

Scoped Environmental Impact Study (EIS) / Planning Justification Report

FINAL

Larose Re-development
Part of Lot 4, Concession 9,
Geographic Township of Bangor,
Township of Hastings Highlands,
Hastings County

August 22, 2024

Revised September 9, 2024

Jp2g Project # 24-7048A





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Map 2 – Subject Lands



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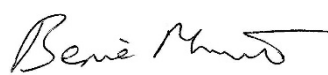
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1 Introduction

The purpose of this report is to provide details regarding Species at Risk (SAR) and their potential habitat on and adjacent to the subject lands located at 3098 Papineau Lake Road, as well as provide details on fish habitat and water quality within Papineau Lake located adjacent to the subject lands, in support of a permission application and a minor variance application. A permission application for the subject lands is needed in order to permit the redevelopment of the subject lands in the area of the water setback from Papineau Lake. A minor variance application is also required for the subject lands in order to permit a proposed pickleball court in the area of the water setback from a watercourse that travels through the property. The scope for this report was developed in consultation with the Township Planner.

The location of the subject lands is shown on **Map 1**.

2 Site Context

The subject lands are located to the west of Papineau Lake Road on Papineau Lake, within Part of Lot 4, Concession 9, in the Geographic Township of Bangor, now in the Township of Hastings Highlands. The subject lands as shown on **Map 1** are approximately 2.46 acres in land area with 112.3 metres of road frontage on Papineau Lake Road and 93.3 metres of water frontage on Papineau Lake.

The subject lands are currently designated Rural with a small corner of the property designated Environmental Protection on Schedule “OP-A” to the Hastings County Official Plan. Papineau Lake is also designated as a “Lake Trout Lake At Capacity” in the Hastings County Official Plan, 2018, however based on information from the Township, MECP contacted the County in 2021 and verified that Papineau Lake is no longer an “at-capacity” lake trout lake.

The subject lands are zoned Waterfront Residential (WR) along the shoreline portion of the subject lands, Rural Residential (RR) along the rear of the property and the northern corner of the property is zoned Environmental Protection (EP) under the Township of Hastings Highlands Zoning By-law. This Environmental Protection Zone is discussed further in Section 6 of this report.

The subject lands consist of vacant woodlands and contain two existing cottages, a shed, two outhouses, a well, and a septic system. An unnamed watercourse travels in a northeast-southwest direction through the property and a hydro easement also travels through the property in a northwest-southeast direction, where Papineau Lake Road was formerly located. The land uses in the vicinity of the subject lands as shown on **Map 1** includes vacant woodlands, an unnamed watercourse, crown land and existing waterfront residential development along Papineau Lake Road on Papineau Lake.

3 Description of Proposed Development

The existing buildings and structures on the subject lands are all located within the area of the water setback on the subject lands, with the exception of Outhouse 1. All of these buildings and structures will be removed and a new cottage with attached sauna, well, septic system, and pickleball court are proposed to be constructed on the subject lands, as discussed further below.

The approximate dimensions and the location of the existing cottages as well as the approximate size and location of the existing septic system, well and outbuildings on the property are shown on **Map 2**.

The approximate dimensions and location of the new cottage, well, septic system, and pickleball court have also been shown on **Map 2**, however, the exact dimensions and location will be determined once they have been fully designed.



Proposed Development

Cottage 1 (to the south) is 680 sq. ft. and Cottage 2 (to the north) is 936 sq. ft. These areas do not include the area of the decks (with stairs) that are located in front of both cottages. Both cottages and the existing shed will be demolished and one new cottage (and attached sauna) with a footprint of approximately 257.5 sq. m will be constructed on roughly the same footprint as the two existing cottages. The new cottage is proposed to have a footprint that is slightly greater than the combined footprint of the two existing cottages. The new cottage will be situated further back from the lake (approximately 7 metres from the highwater mark) than the existing Cottage 2 which is only located approximately 2 metres from the highwater mark of the lake. The new cottage will also be constructed no closer to the watercourse than currently exists (approximately 14 metres from the highwater mark of the watercourse), and will be constructed further away from the southern property line, in order to meet the 3 metre side yard setback requirement. Currently the existing cottage to the south is only 0.37 metres from the property line.

