

Q&A - "Healthy Shorelines, Healthy Lakes" workshop

This workshop was delivered in partnership with Cataraqui Conservation, Federation of Ontario Cottagers' Associations, Ontario Ministry of the Environment, Conservation and Parks, Parks Canada, Planning for our Shorelands, Rideau Valley Conservation Authority, and Watersheds Canada. Watch the full workshop here: <https://youtu.be/OrnhYP3CK9I>

#1. At Little Silver and Rainbow Lakes, the Township is promoting the development of 48 new lots within the watershed. This will increase the number of developed properties by 50%. The subdivision is connected to the lakes by two all-year round streams. We recently asked the Ministry of the Environment, Conservation and Parks (MECP) to assist with an assessment of the impact using the Lakeshore Capacity Model. The model confirmed that the lakeshores are already at capacity, and that the new development would push the phosphorus loading well beyond the acceptable limits. Does the panel agree with our concern? If not, on what grounds, and if yes, what mitigation could be proposed? Does the Model adequately predict wetland contribution to TP mitigation?

These are existing legal lots of record so the modeling exercise and the results cannot be used to oppose the subdivision. The results can be used to inform the planning department on the sensitivity of the watershed and to promote best management practices for the build-out of these lots. Mitigation can include proper septic design (possibly with advanced treatment systems), enhanced stormwater management plan including Low Impact Development measures, education on the use of pesticides and fertilizers in this watershed (not sure if their use can be prohibited by municipality), minimizing the percent of impermeable cover, limited lot coverage, and implementing larger setbacks from surface water features. See comments below question number 3 regarding planning and use of tertiary treatment systems.

#2. Given the domicile set back is 30m, it strikes me that a 30m buffer is a tough sell particularly in the case of existing small lots with domiciles that are close to the shoreline and old septic systems.

Practically, the setback is aimed at new development. For existing small lots, the goal is to not extend closer to the shoreline and push back if possible. Typical Official Plan (OP) policies for existing lots of record is simply 30 meters as a minimum if possible but if the lot is subject to physical or topographical constraints we would like to see the setback as far back as possible from the highwater mark.

#3. If an old septic system on a small lot needs to be replaced, shouldn't the replacement be a tertiary system rather than the one that just meets the Ontario Building Code requirements?

Ontario has a code based system which means the "letter of the law" in the code is the (minimum) standard. There are some municipal jurisdictions (e.g., around Lake Simcoe) where, due to local conditions (usually based on protecting sources of municipal drinking water), tertiary systems are required. Updating an old non-functioning system with a new, properly designed, installed and maintained system will achieve a net improvement.

In cases where it is not feasible to replace an old septic system with a conventional system, a tertiary system may be a better alternative since these systems occupy smaller footprints. In extreme cases where the lots are too small even for tertiary systems, holding tanks are sometimes the only option.

It should be noted that tertiary treatment systems only work as well as they are maintained. They are active systems often with blowers or moving parts and filters that need to be cleaned in addition to the extra cost associated with regular pump outs. These systems usually have a maintenance agreement that needs to be signed by the owner of the day. We have warned approval authorities / municipalities that as the approval authorities of such systems they must have some kind of a system in place in order to ensure that the maintenance is being looked after on an annual basis by the owner of the day in conjunction with a service provider. The costs for an annual inspection varies but the system I have in my home requires a \$250.00 annual cost in addition to the pump out cost approximately every 5 years. Being that these systems occupy a smaller footprint, the chances of something going wrong if the system is not maintained is much greater than a conventional passive system especially in waterfront situations where the potential for adverse environmental impact is higher.

#4. Hastings Highlands: We have an abundance of waterfront properties in our municipality. Seasonal residents probably make up half of our population. Some of the common concerns expressed are “we can’t cut down a dangerous tree within the buffer zone?” “There will be an increase in tick bites.” “Our home/cottage is built within the 30m buffer zone but is grandfathered but now I can’t cut trees down close to the building which is a danger to the building for falling trees and/or fire risk.” These concerns were expressed to staff and council while updating our CZB and I would like to have Watersheds presenters to assist with an answer for our stakeholders.

Many examples of by-laws (tree cutting, site alteration, etc.) typically include exceptions to allow a property owner to remove a hazardous tree. Confirmation may be required before a permit is issued to allow the cutting of the hazardous tree, but these types of situations are typically accounted for and permitted in many by-laws. As such I don’t think the concerns are well founded. The purpose of such by-laws is to maintain the existing tree cover. As for the ticks, they are all over. I don’t think the solution to the tick problem is to clear cut nature. There are other, less extreme preventative measures to minimize tick bites (e.g., wear long sleeves and cover your skin). See a [blog](#) written by Watersheds Canada on tick safety.

