amendment as proposed would also introduce policies to limit development of the shoreline which are intended to preserve the natural state and character of the shoreline. Specifically, policies are proposed which would limit the percentage of shoreline development, encourage vegetation of disturbed areas and promote natural materials and colours in boathouse construction.

Where an amendment to the Township Official Plan is considered, the Official Plan directs that the following must be considered:

a) The need for the proposed change.

As described above, the amendment is required to designate Sharpe's Bay (Jack Lake) as being at-capacity, subject to the direction received by the Province.

Furthermore, regulations for on-land boathouses beyond Jack Lake are required as at present, such structures are only regulated by the provisions for accessory buildings. On-land boathouses are therefore being increasingly large and having a greater footprint and environmental impact. The amendment is therefore required to further regulate on-land boathouses in such a manner which better considers the natural environment and overall shoreline character.

b) The impact of the proposed change on the achievement or goals, objectives and policies expressed in this Plan and in other municipal policies.

The proposed amendment would better support the shoreline goals, objectives and policies expressed in the Official Plan by providing greater regulation of on-land boathouses which consider the natural environment.

c) The effect of the proposed change on the need for municipal services and facilities.

On-land boathouses will not be permitted to maintain any servicing. Further, municipal services do not generally extend to the shoreline areas in the Township. There is therefore no impact on the need for municipal services and facilities.

d) Whether there is a need to add the lands to lands already within the proposed designation.

The proposed amendment does not consider the redesignation of any lands within the Township.

e) *The physical suitability of the lands for the proposed use.*

On-land boathouses will be permitted in the shoreline area, subject to development regulations. On-land boathouses will not be permitted adjacent to at-capacity lakes (Jack Lake) or within significant natural heritage features.

Given the inherent use of a boathouse for watercraft storage, permission along the shoreline is considered suitable.

f) *The impact on adjacent lands or the community, as applicable, having regard to land use compatibility and other relevant considerations.*

On-land boathouses will be subject to development regulations, including size and side lot line setbacks which are intended to reduce the visual impact on surrounding lands and the waterfront.

g) *Conformity with the County Official Plan.*

Refer to 'County of Peterborough Official Plan' above.

h) *Conformity with applicable Provincial policies.*

Refer to 'Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)' above.

The proposed Official Plan Amendment is therefore anticipated to continue to uphold the intended policy direction of the Official Plan.

TOWNSHIP OF HAVELOCK-BELMONT-METHUEN COMPREHENSIVE ZONING BY-LAW 1995-42, AS AMENDED

The Comprehensive Zoning By-law for the Township currently only regulates on-land boathouses (marine facilities) through the provisions for accessory structures. Together with the proposed Official Plan Amendment, an amendment to the Township's Comprehensive Zoning By-law is being concurrently proposed to incorporate provisions to regulate on-land boathouses.

As proposed, the Official Plan Amendment will comply with the amended Zoning By-law.

CONCLUSIONS

The amendment will provide for greater regulation of on-land boathouses, thereby also providing greater consideration of the natural environment. The proposed amendment maintains the spirit and intent of the County of Peterborough Official Plan and the Township of Havelock-Belmont-Methuen Official Plan and is consistent with the direction of the PPS and the Growth Plan. The proposed amendment represents good planning.

APPENDIX II - PUBLIC CONSULTATION

Pursuant to the provisions of Section 17(15) of The Planning Act, R.S.O. 1990, as amended, it is the responsibility of the Council of the Corporation of the Township of Havelock-Belmont-Methuen to ensure that adequate information concerning the proposed amendment is made available to the public. For this purpose Council is required to hold at least one public meeting to afford those who attend an opportunity to make representation in respect of the proposed amendment.

As prescribed in Subsection 22(6.4) of The Planning Act, Council is required to notify prescribed persons and public bodies of the request for an amendment, which was completed in conjunction with the Notice of Public Meeting.

A public meeting to consider proposed Official Plan Amendment No. ___ was held on the 12th day of August, 2019.

Notice of the public meeting was posted in The Community Press on the 18th day of July, 2019. In addition, notice of the public meeting was posted on the Township website.

A second public meeting to consider proposed Official Plan Amendment No. ___ was held on the 16th day of December, 2019.

Notice of the second public meeting was posted in The Community Press on the 14th day of November, 2019. In addition, notice of the public meeting was posted on the Township website.

A copy of the notice of public meeting and public meeting minutes are attached.

APPENDIX III - MINISTRY AND AGENCY REVIEW COMMENTS

In accordance with the provisions of Section 17(21) of The Planning Act, R.S.O. 1990, as amended, the Council of the Corporation of the Township of Havelock-Belmont-Methuen is required to provide any person or public body, that Council considers may have an interest in the proposed amendment, adequate information including a copy of the amendment and, before adopting the amendment, shall give them an opportunity to submit comments up to the time specified by Council.

In accordance with requirements of The Planning Act a copy of the Notice of Public Meeting was also issued to:

- County of Peterborough - Planning Department
- Ontario Power Generation
- Hydro-One Networks Inc.
- Enbridge Consumers Gas
- Peterborough, Victoria, Northumberland and Clarington Separate School Board
- Kawartha Pine Ridge District School Board
- Peterborough Public Health
- Crowe Valley Conservation Authority
- Infrastructure Ontario
- Canadian Pacific Railway
- Ministry of Transportation
- Havelock-Belmont-Methuen Lakes Association.

Any review comments received are attached herewith and form part of this Appendix.

Landmark Associates

From: Sonia Aaltonen <SAaltonen@hbmtwp.ca>
Sent: Thursday, November 21, 2019 9:11 AM
To: Landmark Associates
Subject: FW: MTO Comments: OPA and Zoning-By-Law Amendment

FYI

Best Regards,

Sonia Aaltonen
Planning Assistant
Twp Havelock-Belmont-Methuen
Phone 705-778-2308
Fax 705-778-5248

From: Demetriou, Lexi (MTO) <Lexi.Demetriou@ontario.ca>
Sent: November 21, 2019 8:59 AM
To: Sonia Aaltonen <SAaltonen@hbmtwp.ca>
Cc: Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>
Subject: MTO Comments: OPA and Zoning-By-Law Amendment

Good Morning Sonia,

Please accept this as a formal response from the Ministry of Transportation.

The ministry has reviewed the Township of Havelock-Belmont-Methuen concerning an Official Plan Amendment and Zoning By-Law Amendment regarding Jack Lake as an at-capacity lake in the Township and regulate the establishment of on-land boathouses. MTO has determined the subject lands are not within our permit control area, therefore, we have no concerns with the application as submitted.

Thank you for the opportunity to comment.

Regards,

Lexi Demetriou
Planning Intern
Ministry of Transportation
Highway Corridor Management Section
Lexi.Demetriou@ontario.ca
613-545-4880

APPENDIX IV – PUBLIC MEETING NOTICE



**NOTICE OF A PUBLIC MEETING
CONCERNING AN OFFICIAL PLAN AMENDMENT
AND A ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Township of Havelock-Belmont-Methuen will hold a public meeting on August 12th at 9:30 a.m. in the Municipal Office of the Township of Havelock-Belmont-Methuen at the corner of Highway 7 (Ottawa Street) and Oak Street in Havelock to consider a proposed Official Plan Amendment and Zoning By-law Amendment under Sections 17 and 34 of The Planning Act, R.S.O., 1990, as amended.

PURPOSE AND EFFECT:

The proposed Official Plan Amendment will revise and add certain definitions and policies in the Official Plan for the Township of Havelock-Belmont-Methuen. The effect of the proposed Official Plan Amendment is to permit second dwelling units in the areas designated 'Hamlet' and 'Rural' in the Township, subject to specific policies.