The existing well (which is not currently in use) and septic system will also be removed on the property. Currently the existing well is located between the two cottages and the existing septic system on the property is located to the rear of Cottage 1 (to the south). To accommodate the new cottage, the existing well will have to be removed and is proposed to be constructed within or near the existing developed area, in the area of the water setback. A conceptual location for the well is shown on **Map 2**. The existing septic system is also proposed to be replaced. In order to limit additional site disturbances, the new septic system will be constructed on as much of the same footprint as the existing septic system as possible, but will be located at least 30 metres from the highwater mark of the lake and watercourse.

A pickleball court is also proposed in the hydro corridor which will be located at least 15 metres from the watercourse and greater than 30 metres from the lake. This report only considers the pickleball court as it relates to environmental and planning considerations. Other required approvals for the pickleball court (i.e., Hydro One permission) are beyond the scope of this report.

4 Existing Conditions

A site visit to the subject lands was carried out by Bryana Kenny on the morning of July 3, 2024 under sunny conditions, with a light breeze and an air temperature of approximately 24°C. The southern corner of the subject lands is currently developed. The remainder of the subject lands are forested, with the exception of the existing watercourse and hydro corridor/former Papineau Lake Road location that travels through the property.

The topography of the site has an overall gentle slope down from Papineau Lake Road. A gentle to moderate slope also exists along the watercourse on the subject lands. The soils on the subject lands are considered to be Rockland according to the Soils of Hastings County (North Sheet), Soil Survey Report No. 27 (Agriculture Canada, 1987). Soils on the subject lands were observed to be sandy.

The Ecological Land Classification (ELC) terminology is used below to describe the main vegetation communities on site. The approximate location of each vegetation community is shown on **Map 2**.

4.1 Residential (CVR)

Two existing cottages, two outhouses, a shed, a well, a septic system, a driveway and maintained lawn area (Photo 1) are located on the southern portion of the subject lands. Some coniferous and deciduous tree species are located in the maintained lawn area surrounding the existing buildings and structures. Tree species noted include red maple (30 cm diameter at breast height (dbh) on average), white birch (15 cm), balsam fir (5 cm dbh) and eastern white cedar trees (8 cm).

Photo 1 – Two Existing Cottages on Subject Lands.
View Looking Southwest Towards Lake.



4.2 Transportation and Utilities (CVI)

An existing hydro corridor (Photo 2) is located along an old roadway which travels through the middle of the property as shown on **Map 2**. This hydro corridor contains some grass and herbaceous vegetation as well as some tree and shrub species, similar to those found in the mixed forest on the property.

Photo 2 – Hydro Corridor on Subject Lands.
View Looking Southeast.



4.3 Mixed Forest (FOM)

A mixed forest is located over the majority of the subject lands (Photo 3), to the north of the existing cottages and between the hydro corridor and Papineau Lake Road as shown on **Map 2**. Vegetation noted within the mixed forest includes similar tree species as those noted within the maintained lawn area, in addition to red pine (25 cm dbh), sugar maple (5 cm dbh), red oak (8 cm dbh), white spruce (10 cm dbh), green ash (15 cm dbh), eastern hemlock (20 cm dbh), and large-tooth aspen (13 cm dbh) trees.

To the north of the existing cottages in the mixed forest is a watercourse (Photo 4) that travels through the property from lands to the northeast. This watercourse travels through a culvert under Papineau Lake Road, onto the subject lands and through another culvert in the hydro corridor (underneath the old roadway) and out to Papineau Lake. The watercourse contained clear, flowing water at the time of the site visit. The bottom of the

watercourse was sandy and contained some rocks, pebbles and fallen woody debris. Some wetland vegetation such as sensitive fern, speckled alder and sweetgale were also noted along some sections of the watercourse.

*Photo 3 – Mixed Forest to Rear of Maintained Lawn Area.
View Looking Northeast.*



*Photo 4 – Site Conditions of Watercourse Near Cottage 2.
View Looking Southwest Towards Papineau Lake.*



4.4 Open Shoreline (SHO)

The vegetation along the shoreline/slope leading to the Lake was limited (Photos 5-7), other than a few small patches of grass and sedge species. A few white birch and eastern white cedar trees were also noted near the cottages amongst the sandy beach.

*Photo 5 – Shoreline in Front of Cottage 2.
View Looking Northwest.*



*Photo 6 – Shoreline in Front of Cottage 1.
View Looking Northwest.*



Photo 7 – Shoreline in Front of Both Cottages
View Looking Northwest.



