



**“At Capacity”
Lake Trout Lakes and Land
Use Planning**

Statutory Framework

- Planning Act and Section 3, Minister's Policy Statements (PPS):
 - 2.1.5 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- Municipal Plan Review (Bill 20)
- Official Plans (Section 17 of the Act)
 - Policy-based document focused on management of issues related to development applications and by-laws
 - Approved by Ministry of Municipal Affairs (MMAH)
 - MMAH performs “one-window” review coordinating with sister Ministries (e.g. MoE, MNR)

County of Hastings Official Plan Policies

3.2.7 *Cold Water Lakes and Streams*

“a) *Cold water lakes and streams identified by a 'CW' symbol on the Land Use Schedules are considered by the Ministry of Natural Resources and Ministry of the Environment to be critical habitat for the maintenance of a healthy cold water fishery...*”

“b)...*Development proposals within 300 metres of the following lakes should be accompanied by a cold water Lake Capacity Study ...*”

(28 lake names are listed, many others are identified on Land Use Schedules)

County of Hastings Official Plan

Policies cont'd...

3.2.9

“c) . . . no new development shall be permitted within 300 metres of the following ‘at capacity’ lakes, except for the development of existing lots of record ...

(24 lakes are listed). . .

On lakes determined to be ‘at capacity’, unique or special circumstances, such as the physical features of the property, may allow some limited development to be considered. In these circumstances, detailed studies are required to demonstrate that the physical features and the siting and design of the development shall result in no impact on the lake. The Ministry of Environment and Ministry of Natural Resources shall be consulted in these situations.”

Land Use Approvals Processes

- Development applications are subject to PPS and Official Plan policies.
- Proponents of consent or subdivision applications and County staff are required to consult with Ministries prior to the County formally accepting an application if the proposed development is within 300 metres of an 'at capacity' lake.
- Small-scale development applications adjacent to 'cold water bodies' are subject to development in accordance with **best management practices**, implemented through a development agreement.

Land Use Approvals Processes cont'd...

- Zoning By-laws are empowered by Section 34 of the Planning Act
- Zoning by-laws are definitive and set site-specific standards for development.
- Zoning by-laws may establish setback requirements of certain developments from non-compatible uses or sensitive features.
- Existing lots of record are usually “grandfathered”.



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Questions?