The proposed Zoning By-law Amendment will amend and add certain definitions and provisions in the Township's Comprehensive Zoning By-law No. 1995-42, as amended, as they relate to second dwelling units. As proposed, the Zoning By-law Amendment will establish second dwelling units as a permitted use in the Agricultural (A), Rural (RU), Residential Type One (R1), Residential Type Two (R2) and Estate Residential (ER) Zones, subject to specific provisions. In addition, the proposed Zoning By-law Amendment will also introduce new provisions intended to further regulate the establishment of boathouses.

LOCATION:

This amendment is considered to have application to all lands within the Corporation of the Township of Havelock-Belmont-Methuen; and therefore, a key map has not been provided.

REPRESENTATION:

ANY PERSON may attend the public meeting and/or make verbal or written representation either in support of or in opposition to the proposed Amendments. Written submissions in respect of the proposed Amendments should be directed to the Municipal Clerk of the Township of Havelock-Belmont-Methuen.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the Township of Havelock-Belmont-Methuen to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Havelock-Belmont-Methuen before the proposed official plan amendment or zoning by-law amendment is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Havelock-Belmont-Methuen before the proposed official plan amendment or zoning by-law amendment is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

(over)

NOTIFICATION:

If you wish to be notified of Council's decision on the proposed Official Plan Amendment and/or Zoning By-law Amendment, you must make a written request with the Clerk of the Township of Havelock-Belmont-Methuen.

ADDITIONAL INFORMATION:

Complete copies of the proposed Amendments are available for inspection by the public as of the date of this notice at either the municipal offices during regular business hours (8:30 a.m. to 4:30 p.m.); or by going to the Township's website at www.hbmtwp.ca.

For more information about this matter, including information about appeal rights, contact the Township of Havelock-Belmont-Methuen.

DATED at the Township of Havelock-Belmont-Methuen this 18th day of July 2019.

Mr. Robert Angione, M.P.A., B. Admin,
Municipal Clerk
Township of Havelock-Belmont-Methuen
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0
(705) 778-2308
(705) 778-5248 (fax)



**NOTICE OF A PUBLIC MEETING CONCERNING AN OFFICIAL PLAN
AMENDMENT AND ZONING BY-LAW AMENDMENT**

TAKE NOTICE that the Council of the Corporation of the Township of Havelock-Belmont-Methuen will hold a public meeting on December 16th at 5:00 p.m. in the Municipal Office of the Township of Havelock-Belmont-Methuen at the corner of Highway 7 (Ottawa Street) and Oak Street in Havelock to consider a proposed Official Plan Amendment and Zoning By-law Amendment under Sections 17 and 34 of The Planning Act, R.S.O., 1990, as amended.

PURPOSE AND EFFECT:

The proposed Official Plan Amendment will revise and add certain policies in the Official Plan for the Township of Havelock-Belmont-Methuen as they pertain to at-capacity lakes and on-land boathouses. The effect of the proposed Official Plan Amendment is to recognize Jack Lake as an at-capacity lake in the Township and regulate the establishment of on-land boathouses.

The proposed Zoning By-law Amendment will implement the policies of the proposed Official Plan Amendment and will amend certain provisions in the Township's Comprehensive Zoning By-law No. 1995-42, as amended, to regulate on-land boathouses.

LOCATION:

This amendment is considered to have application to all waterfront lands within the Corporation of the Township of Havelock-Belmont-Methuen; and therefore, a key map has not been provided.

REPRESENTATION:

ANY PERSON may attend the public meeting and/or make verbal or written representation either in support of or in opposition to the proposed Amendments. Written submissions in respect of the proposed Amendments should be directed to the Municipal Clerk of the Township of Havelock-Belmont-Methuen.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the Township of Havelock-Belmont-Methuen to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Havelock-Belmont-Methuen before the proposed official plan amendment is adopted or before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make an oral submission at the public meeting, or make written submissions to the Township of Havelock-Belmont-Methuen before the proposed official plan amendment is adopted or before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

(over)

NOTIFICATION:

ANYONE wishing to be notified of Council's decision in respect of the proposed Official Plan Amendment and Zoning By-law Amendment must file a written request with the Clerk of the Township of Havelock-Belmont-Methuen.

ADDITIONAL INFORMATION:

Additional information on the proposed Amendments is available for inspection by the public as of the date of this notice at either the municipal offices during regular business hours (8:30 a.m. to 4:30 p.m.); or by going to the Township's website at www.hbmtwp.ca. A public survey regarding the proposed Amendments is also available on the Township's website.

Complete copies of the proposed Amendments will be available by December 6, 2019.

For more information about this matter, including information about appeal rights, contact the Township of Havelock-Belmont-Methuen at the address below or at saaltonen@hbmtwp.ca.

DATED at the Township of Havelock-Belmont-Methuen this 14th day of November 2019.

Mr. Robert Angione, M.P.A., B. Admin,
Municipal Clerk
Township of Havelock-Belmont-Methuen
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0
(705) 778-2308
(705) 778-5248 (fax)

APPENDIX V – COUNCIL MEETING MINUTES

**Township of Havelock-Belmont-Methuen
Regular Council Meeting
Council Chamber
August 12, 2019
Minutes**

A Regular Meeting of the Council of the Corporation of the Township of Havelock-Belmont-Methuen was held on August 12, 2019 at 9:30 a.m. in the Township of Havelock-Belmont-Methuen Council Chamber with Mayor Martin presiding.

Call to Order

Mayor Martin called the Regular meeting to order.

Cell Phones

Mayor Martin asked everyone in the Council Chamber to turn off their cell phone or place it on vibrate mode.

Moment of Silence

Mayor Martin asked everyone to observe a moment of silence in remembrance of long-time Township employee Rick Woods.

Disclosure of Pecuniary Interest

Mayor Martin reminded Council of the requirement to disclose any pecuniary interest and the general nature thereof if the occasion arises.

Members in Attendance:

Council:

Jim Martin, Mayor
David Gerow, Deputy Mayor
Larry Ellis, Councillor
Barry Pomeroy, Councillor
Hart Webb, Councillor

Staff:

Pat Kemp, Chief Administrative Officer (CAO)
Bob Angione, Clerk
John Smallwood, Chief Building Official (CBO)
Sonia Aaltonen, Planning Assistant
Wendelin Lonergan, Treasurer

Minutes:

R-561-19 Moved by Councillor Webb
 Seconded by Councillor Ellis

That the minutes of the Regular Council Meeting held on 15 July 2019 and the Special Council Meetings held on 10 July 2019, 16 July 2019, 22 July 2019, 24 July 2019, and the three special meetings held on 31 July 2019 be approved and adopted as presented.

Carried

R-562-19 Moved by Councillor Pomeroy
 Seconded by Deputy Mayor Gerow

That the Regular Council Meeting be suspended at 9:34 a.m. in favour of a Public Meeting held under Section 17 and 34 of the Planning Act with Mayor Martin presiding.

Carried

Public Meeting for Official Plan and Zoning By-law Amendments:

Mayor Martin introduced the Township's Planning Consultant, Darryl Tighe from Landmark Associates Limited, to the Public Meeting.

Official Plan and Zoning By-law Amendment – Second Dwelling Units

The Township of Havelock-Belmont-Methuen has initiated an Official Plan and Zoning By-law Amendment which will have the effect of amending and adding certain definitions and provisions as they relate to second dwelling units. As proposed, the Zoning By-law Amendment will establish second dwelling units as a permitted use in the Agricultural (A), Rural (RU), Residential Type One (R1), Residential Type Two (R2) and Estate Residential (ER) Zones, subject to specific provisions. In addition, the proposed Zoning By-law Amendment will also introduce new provisions intended to further regulate the establishment of boathouses.

