



# County of Haliburton

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## STAFF REPORT

**To:** Warden and Members of Haliburton County Council  
**Prepared By:** Charlsey White, MCIP, RPP, Director of Planning  
**Re:** Draft Shoreline Preservation By-law  
**Date:** September 23, 2020

### **Recommendation:**

**That Haliburton County Council receives for information the September 23, 2020 staff report on the Shoreline Preservation Draft By-law;  
And that the Haliburton County Council direct staff to**

### **Background:**

At the Sept 9, 2020 meeting, Committee of the Whole reviewed options for a Shoreline Preservation By-law including content, prohibitions, exemptions and regulations. Staff were provided direction and asked to draft a Shoreline Preservation By-law for public consultation purposes.

A County wide Shoreline Preservation By-law is proposed to regulate only the Shoreline Area, as defined as an area inland 30 metres, measured over a horizontal distance, from the high water mark of a body of water. A Body of Water is defined as a lake, pond, river, stream or any other areas which is permanently covered by water or lands which may be subject to intermittent flooding.

### **Analysis:**

The 30 metre "ribbon of life" distance is well supported in the scientific literature and represents a reasonable balance between shoreline development and water quality protection. The shoreline vegetative buffer serves numerous purposes such as mitigating the impacts of stormwater and septic effluent through filtering, infiltration and attenuation; supporting native biodiversity by conserving habitat and maintaining wildlife corridors; and regulating temperature in the near-shore area. It also serves other land use related purposes such as maintaining the natural character of a lake's shoreline, diffusing light pollution and reducing noise.

The scientific evidence is supported and referenced in many documents the County of Haliburton utilizes including the Natural Heritage Reference Manual (NHRM) and the Lakeshore Capacity Assessment Handbook (LCAH). The Ministry of Natural Resources and Forestry (MNRF) recommends that generally 30 metres of natural vegetation be maintained or rehabilitated adjacent to fish habitat for its protection (Natural Heritage Reference Manual, 2nd Edition). The Ministry of the Environment, Conservation and Parks (MOECP) includes the following in their draft update 2020 to the LCAH:

*“Numerous studies published in the scientific literature have demonstrated that vegetative buffer strips can reduce non-point source pollution to surface waters, ... Nutrient and sediment removal and temperature control can be achieved with narrower bands of vegetation to waterbodies, but wider buffers are required to provide effective wildlife habitats and movement corridors (ELI, 2003). Many studies show that vegetated buffers are able to attenuate nutrients and sediments along a wide gradient of buffer widths (Castelle et al., 1994; Norman, 2005; Abu-Zreig et al. 2003). While small buffers (2 to 15 metres) can remove some sediment and phosphorus, the literature overwhelmingly supports buffer widths of 30+ metres to provide effective mitigation and protect aquatic resources (Beacon 2012; Knutson et al. 1997).”*

With respect to the 30 metre “ribbon of life” measured from the highwater mark of a waterbody, MOECP Eastern Region has recommended this setback distance for well over 25 years. It first came out in 1993 as a recommended setback to protect the shoreline buffer in a report of Lake Trout Lakes in Southeastern Ontario. Since then, the province has recommended that all Official Plans and their implementing zoning bylaws recognize the 30 metre zone as a minimum setback for all structures (including sewage systems).

The Ontario Building Code (OBC) sets a province-wide uniform standard requiring that there be a minimum of 15 metres clearance between a Class 4 or 5 Sewage System and any lakes, pond, spring, river or stream (as well as other water sources such as wells or reservoirs). This requirement is intended to mitigate pathogens that are harmful to humans from entering water bodies. There are no requirements in the building code that apply specifically to phosphorus and the OBC does not address environmental protection of natural heritage or waterbodies.

Provincial policy and guidance documents will continue to recommend the 30 metre minimum setback and the protection of the shoreline buffer within that zone. The new draft policy 2020 will also provide direction on minimum lot size and shoreline frontage with the goal of minimizing shoreline lot disturbance. The MOECP has identified to the County of Haliburton staff that they are going further than current direction and considering supporting an approach used by several Conservation Authorities (Rideau Valley, Mississippi River, and Cataraqui Region) referred to as the Site Evaluation Guidelines. These were originally developed as part of the ‘Rideau Lakes Basin Carrying Capacities and Proposed Shoreland Development Policies’ (Michalski and Usher, 1992) and provided a simple tool to determine development setback based on site specific biophysical criteria (soil type, slope, vegetation). The minimum setback starts at 30 metres and may be increased depending on the total score of a proposed lot. This approach was recently peer reviewed by Hutchinson (2014) [document provided to staff] and found to be a valid tool based on current scientific knowledge. Within this recommended site-specific setback we would continue to support the minimum 30 metre buffer protection.

The County of Haliburton Shoreline Preservation Draft By-law is attached as Schedule “A” to this report. It incorporates the direction received from Committee of the Whole. Staff will create the Schedules to the By-law if the content is satisfactory.

**Climate Change Considerations:**

No Impact at this time.

**Financial Impact:**