5 Natural Heritage Features and Areas

Schedule B of the Hastings County Official Plan (County of Hastings Planning & Development Department, 2018) were reviewed for Natural Heritage Features and Areas on and adjacent to the subject lands. No natural heritage features or areas are identified on the subject lands.

5.1 Significant Habitat of Endangered and Threatened Species

The Ministry of Natural Resources and Forestry (MNRF) “Make a Map: Natural Heritage Areas” website (Ministry of Natural Resources and Forestry, 2022) was reviewed for species at risk occurrences for the subject lands. Data available for the 1 km x 1 km grid cell (UTM Grid: 18TR8025) containing the subject lands, included an occurrence of Hill’s Pondweed and Ogden’s Pondweed (*Potamogeton hillii* X *Potamogeton zosteriformis*) as well as a colonial waterbird nesting area.

Based on a review of air photography and a site visit to the property there is potential for other species at risk to occur on the subject lands as well. A discussion on the reported species at risk by MNRF as well as for other SAR that have the potential to utilize the site and adjacent lands are addressed in alphabetical order in the following paragraphs.

5.1.1 Bats (Most Species Endangered)

If bats are using the subject lands or adjacent lands as habitat, there is the potential for impacts as a limited number of trees will need to be removed to accommodate the proposed development, however it is anticipated that the removal of woody vegetation within this area will not significantly impact any bat habitat that may be present in the overall area provided the tree removal timing windows outlined in Section 9 of this report are properly adhered to.

5.1.2 Black Ash (Endangered)

Black ash trees have the potential to occur along the watercourse on/adjacent to the subject lands. Ontario Regulation 6/24 recently came into force which provides limitations on Section 9 prohibitions for black ash, however, the prohibition set out in clause 9(1)(a) of the Act do not apply to any black ash trees on the subject lands as they are located in the Township of Hastings Highlands.



5.1.3 Blanding's Turtle (Threatened)

Papineau Lake and/or the watercourse on site, could potentially be utilized by Blanding's turtle or other turtle species. In order to ensure no adverse impacts (direct or indirect) occur on any turtle species that may be utilizing Papineau Lake and/or the watercourse as habitat, the timing windows for site disturbances and/or silt fencing around the work areas as outlined in Section 9 of this report, are to be properly adhered to.

5.1.4 Butternut (Endangered)

During the site visit to the subject lands, a butternut survey was completed using up to 30 metre transects in the treed areas of the subject lands. No butternut trees were noted on or adjacent to the subject lands, however, as there is private property to the north and south of the subject lands, butternut trees may have been missed. If any butternut trees are noted in or adjacent to the proposed work areas, a butternut health assessment will need to be completed for those trees and healthy butternuts are not to be removed or harmed until an overall benefit for the species has been provided following MECP protocols.

5.1.5 Eastern Whip-poor-will (Threatened)

A large forested area (crown land) which is intermixed with watercourses and wetlands is located to the east of the subject lands on the opposite side of Papineau Lake Road. As the proposed development will be located primarily within an existing disturbed area on the subject lands, limited tree removal will be needed to accommodate the proposed development. Therefore the direct and indirect impacts on this species and their habitat, if present, will be minimal and the resulting habitat will still be able to be utilized by this species, post development. In order to ensure no adverse impacts occur on this species, the timing windows for tree removal outlined in Section 9 of this report are to be properly adhered to.

It should also be noted that Eastern whip-poor-will is proposed to be downlisted to a species of special concern, as of January 31, 2025.

5.1.6 Hill's Pondweed (Special Concern) and Ogden's Pondweed (Endangered)

Suitable habitat is present in Papineau Lake and the onsite watercourse for Hill's pondweed and Ogden's pondweed. No development is proposed within the lake or watercourse, so there will be no direct impacts on these species, if present. Any indirect impacts on these species, can be mitigated provided the mitigation measures outlined in Section 9 of this report are properly adhered to.

5.2 Significant Wildlife Habitat – Colonial Waterbird Nesting Area

The Ministry of Natural Resources and Forestry "Make a Map: Natural Heritage Areas" website (Ministry of Natural Resources and Forestry, 2024) identified a colonial waterbird nesting area (wildlife concentration area) in the grid cell containing the subject lands. As the proposed development will occur primarily within an already disturbed area on the subject lands, no adverse impacts (direct or indirect) as a result of the proposed development are anticipated to occur on any waterfowl nesting areas on/adjacent to the subject lands, provided the mitigation measures in Section 9 of this report are properly adhered to.