The amendment is considered to have application to all lands within the Corporation of Havelock-Belmont-Methuen.

Planning Consultant, Darryl Tighe advised that this Public Meeting was held under Section 17 and Section 34 of the Planning Act. A notice of the public meeting was advertised in the Community Press. Notice was also provided to the prescribed ministries and agencies and posted on the Township website. Comments were received from the County of Peterborough and Enbridge Gas Inc. expressing no concerns with the proposed amendments.

The Planning Consultant presented the planning report to the meeting.

Mayor Martin invited comments in opposition to the proposed amendments.

Ambrose Moran provided three written submissions and expressed concern that Jack Lake is a cold water, trout lake which is at capacity. This has been determined by Ministry of Natural Resources and Forestry (MNR) studies. The Zoning By-law passed in 2012, which outlines regulations for on-land boat houses, is still under appeal. The proposed amendments bring municipal boat house regulations in line with those of the Crowe Valley Conservation Authority (CVCA). The County and the Township are responsible for planning issues and the CVCA should focus on their core mandate which is flood mitigation. The CVCA should not be dictating the size of boat houses. The proposed Zoning By-law is potentially more destructive to Jack Lake than the by-law that is under appeal. The Township of North Kawartha has banned on-land boathouses on the portion of Jack Lake that is in that township and is considering, with broad public support, a ban on all lakes. The Township of Havelock-Belmont-Methuen should prohibit on-land boathouses on Jack Lake.

The Planning Consultant explained that Sharp's Bay was identified by MNR and the Ministry of the Environment in August 2017 as being an at-capacity, trout lake. The provincial over-ride precludes any new development in this delineated area save and except the policies that are in the Official Plan. The Township's Zoning By-law permits on-land boathouses on any lake in the municipality. The proposed by-law is attempting to introduce some regulations regarding on-land boathouses. Currently there is no maximum size or restrictions regarding design.

Paul Campbell, a seasonal resident of Jack Lake, supported the comments of Ambrose Moran and suggested that the Township of Havelock-Belmont-Methuen should prohibit on-land boathouses on Jack Lake. There should be an exemption from permitted development for deep-water, at-capacity trout lakes.

The Planning Consultant explained that the information received from the provincial government has been specific to Sharp's Bay. The province expects that any applications pertaining to Sharp's Bay will be dealt with as per the current policies in the Township's Official Plan. In the 2012 the Township was aware of the possible designation of at-capacity trout lakes and therefore policies were built in to the policy. The policy does not have at this time an amendment that would specifically identify Sharp's Bay. The Township has relied on the provincial over-ride from August 2017.

Alexandra Kostiw, recently-elected Director of Jack Lake Association (JLA), read a position letter outlining opposition to the proposed amendments which will allow 860 square foot on-land boathouses. Jack Lake is unique in HBM. It falls within the Precambrian Shield and contains 29 species at risk. Boat houses occupy a considerable amount of natural shoreline. Soil erosion causes a degradation of spawning areas. Boathouses often evolve in to dwelling areas and spoil the natural

beauty of the shoreline. JLA is opposed to the proposed by-law which allows on-land boat-houses on Jack Lake. JLA suggests a general prohibition of on-land boathouses.

The Planning Consultant requested and was provided a copy of the presentation.

Bob Dubois, long-time summer resident on Jack Lake, commented that the lake trout travel the entire lake and do not stop at Sharp's Bay. Development restrictions should apply to the entire lake not just Sharp's Bay.

Peter White from Belmont Lake asked for clarification of the term seasonal residential and how this proposed by-law affects backlot development.

The Planning Consultant explained that seasonal residential is a zone category in the Comprehensive Zoning By-law. This by-law has no direct relevance to backlot development. The Township's Official Plan prohibits backlot development. Second dwellings are not permitted in the seasonal residential zone.

Mayor Martin asked if anyone wished to speak in favour of the amendments with no response.

Mayor Martin requested comments from members of Council.

Councillor Webb stated that HBM has eight lakes so we are best to have a comprehensive strategy regarding waterfront development versus dealing with one-offs. Do we have any information regarding other lakes nearing the at-capacity designation? This information will inform our Official Plan and Zoning By-law.

The Planning Consultant explained that in 2012, as part of the Official Plan and Zoning By-law updates, five decentralized open houses were held in different areas of the Township. The feedback received at the time was that residents on every lake wanted to keep on-land boathouses in the documents and as a result on-land boathouses were maintained for all lakes. Both the Official Plan and the Zoning By-law were appealed. Those provisions of the Official Plan remain under appeal and are not in full force and effect. There has been no direction from Council to revisit this issue. Cottages are getting bigger. Currently the accumulated floor area of accessory buildings cannot exceed 75% of the main dwelling. There is nothing in the current by-law that restricts the size of a boathouse.

Deputy Mayor Gerow commented that although we have many lakes in HBM, Jack Lake is significantly different from the others. Some changes in the Official Plan and the Zoning By-law are required. Are we on a timeline? Can we defer this decision today and make some changes to the proposed amendments?

The Planning Consultant explained that a Draft Zoning By-law Amendment No. 2 has been tabled with the Clerk in anticipation of comments being received today. Amendment No. 2 does not deal with boathouses but deals only with second dwelling

units. If this amendment is passed today the boathouse issue can be dealt with at another time.

Mayor Martin suggested that Council may be more prudent to deal with the original amendments as proposed in order to put a cap on the size of boathouses. Currently the size of boathouses is wide open.

The Planning Consultant confirmed that boathouses are currently permitted without a size restriction on all lakes with the exception of Sharp's Bay where the provincial override prevents such development.

Deputy Mayor Gerow commented that we don't want it easy we want it right.

Neil Williamson asked why the issues of boat houses and second dwelling units are being discussed together. They are completely separate and unrelated. These should be totally separate by-laws and should be discussed exclusive of one another. A lot of clarification is required regarding second dwelling units and we have not had a discussion regarding the details of that issue.

Mariah Campbell of Jack Lake commented that policies should deal with any new issues which come forward and should be generalized for all of the lakes with respect to First Nations burial grounds that may be on the islands and other environmental or Indigenous concerns.

Councillor Ellis commented that, based on feedback received at this meeting, more clarity is required regarding the amendments. There are two different issues being dealt with here and a cap regarding the size of boathouses is required. We need to move on as soon as possible and we need to bring clarity to these issues.

Bob Dubois commented that boathouses should be single-storey only.

The Planning Consultant confirmed that this provision is in the proposed by-law. The Planning Consultant explained that the Notice of Public Meeting clearly stated the amendments were pertaining to secondary dwellings and boathouses. It is perfectly acceptable to have a variety of issues dealt with in one by-law. If it is Council's wish to defer, it was recommended that this matter be deferred in its entirety.

Terry Rees requested that a special meeting be convened with the Havelock-Belmont-Methuen Lakes Association (HBMLA) in order to receive input on these issues.

Mayor Martin noted that Council will be communicating with all of the lake associations independently. The lake associations may communicate with HBMLA if they choose.

construction; and any requisite measurements from the high-water mark or edge of water and side lot lines shall be taken from the same locations relied upon at the time the application was submitted; and

- That the balance of the information in the Report be received.
Carried

R-673-19 Moved by Councillor Webb
Seconded by Councillor Ellis

That the Committee of Adjustment meeting adjourn at 5:44 p.m. and the Regular Council Meeting resume with Mayor Martin presiding.