#5. Is there a move to implement “compulsory septic inspections” as a condition of sales or minimum every 10 years?

This idea has been floated for several years but there is no current appetite for this approach. I am aware of a number of municipalities that have instituted septic inspection programs but not at time of sale or a minimum length of time. These are of course at cost to the owner. Here is a report prepared by FOCA that addresses the recent work on this topic: <https://foca.on.ca/wp-content/uploads/2014/02/FOCA-Septic-Reinspection-Project-Report-FULL-DOCUMENT-2019-1.pdf>

#6. How can a site preparation bylaw be expanded to protect shorelines when a municipality doesn’t have a tree preservation bylaw?

Whether this question is referring to a Site Plan Control Bylaw or a Site Alteration By-law, it will be important to mention specific requirements and safeguards in the bylaw. For examples, see Muskoka Lakes' [Site Alteration By-law](#) or Rideau Lakes' [Site Plan Control Enforcement and Vegetative Shoreline Buffer Policy](#). The Official Plan should also outline the municipality's commitment to protecting shorelands through these means and should be reflected in the Zoning by-law (see workshop recording for specifics).

#7. How do you enforce compliance with shoreline protection when fines are simply viewed as the cost of building and regulations continue to be ignored?

Make fines high enough to be a real deterrent. The municipality can also collect security deposits and return it only when it has been proven that the project has been conducted in line with the submitted plan.

#8. Some municipalities are not protecting streams and only requiring setbacks from lakes and rivers. Are streams protected under Provincial Policy Statement (PPS)?

Yes, under Section 3.1 of the PPS, all surface water features should be afforded the same level of protection. It states, "Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of hazardous lands adjacent to river, stream and small inland lake systems" (s.3.1.1(b)). Setbacks as a measure to protect streams, lakes, rivers, wetlands are therefore protected under the PPS. It should be noted that **permanently flowing streams** as opposed to intermittent streams should be considered for the required setbacks. MECP attended a then Ontario Municipal Board (OMB) hearing at the time and a 30 m setback was upheld on such a feature in the eastern region.

#9. We are running a survey of our shorelines this summer and I was wondering if your corporate partners had brochures or booklets on preserving the "ribbon of life" around our shorelines, and/or avoiding blue-green algal outbreaks ?

Many helpful resources can be found on the *Healthy Shorelines, Healthy Lakes: Municipal Planning Tools to Protect our Freshwater* workshop [webpage](#), notably the [Lake Protection Workbook](#). Property owners may also find the [Habitat Creation Manual](#) useful as it has a section on how to naturalize your shoreline. Shoreline self-assessments can be found [here](#) or you contact the [Love Your Lake](#) program for a complete shoreline assessment of your lake. A good backgrounder on blue-green algal blooms can be found [here](#) from the Ontario government.

#10. What tools would you recommend to municipalities for monitoring the continued maintenance of vegetative shoreline buffers?

Refer to [workshop presentations](#), particularly the Rideau Lakes Site Plan Control Follow Up and Support Program.

#11. What strategies, incentives and/or deterrents have municipalities effectively used to prevent natural shorelines from being altered by landowners?

Refer to the [workshop presentations](#).

#12. Where do we find the guidelines for the best native vegetation to plant on Cordova Lake in Havelock-Belmont-Methuen (part of Crowe Valley Conservation Authority)? How many meters/feet are recommended to be restored to native vegetation?

Refer to the free, Canada-wide [Natural Edge Plant Database](#) to search for plants native to your region. You can filter native plants based on personal preferences (height, type) and site conditions (light, soil type, moisture). The scientific literature recommends at least 30m of native vegetation protects water quality. For wildlife habitat protection, more is needed. However, for small lots, it is recommended to vegetate as much of the shoreland as possible, including the shoreline, side lot lines, in front of hardened surfaces (buildings, patios, etc.), and bordering pathways.

#13. Interested in learning more about how to do shoreline revegetation where shoreline erosion and bank stabilization issues exist. Is it possible to do both?

See [Planting Programs in Ontario](#) for assistance in creating a planting plan, obtaining plants, and getting them in the ground. The [Native Plant Care Guide](#) can help as well with maintenance.