Carried

Planning Reports

1. Darryl Tighe and Emma Drake, Planning Consultants
Re: Boathouses and Jack Lake at Capacity Status

R-674-19 Moved by Deputy Mayor Gerow
Seconded by Councillor Ellis

That the Planning Consultant and staff are hereby authorized to proceed with draft Official Plan and Zoning By-law Amendments to address on-land boathouses and the at-capacity designation of Jack Lake for presentation to Council for further review and discussion.

Carried

2. Darryl Tighe and Emma Drake, Planning Consultants
Re: Second Dwelling Units – Additional Residential Unit Policies

R-675-19 Moved by Councillor Pomeroy
Seconded by Deputy Mayor Gerow

That the Planning Consultant and staff are hereby authorized to further amend the proposed Official Plan and Zoning By-law Amendments in accordance with the recent revisions to the Planning Act as they relate to second dwelling units; and further

That the Planning Consultant and staff are authorized to schedule a second Statutory Public Meeting to consider the proposed amendments.

Carried

3. Darryl Tighe, Planning Consultant
Re: Application for Site Plan Approval - 6432 Highway #7 East

Planning Reports

1. Darryl Tighe and Emma Drake, Planning Consultants
Re: Additional Residential Units – Draft Amendments

R-741-19 Moved by Councillor Pomeroy
 Seconded by Deputy Mayor Gerow

That staff is hereby authorized to schedule a second statutory public meeting to be held on December 16, 2019 regarding an Official Plan Amendment and a Zoning By-law Amendment pertaining to Additional Residential Units.

Carried

2. Darryl Tighe and Emma Drake, Planning Consultants
Re: Boathouses and Jack Lake

R-742-19 Moved by Deputy Mayor Gerow
 Seconded by Councillor Webb

That staff is hereby authorized to schedule a statutory public meeting to be held on December 16, 2019 regarding an Official Plan Amendment and a Zoning By-law Amendment implementing the at-capacity status of Jack Lake and the regulation of boathouses; and further

That staff is authorized to proceed with a public consultation / engagement process through an online survey on the Township's website with respect to the at-capacity status of Jack Lake and the regulation of boathouses.

Carried

The Planning Consultants and the Planning Assistant were excused from the meeting and left the Council Chamber at 5:40 pm.

(It is at this time anyone wishing to make a presentation to Council may do so. If you have requested to be on the agenda, you have 10 minutes to speak, if you are not on the agenda you have 5 minutes).

Delegations and Presentations:

1. David Bonsall, Manager – Structural Engineering
D.M. Wills Associates Ltd.
Re: Bridge Inspection and OSIM Report

R-743-19 Moved by Councillor Pomeroy
 Seconded by Councillor Ellis

**THE CORPORATION of the
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0**

**FORM 1
THE PLANNING ACT, R.S.O., 1990, as amended**

**NOTICE OF PASSING
OF A ZONING BY-LAW
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

TAKE NOTICE that the Council of the Corporation of the Township of Havelock-Belmont-Methuen passed By-law No. 20XX- ____ on the ____ day of _____, 20XX under Section 34 of the Planning Act, R.S.O., 1990.

AND TAKE NOTICE that any person or agency may appeal to the Local Planning Appeal Tribunal in respect of the By-law by filing with the Municipal Clerk of the Township of Havelock-Belmont-Methuen not later than the ____ day of _____, 20XX a notice of appeal setting out the reasons for the objection to the By-law and reasons in support of the objection to the By-law. The notice of appeal must be accompanied by a cheque or money order for \$300.00 made payable to the Minister of Finance.

Prior to the passing of the By-law Council received no oral and/or written submissions which resulted in revisions of the By-law.

Only individuals, corporations and public bodies may appeal a Zoning By-law to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the By-law are attached. A key map has not been included as this by-law has application to all the lands within the Corporation of the Township of Havelock-Belmont-Methuen. The complete By-law is available for inspection in the municipal office during regular office hours.

Dated at the Township of Havelock-Belmont-Methuen this ____ day of _____ 20XX.

Mr. Robert Angione
Municipal Clerk
Township of Havelock-Belmont-Methuen
P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0
(705) 778-2308
(705) 778-5248 (fax)

EXPLANATORY NOTE

1. By-law No. 20XX-____ has the following purpose and effect.

The Township of Havelock-Belmont-Methuen has initiated a Zoning By-law Amendment which will have the effect of amending and adding certain provisions as they relate to the permission and regulation of on-land boathouses.

2. The amendment is considered to have application to all lands within the Corporation of Havelock-Belmont-Methuen; and therefore a key map has not been provided.

**THE CORPORATION OF THE
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

BY-LAW NO. 20XX-.....

BEING A BY-LAW TO AMEND BY-LAW NO. 1995-42, AS AMENDED, OTHERWISE KNOWN AS THE "THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN COMPREHENSIVE ZONING BY-LAW".

WHEREAS the Corporation of the Township of Havelock-Belmont-Methuen has initiated an amendment to By-law No. 1995-42, as amended.

AND WHEREAS the Council of the Corporation of the Township of Havelock-Belmont-Methuen reviewed the zoning by-law amendment and now deems it advisable to further amend By-law No. 1995-42, as amended.

NOW THEREFORE, the Council of the Corporation of the Township of Havelock-Belmont-Methuen hereby enacts as follows:

1. That Subsection 4.22 MARINE FACILITIES of By-law No. 1994-42, as amended, is hereby further amended by adding a new subsection heading 4.22.1 ACCESSORY MARINE FACILITIES immediately following heading 4.22 MARINE FACILITIES and renumbering all subsequent subsections and further replacing the first paragraph such that subsections 4.22 MARINE FACILITIES and 4.22.1 ACCESSORY MARINE FACILITIES shall read as follows:

“4.22 MARINE FACILITIES

4.22.1 ACCESSORY MARINE FACILITIES

Notwithstanding any other provisions of this By-law to the contrary, where ownership of a lot extends to the high water mark, an accessory marine facility or pump house may be erected and used in the yard abutting the high water mark, provided such accessory buildings or structures are located no closer than 4.5 metres (15 feet) to the side lot line.”

2. That Subsection 4.22 MARINE FACILITIES of By-law No. 1994-42, as amended, is hereby further amended by adding a new subsection 4.22.3 MARINE FACILITIES ON-LAND which shall read as follows:

“4.22.3 MARINE FACILITIES ON LAND

- (a) Unless otherwise stated in this by-law, marine facilities on-land may be located within the 30-metre setback subject to the following conditions:

- (i) The total combined width of marine facilities and other shoreline structures shall not occupy more than 20% of the width of the shoreline or 12 metres (39 feet), whichever is lesser, on any lot which abuts a waterbody.

- (ii) Marine facilities shall be limited to a size appropriate for the primary function of the structure.

(b) On-land boathouses are further limited to the following provisions:

- (i) One on-land boathouse shall be permitted on a lot with shoreline frontage;
- (ii) The maximum gross floor area of a boathouse shall not exceed 80 square metres (860 square feet);
- (iii) A boathouse shall be located a minimum of 6.0 metres (20 feet) from any side lot line which is not a shoreline;
- (iv) The maximum width of a boathouse measured parallel to the shoreline shall be limited to the lesser of 8 metres (26 feet) or 20% of the shoreline lot frontage;
- (v) A boathouse shall have a pitched roof and shall not exceed 4.5 metres (15 feet) in height;
- (vi) A boathouse shall not contain any rooftop deck or balcony;
- (vii) A boathouse shall not contain any habitable area or any plumbing or servicing;
- (viii) On-land boathouses shall not be permitted on lakes identified as being 'Highly Sensitive' or 'At-Capacity';
- (ix) On-land boathouses shall not be permitted within significant natural heritage features."

If no notice of objection is filed with the Municipal Clerk within the time provided, this By-law shall become effective on the date of passing.

If a notice of objection is filed with the Municipal Clerk, this By-law shall become effective on the date of passing hereof subject to the disposition of any appeals.

Read a **FIRST**, **SECOND**, and **THIRD TIME** and **FINALLY** passed this ____ day of _____ 20XX and given By-law No. 20XX-_____.

MAYOR

MUNICIPAL CLERK

I, Robert Angione, Municipal Clerk of the Corporation of the Township of Havelock-Belmont-Methuen, do hereby certify that the foregoing is a true copy of By-law No. 20XX-____ passed by Council of the said Corporation on the ____ day of _____ 20XX.

MUNICIPAL CLERK

**THE CORPORATION of the
TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**

**P.O. Box 10, 1 Ottawa Street East
Havelock, ON K0L 1Z0**

Tel: (705) 778-2308

Fax: (705) 778-5248

**Affidavit of Service under
Section 34(22) of the Planning Act, R.S.O., 1990, as amended**

I, Robert Angione hereby declare that the Notice for By-law No. 20XX-____ passed by the Council of the Corporation of the Township of Havelock-Belmont-Methuen on the ____ day of _____, 20XX was given in the manner and form and to the persons and agencies prescribed by regulation under subsection 18 of Section 34 of the Planning Act, R.S.O., 1990, as amended. I also certify that the appeal period expired on _____, 20XX and to this date, no notice of appeal has been filed by any person or agency in the office of the Clerk.

DATED this ____ day of _____, 20XX

Mr. Bob Angione,
Clerk

From: Demetriou, Lexi (MTO) <Lexi.Demetriou@ontario.ca>
Sent: November 21, 2019 8:59 AM
To: Sonia Aaltonen <SAaltonen@hbmtwp.ca>
Cc: Sharma, Prabin (MTO) <Prabin.Sharma@ontario.ca>
Subject: MTO Comments: OPA and Zoning-By-Law Amendment

Good Morning Sonia,

Please accept this as a formal response from the Ministry of Transportation.

The ministry has reviewed the Township of Havelock-Belmond-Methuen concerning an Official Plan Amendment and Zoning By-Law Amendment regarding Jack Lake as an at-capacity lake in the Township and regulate the establishment of on-land boathouses. MTO has determined the subject lands are not within our permit control area, therefore, we have no concerns with the application as submitted.

Thank you for the opportunity to comment.

Regards,

Lexi Demetriou
Planning Intern
Ministry of Transportation
Highway Corridor Management Section
Lexi.Demetriou@ontario.ca
613-545-4880

Submission #1 Dated Aug 11 2019

Second Units and On Land Boathouse Bylaw

by Ambrose Moran

This submission #5 to HBM OP in 2013 is still valid and provides background related to my position that Jack Lake is unique and has a classification being “at capacity” which provides for enhanced development regulation to protect or enhance water quality relative to sensitive fragile trout habitat.

Havelock Belmont Methuen (HBM) Official Plan

Submission #5 to Peterborough County Planning

Department by Ambrose Moran Dated May 16 2013

Jack Lake-Cold Water /Trout Lake

BACKGROUND

Ministry of Natural Resources promotes the protection of water quality in Lake Trout Lakes and in the past has required that North Kawartha implement planning policies and regulations to prohibit boathouses on lake trout lakes regardless of any capacity classifications.

MNR & MOE have been studying Jack Lake to determine if it is a trout lake. According to letter to North Kawartha from MNR Jack lake is a trout lake and in fact a trout lake ‘at capacity’.¹

Immediately upon receipt of this information, **North Kawartha Council included Jack Lake in their zoning bylaw list of NK trout lakes not permitting boathouse based on being determined to be a trout lake.**

This information became available after HBM council adopted their OP --- but HBM recognized the potential for this long outstanding decision and included policy 3.3.4.10 Lake Trout (at capacity) Lakes

County of Peterborough Official Plan consolidation (March 2006) page 4-34 states:

Local Plans will implement the policies of Section 4.4.3 regarding “at capacity” lakes by:

-Identifying lakes that have reached development capacity with respect to one or more of boating, adsorption of phosphorous, or lake trout habitat:

--Defining development for the purpose of “at Capacity”

Restricting new development on “at capacity lakes” ...

COMMENT

NK and HBM are responsible for land use planning on portions of Jack lake within their municipal boundaries and the County OP encourages coordination of Approach 3.4 and County Strategy 1.2 .3 supports a holistic or ecosystem approach that is based on watershed area to reflect natural systems rather than **political boundaries.**

RECOMMENDATION

That the HBM OP recognizes the part of Jack Lake within HBM as being a Trout lake “at capacity”

and in their implementing zoning bylaw to be **consistent with NK zoning on Jack lake**

by complying with MNR’s planning direction given to North Kawartha being

For lakes that are deemed “at capacity” for development, MNR consider the construction of boathouses to be a form of development. Therefore the inclusion of restrictions within the comprehensive bylaw would be consistent with the Provincial Policy Statement and supported by MNRⁱⁱ

**Ambrose Moran
Jack Lake**



ⁱ Letter to Township of North Kawartha From A/Area Supervisor Mar 4 2013

ⁱⁱ Letter to Township of North Kawartha From District Manager MNR Bancroft June 18 2009

Submission #2

Dated Aug 11 2019

Second Units and On Land Boathouse Bylaw

by Ambrose Moran

This submission to Havelock Belmont Methuen August 2009 is background information I would like to share with the current Council. Yes this issue has been ongoing for far too long and now that the Province of Ontario has classified Jack lake as a Trout Lake and parts “at capacity”, it is time to clearly recognize the need for water quality protection by prohibiting near shore development such as large boathouses in essential buffer zones.

Submission by Ambrose Moran to Havelock Belmont Methuen Council Aug 25 2009

I received on Aug 24 the Letter dated Aug 18 from the twp inviting comments before Aug 25 or at this council meeting related to boathouses on lakes.

Firstly I would like to make clear that I am making this presentation as an individual and not representing and group although a member of the Jack Lake Cottagers Association and support both the Lake Plan and recommendation being made this evening through resolution of JLCA to pass an interim control bylaw while the issue of boathouses is studies relative to developing official plan policies and

My earlier submission #1 of April 14 2009 regarding Boat House and Boat Ports is still directly applicable to this issue.

At that meeting , I was very surprised to learn from the township’s planner presentation that his rational for proposing a minimum boathouse size of 80 sq meters was based on the fact that in the Northern part of HMB township, Jack Lake was regulated by the Trent Severn Waterway (TSW) ----so in order to harmonize boat house sized he proposed to use the TSW boat house standard for all lakes in Havelock Belmont Methuen even though there is really no relationship between the scale of marine craft in our relatively small the inland lakes of our area compared to the those utilizing a major waterway such as TSW designed to accommodate even ocean going vessels.

I have had discussions with cottagers on small lakes such as Methuen and Oak Lakes. They are shock that any zoning bylaw would allow 900 sq ft boathouse with zero setback from lake while the new cottage and other accessory building setback regulation require a 30 meter setback.

As you may be aware North Kawartha Township is currently developing a new comprehensive zoning bylaw to implement the County Official Plan of which OPA 3 directly affects that township on conjunction with OPA 1 & 2 which apply to all of Peterborough County including Havelock Belmont Methuen

Havelock Belmont Methuen's Official Plan is dated January 2004 and according to the Planning Act is to be updated at least every 5 years which is now. This in-effect OP should be updated without delay to reflect the Provincial Policy Statement 2005 (PPS) and the County of Peterborough OP followed by a detailed review and update of the HBM Township comprehensive zoning bylaw.

The North Kawartha Twp (NK) is developing their new comprehensive bylaw through an appointed Committee of Elected reps and ratepayers including cottagers. This committee has been meeting every two weeks since last November and now has a working draft intended to implement the policies in the County Op and PPS. During their deliberation representatives from MMAH MNR and MOE were invited to the Feb 5 2009 meeting to clarify the provincial position on the 30 meter setback and exemption to that setback.

Alida Mitton from MOE said boathouses should be discouraged and some municipalities do not allow boathouses at all

Mike Turner from MNR expressed surprise that new boathouses were being allowed in the bylaw

John Macdonald from MMAH when asked if a property owner had studies done that showed there was no negative impact to shoreline if a building was located in the 30 meter setback, would it be allowed ..MacDonald said no

John pointed out that even sheds should not be allowed in the 30 meter setback as it results in gas storage and should not be allowed. That being the case boathouses should not be allowed for the same reason.

At that meeting, when the subject was raised about Lakes such as Jack Lake being in different townships requiring complimentary policies on boat houses, **Brian Weir Director of Planning for the County of Peterborough** stated Municipalities are encouraged to work together.

At the Aug 20th NK Zoning committee meeting a letter was received from MNR indicating that it had been established that Jack Lake has lake trout population and was in process of being formally classified as Cold Water (Trout) Lake which in the County OP and Township Zoning Bylaw provides for a stricter development criteria. It is anticipated that the classification will be in place prior to approval of the North Kawartha new comprehensive zoning bylaw and the prohibition of boathouses on the part of Jack Lake within North Kawartha will be implemented.

Although not yet determined, I sense the NK Zoning Committee will treat Stony Lake being that it is on the TSW as a separate classification of Lake for certain development controls including possibly harmonizing boat house standard with other township bordering Stony Lake. Not all lakes are the same and the County OP recognizes and that and has different development policies for different classifications of lakes. Obviously Jack Lake being a cold water lake will require enhance water quality protection in the development standards to support the sensitive water quality parameters required to support a recently recognized trout population.

Jack Lake is unique to Havelock Belmont Methuen Lake being within the Trent Severn Watershed and within the Canadian Shield and supporting a cold water fishery.

Currently in the Burleigh Anstruther Zoning Bylaw, special unique to the township regulation apply to boathouse on Jack lake as a result of an OMB decision in 1997 requiring boathouses to be setback 29 ft from the high watermark respecting various Official Plan policies intended to protect shore lands. The Jack Lake is surrounded by the Peterborough Crown Game Preserve and wildlife corridors along the shores of Jack Lake should not be disturbed by construction of boathouse barriers.

Current HBM Zoning Bylaw

This bylaw is recognized as being defective in the absence of regulations pertaining to the **size of boathouses**. The only size restriction appear to be limiting boat house to one storey which based on observation on Jack Lake even this restriction appears to be either

- missed when building permits are issues or
- property owners apply and receive receiving planning relief from this requirement or
- construction in contravention with approved building permit drawings.

Too often I am asked “how come that guy is building a two storey boathouse?”

Now that the existing zoning bylaw defect of not having a size limitation on boathouse is becoming apparent to property owners, our lakes are at risk. A large number of oversized boathouses negatively impacting the beauty of area lakes could potentially be built before agreement can be reached on appropriate boathouse sizes or even if boathouses should be permitted on all the lakes within the township. Construction of oversized boathouse is in direct contravention with the County OP and PPS requirements to protect water quality.

The Planning Act has provision for dealing with zoning bylaws which are recognized as being deficient and inappropriate development could proceed prior to the issuing being resolved through the public input and appeal process. In order to minimized this potentially negative effect, **The Planning Act section 38** provides for municipalities to pass Interim Control Bylaws to basically hold off a certain type of inappropriate development until such time as the zoning provisions related to boathouses can be reviewed and resolved through approval of a zoning amendment to rectify the identified zoning deficiency. Such an interim control bylaw can be passed by council without providing public notice and based on a computer search it appear that interim control bylaws have been passed by several municipalities related to boat house standards.

This approach is particularly applicable under the current circumstances of the recently announce provincial initiative to proceed with designating Jack Lake as a Cold Water Lake which will directly affect the development standards applicable to the shore land of Jack lake to protect water quality sensitive to the health of the developing trout population. During the time the interim control bylaw is in effect this designation can be formalized and appropriate consultation can take place with other affected lakes without the pressure of trying to rush a fix through under pressure of inviting application for oversized boathouse prior to passing appropriate controls.

SUMMARY

To pass a bylaw at this time as proposed allowing 80 sq meter boathouses (861 sq ft) at zero setback from Jack Lake would be a misguided and unlikely to be supported if challenged.

RECOMMENDATION

A) that council not pass the proposed bylaw which as outlines in my submission #1 April 14 2009 –passing of this bylaw would conflict with

- Provincial Policy Statement 2005 Natural Heritage section
- County of Peterborough OP policies protecting water quality and upholding the visual and environmental integrity of the waterfront
- Township of Havelock Belmont Methuen Township OP Policy b5.10.1 “ Development SHALL be set back an appropriate distance from shoreline in order to maintain as far as possible existing vegetation or more specifically the natural environment.

B) That council passes asap an interim control bylaw to provide time to study and resolve issue.

C) ALTERNATIVELY -That council amend the proposed bylaw to delete boathouses as a permitted use on Jack Lake and only consider permitting boathouses on Jack Lake based on site specific applications taking into account

- in-effect policies to protect shore lands,
- water quality objectives on the Peterborough County OP,
- protection of buffer zones

and through planning applications the adjacent landowners and provincial agencies would be able to participate in the approval process.

Second Units and On Land Boathouse Bylaw**by Ambrose Moran****Introductory Comment**

I am making this and other submission #1 & #2 yesterday as an individual and not representing any groups or organization.. although I am an active long standing member on the Jack Lake Association...I reside on Jack Lake in North Kawartha Township.

Providing meaningful and accurate input to the proposed draft Official Plan Amendment (OPA) and Zoning Bylaw Amendment (ZBA) is challenging without the benefit of a red line version indicating proposed changes within the context of the effect comprehensive documents. As an example ..the on land boathouse proposed changes indicate that subsection 4.22 of bylaw No 1994-42 is being amended ..after considerable effort I was able to locate a bylaw 1995-42 with date of July 2006 on township web site which I assume was intended reference.

This submission focusses on Jack Lake based on its unique classifications as TROUT LAKE and TROUT LAKE AT CAPACITY and I am offering no comments at this time related to other lakes in the township.

Background

Zoning In November 2012 Havelock Belmont Methuen (HBM) Council passed a zoning bylaw which had a provision **I THINK to allow 807 sq ft on land boathouses** . That bylaw is not on the township web site. That bylaw including proposed size of on land boathouses has been under appeal since 2012...almost 8 years ago!!

Since that time MNRF and MOE have concluded their scientific studies on the trout fisheries on Jack Lake and made the determination **that Jack Lake not only is a trout lake but in fact a**

large part of Jack Lake is trout lake “at capacity”. This classification triggers enhanced protection and stricter development controls to protect the fragile trout habitat. One of the principal planning tools to protect water quality is protecting the integrity of the no build buffer zone around Jack Lake.

Conservation Authority I understand the Council initiative at this time is to proceed with an on land boathouse bylaw in order to bring their existing in-effect zoning bylaw into harmony with the recently introduced Crowe Valley Conservation Authority regulations on boathouses. Frankly it is my position.... that HBM and County of Peterborough are the planning authorities mandated to the Provincial Government and Conservation Authorities should focus on their core function of to mitigate flood damages. Conservation authorities should not be dictating size of boathouses to local municipalities and particularly affecting Jack Lake where no conservation authority has any jurisdiction.

Zoning Comprehensive Bylaw 2012 which is under appeal had a provision for on land boathouse but I believe but may be wrong .. restricted such structures to lots with 197 frontage. That bylaw was passed prior to Jack Lake being classified as a trout lake and subsequently trout lake “at capacity”.

Item #4 of my Zoning still outstanding appeal from 2012 is as follows:

On Land Boathouses- Jack Lake Methuen Township

Previous submission on this subject have outlines my concerns taking into account in effect official plan policies and the PPS.^{vii}

Jack Lake is located in the North West corner of HBM and within the Canadian Shield and within the community area of Apsley. North Kawartha (NK) township is currently finalizing their new consolidated zoning bylaw which has restrictions on boathouses for trout lakes. Jack Lake is a trout lake and currently MNR and MOE is determining the development capacity of Jack Lake. The other major lake in the Apsley area is Chandos Lake which is a trout lake and now being included in the new NK zoning bylaw as not allowing on land boat house consistent with other lake in the Apsley area. The lakes prohibiting boathouses in the North Kawartha planning documents are based on being cold water/trout lakes but not based on being at capacity trout lakes as determined my MNR/MOE.

MNR has previously asked that trout lakes be protected from near water development such as on land boathouses to protect water quality and it would be a contradiction to disallow boathouses on several Apsley area lakes including Chandos Lake but allow boat House on Jack Lake water quality is an important policy objective of the Peterborough County Official Plan.

Permitting on land boat houses invites illegal conversion to at the shore residential guest cabins. As an active real estate broker in the Apsley area, it is my experience that most on land boathouse eventually get converted to guest cabins without any municipal repercussions so not allowing such structure to be built would assist in establishing credibility to planning administration. If complaint were formally filled related to enforcing illegally converted boat houses to guest cabins, the township would be required to immediately increase their budget for litigation to deal with identified offenders.

Ministry of Natural Resources as far back as early 1990's stopped the sale of Shore Road Allowances until municipalities such as North Kawartha put in place zoning bylaws to protect lakes including trout lakes.. and at that time their Bancroft District Planner wrote stating ***" In our opinion the need to protect lake environments through shoreline vegetation protection supersedes the individual needs of landowners wishing to construct boathouses"***

In 2009 MNR Bancroft District Manger wrote a letter to Twp of North Kawartha on subject of Boathouse on Cold water lakes which states:

For lakes that are deemed to be "at capacity" for development..., MNR consider the construction of new boathouses to be a form of development. Therefor the inclusion of restrictions within the comprehensive bylaw would be consistent with Provincial Policy and supported by MNR..any addition in amount of hard surfaces and subsequent decrease of vegetated surfaces on a lot, add to the possibility of increased nutrient loading in the lake . There for MNR would also recommend that the new bylaw include the restriction of the building of new boatports on lakes "at capacity"

The Current proposed bylaw before Council allows for on land boat houses on all lots regardless of frontage and regardless of lake classification. **This bylaw is far more potentially destructive to Jack Lake that the one I already have under appeal.**

Buffer Zones contemporary lake planning provides for a naturally vegetated structure free strip adjacent to waterbodies. Structure with impervious surfaces result in run off going directly into lakes transporting nutrients including phosphorous with are detrimental to water quality particularly important to sensitive trout habitat.

Peterborough County Official Plan states Lake Trout Lakes determined to be at capacity by MNRF and MOE state that OP policies shall apply to all lands with 300 meters (984 Ft) of high water mark. The proposed bylaw related to second units complies with this provision for “At Capacity” Lakes establishing a water setback of 300 meters 984 ft 5. I) vi
PAGE # 5

While although not indicated on the provided DRAFT – i understand what is being proposed would allow a 680 sq ft on land boathouses with ZERO set back from lakes on all lots regardless of frontage or lake classification in HBM. Page #3

Havelock Belmont Methuen Official Plan adopted by Council and signed by Mayor Gerow 12 Nov 2012 states 3.3.4.2 i) On Land Boathouses –to reduce natural and visual impact new boathouses will generally be limited to lots containing at least 197 ft of shoreline frontage. This proposed zoning bylaw is in conflict with this OP policy.

Summary

Jack Lake is a trout lake with a large portion classified to be “at capacity”

Currently the parts of Jack lake within North Kawartha Township classified as BOTH trout lake and trout lake at capacity.... prohibit on land boathouses and North Kawartha in fact is proceeding with broad public support to prohibit on land boathouses on all lakes in their Township.

The on land boathouse bylaw as proposed ...conflict with Provincial requirements to protect at capacity trout lakes..... and should be simply modified by Council today to prohibit on land boathouse for Jack Lake.



Ambrose Moran
Acting Independently

Landmark Associates

From: Ambrose Moran <[REDACTED]>
Sent: Friday, July 19, 2019 1:46 PM
To: Landmark Associates Limited
Cc: 'Pat Kemp'
Subject: RE: Draft ZBA & OPA - Second Units / Marine Facilities
Attachments: image001.png

Thanks Emma

Was shocked about this boathouse issue coming forward at this time and suspect some collusion between Mayor Martin and DM Whelan

Possibly I have not understood what is being proposed.... and the idea is to advance concept of second dwelling units and using the on land boathouses to advance that approach ...contributing to the socialist idea of affordable housing at expense of natural beauty which is the foundation of the area economic development...affordable housing should not be allow with 0 ft setback from our lakes ...particularly cold water lakes and ...even more important cold water lakes at capacity.. at capacity certainly would not be consistent with permitting significant new development with zero set back from waterbodies.

I am sure Council is aware that I am sensitive the visual impact of development on Jack lake and determine to protect the natural beauty on this lake in particular.

Not looking forward to expending negative energy after just getting a boost from NK Council this week on prohibiting on land boathouses on all lakes



Ambrose Moran Realty Inc.
Broker Owner
Direct [REDACTED]



From: Landmark Associates Limited [mailto:landmark@landmarkassociates.ca]
Sent: July-19-19 1:17 PM
To: ambrose [REDACTED]
Cc: Pat Kemp (PKemp@hbmtwp.ca)
Subject: Draft ZBA & OPA - Second Units / Marine Facilities

Good afternoon Ambrose,

As per your request, please find attached a draft copy of the proposed Official Plan Amendment for the Township of Havelock-Belmont-Methuen as it pertains to second dwelling units.

I have also attached a draft copy of the proposed Zoning By-law Amendment which includes provisions for second dwelling units and marine facilities.

Copies of the draft amendments are also available on the Township website.

Should you have any questions or require any further information please let me know.

Have a nice weekend.

Regards,

Emma Drake, M.Sc.
Planner



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From: Bob & Marcine DuBois

[REDACTED] > **Sent:** August 11, 2019

10:03 PM

To: Jim Martin <JMartin@hbmtwp.ca>; Dave Gerow <DGerow@hbmtwp.ca>; Larry Ellis <LEllis@hbmtwp.ca>; Barry Pomeroy <BPomeroy@hbmtwp.ca>; Hart Webb <HWebb@hbmtwp.ca>; Bob Angione

<BAngione@hbmtwp.ca> **Cc:** Marcine DuBois <[REDACTED]>; Alex Kostiw <[REDACTED]>

Subject: Jack's Lake Associations concerns

Dear Mayor Martin, Deputy Mayor Gerow, Councillors Ellis, Pomeroy & Webb and Clerk Angione

The Jack Lake Association is aware that consideration is being given to allow 860 sq. ft. on land boathouses on Jack Lake. As of August 16th 2017, the Ontario government designated Jack Lake as a Trout Lake "at capacity". This special designation triggers the need for enhanced protection to the lake and its water quality to protect fragile trout habitat.

The fundamental objectives of our Lake Plan, which has JLA strong membership support, encourages protection of our natural environment, water quality and maintaining a natural undisturbed buffer zone from development around our lake.

Jack lake is unique to HBM. Apart from falling within the Precambrian Shield, Jack Lake contains 29 species at risk and is a designated "trout lake". In fact, it is the only trout lake in the area classified by the provincial government as being "at capacity", and as such, in need of special attention.

Apart from this designation, we would also like to express our opposition to the current proposed bylaw for the following reasons:

Boathouses occupy a considerable amount of natural shoreline replacing trees that provide shade, as well as a loss of natural vegetation resulting in soil erosion. Such erosion typically results in a degradation of spawning areas where fish lay their eggs. Unfortunately, boathouses often evolve into dwelling places which, unless properly engineered, can result in increased sewage to lake properties which in turn potentially increases the level of nutrients (nitrogen & phosphorus) that bring more algae and weeds to the lake. Moreover, boathouses spoil the natural beauty of the shoreline.

In June 2012, the then Jack Lake Association Board of Directors passed the following motion (which, we understand is in your office files):

JLA directors support the approach taken by Dysart Township, Haliburton County to not allow in-water boathouses as permitted uses in Official Plan policies & zoning regulations and to require on land boathouses to comply with the water setbacks. (For clarify, the referenced water setbacks are 100 ft.)

We feel that the current proposed bylaw should prohibit on land boathouses on Jack Lake in accordance with the provincial 'at capacity' 'trout lake' classification, and also in order to maintain consistency in boathouse prohibition standards with that portion of Jack Lake falling within the Township of North Kawartha.

All lakes are not the same and that is why certain lakes have different classifications. Official government plan policies recognize the need to provide different policies for different classifications of lakes.

Lastly, we request to be provided with any future updated bylaw considerations and notified prior to such related bylaw being considered and passed by HBM Council.

Thank you for your time and attention to this important matter.

On behalf of the JLA Board of Directors,

Marcine DuBois - Jack's Lake Association, Past President, Director of Events

Steve Kerr - Jack's Lake Association, Director of Environment

David Lean - Jack's Lake Director, (PhD Biology, Leading Canadian Freshwater Scientist, Author of many scientific papers on pollutants of Freshwater Lakes (over 300 peer reviewed papers in leading scientific journals)

Alexandra Kostiw - Jack's Lake Association, Director of Governance & Government Relations

Submission #4

Dated Dec 2 2019

On Land Boathouses ZBA and OPA MNRF Answers

by Ambrose Moran

The Jack Lake Association (JLA) who are on record with Havelock Belmont Methuen as being against on land boathouses for Jack Lake have for many years monitored the activities of MOE and MNRF related to classifying Jack Lake as “Trout Lake” and eventually as a “Trout Lake at Capacity”.

Some JLA members expressed anxiety about the new lake designation implications and in order to provide clarifications... the Association’s Environmental Director who is a retired MNRF employee..Steve Kerr contacted MNRF with a series of questions resulting in answers included in the undated attachment to this submission.

The Lakeshore Capacity Assessment Handbook included recommendation to reduce phosphorous migration into lakes by protecting a vegetated buffer zone around lakes. The goal of lake capacity assessment are to maintain water quality in recreational land lakes and to protect cold water fish habitat by maintaining nutrient status of cold water lakes to acceptable limits. Prohibiting new near shore development is fundamental to reducing phosphorous migration leading to increase aquatic vegetation and eventually oxygen depletion negatively affecting sensitive trout habitat.

The MNRF answer to question number 2 is consistent with the approach of protecting a no build development buffer around trout lakes stating for trout lakes at capacity “additions to cottages should not be permitted to encroach within the 30 meter setback” . Obviously permitting new structures such as on land boathouses would offend the concept of providing vegetated buffer zones protecting water quality of trout habitat by mitigating phosphorous migration into lakes designated as being Trout Lakes.



Ambrose Moran
Acting Independently

What will it mean to have Jack Lake designated as a Lake Trout Lake?

In order to help us understand what the proposal to have Jack Lake formally designated as a "lake trout lake" I (Steven Kerr) contacted Erin MacDonald, Bancroft District biologist, with the following questions. Her answers are provided:

Question: My understanding that if the lake is uplisted to lake trout status, MOE has concluded that the lake (Sharpes Bay as defined) will be "at capacity" status. Can you confirm this is the case?

Answer: That is correct.

Question: What does lake trout designation and "at capacity" status mean in terms of new shoreline development or other shoreline-related activities?

Answer: No new development that would result in an increase in phosphorus loading to the lake. Effectively, no new lot severances within 300 metres of the lake unless specific conditions from the Lakeshore Capacity Assessment Handbook (<http://www.ontario.ca/environment-and-energy/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes>) can be met. Redevelopment (new building permits) should only be issued if the proponent can demonstrate an improvement to the situation. For example, a replacement septic system should be relocated further away from the lake if physically possible. Additions to cottages/dwellings should not be permitted to encroach within the 30 metre setback. These types of policies should be implemented into the OP's as soon as reasonably possible.

Question: Have the townships of Havelock-Belmont-Methuen and North Kawartha already changed their official plans to recognize Sharpes Bay as a lake trout water?

Answer: It would be best to check with the municipalities on this. North Kawartha doesn't have their own OP, they rely on the County OP to serve as their own. Havelock-Belmont-Methuen Official Plan (2012) did not include Jack Lake, however I believe their plan is currently under review. Once Sharpe's Bay is officially listed as a lake trout lake (when the public comments are reviewed from the EBR posting and a decision notice is posted), MOE will write the municipalities and inform them of the at-capacity status. They should enforce this designation, even if it has not been updated in their OP. We would expect them to include it in the OP as soon as they can amend it. The

responsibility of amending the OP to include and implement appropriate policies for an at-capacity status rests with the municipality.

Question: If the lake (Sharpes Bay) is uplisted to lake trout status will there be any changes to the current fishing regulations? If so, what would they be?

Answer: A review of various fishing regulations, including implementing lake trout specific regulations on Jack Lake, will be an important topic for consideration when a fisheries management plan for Zone 15 is initiated. Regulations should generally be consistent with the provincial Lake Trout Tool Kit (attached). At this time, it would be difficult to say which regulations will be proposed, as there would be recommendations from the council as well as a period of public consultation on any proposed changes.

If anyone has additional questions, Erin can be reached a 613-332-

Steven Kerr
Director, Environment
Jack Lake Association

Submission #5

Dated Dec 2 2019

On Land Boathouses MNR Position 2009 At Capacity Lakes

by Ambrose Moran

As Havelock Belmont Methuen develops policies and regulation related to on land boathouses, Jack Lake requires special consideration being the only Lake Trout Lake and Lake Trout Lake “at capacity” in HBM.

In 2009 MNR provided some input to North Kawartha Township at the time of development of their new CZB.

The following are excerpts from communication from MNR at the time:

- For those lakes deemed to be “at capacity” for developmentMNR consider the construction of new boathouses to be a form of development .Therefor the inclusion of restrictions within the comprehensive bylaw would be considered consistent with Provincial policy and MNR**
- Any addition in the amount of hard surfaces and subsequent decrease of vegetated surfaces on a lot, add to the possibility of increased nutrient loading in the lake. Therefore, MNR would also recommend that the new bylaw include the restriction of building new boatports on “at capacity lakes”.If the township would wish to consider further protection of shoreland ecosystem and limit the construction of boathouses or boatports on all lakes, MNR would not object to such policies.**