5.3 Fish Habitat / Water Quality

Papineau Lake is located to the west of the subject lands. A watercourse is also located on the subject lands which connects to Papineau Lake.

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) "Fish ON-Line" website (NDMNRF, 2024) was reviewed for fish occurrences for Papineau Lake and the watercourse. The following fish species were observed by MNRF in Papineau Lake: brown bullhead, burbot, cisco, lake trout, lake whitefish, northern pike, pumpkinseed, rock bass, smallmouth bass, and white sucker. No information was available for the watercourse, however some fish were noted within the watercourse during the site visit to the subject lands.

The Department of Fisheries and Oceans Canada (DFO) Aquatic Species at Risk Mapping Tool was also reviewed for aquatic species at risk for Papineau Lake and the watercourse, however no aquatic SAR are reported within 1 kilometre of the subject lands.

During the July 3, 2024 site visit to the subject lands, the near-shore fish habitat along the shoreline of the subject lands was mapped as shown on **Map 2** (Photos 8 & 9). The shoreline of the subject lands is sandy and gently slopes towards the lake. The Lake is shallow in front of the subject lands and very little vegetation was noted along the shoreline and no aquatic vegetation was noted in the lake itself. Some small pockets of dark brown woody debris were noted in the bottom of the lake. No sensitive fish habitat features, such as coarse beds for potential fish spawning, were noted along the shoreline of the subject lands.

Photo 8 – Site Conditions of Near Shore Fish Habitat. View Looking Northeast Towards Cottages.



Photo 9 – Site Conditions of Near Shore Fish Habitat. View Looking Southeast Along Shoreline.



The County Official Plan and the Township’s Zoning By-law require a 30 m wide setback from the highwater mark of a waterbody or watercourse (Section 5.9.2 of the Township’s Zoning By-law) and associated 30 metre wide natural vegetative buffer strip (Section 5.4.5.8 of the Hastings County Official Plan).

In this case, the existing structures on the subject lands are all located within the area of the water setback of the Lake and/or watercourse, with the exception of Outhouse 1 as shown on **Map 2**. All of these buildings and structures will be removed and a new cottage (with attached sauna), well, and septic system are proposed to be constructed on the subject lands which will be located in an already disturbed area that will be further back from the lake than what currently exists (approximately 7 metres vs. 2 metres) and will be located no closer to the watercourse than what currently exists (approximately 14 metres) as shown in the Table below. The pickleball court will be located in the already disturbed hydro corridor and it is recommended that it be located at least 15 metres from the watercourse and greater than 30 metres from the lake.

The location of the highwater mark of the lake as shown on **Map 2** was determined based on a site visit to the property as well as air photo interpretation. To allow flexibility for when construction occurs, recommended minimum water setbacks from the highwater mark of the lake and watercourse for each proposed building/structure are also included in Table 1 below.

Table 1: Existing and Proposed Setbacks

Existing & Proposed Structures	Lake		Watercourse	
	Existing Setback	Proposed Setback	Existing Setback	Proposed Setback
Cottage 1 (including deck)	10.5 m	7 m	30 m	14 m
Cottage 2 (including deck)	2 m		13.8 m	
Septic System (to be replaced in same location)	27 m	30 m	33.5 m	30 m
Well	23 m	At least 7m	31 m	At least 15 m
Shed	17.5 m	N/A – will be removed	13.7 m	N/A – will be removed
Pickleball Court	N/A	At least 40 m	N/A	At least 15 m
Outhouse 1	41 m	N/A – will be removed	48 m	N/A – will be removed
Outhouse 2	25 m	N/A – will be removed	14.7 m	N/A – will be removed

* Note: Cottage 1 & 2 will be demolished and replaced with one Cottage

The proposed development will not have a greater impact on the quality of the lake water, natural features, or neighbouring properties than what currently exists for the following reasons:

- The new cottage and septic system will be constructed on roughly the same footprint as the existing cottages, shed and septic system, which will limit the amount of tree removal required;
- The proposed cottage will be located further back from the highwater mark of the lake than which currently exists;
- The new septic system will meet or exceed the required 30 metre setback from both the watercourse and the lake;
- The well may be located closer to the lake/watercourse than what currently exists, however limited, if any tree removal is anticipated to install the well;
- The pickleball court will be constructed within the already disturbed hydro corridor/former road location, which will limit the amount of tree removal required;
- The majority of the lands within the building envelope for the proposed new cottage and septic system are already disturbed (contain existing buildings/structures or are a maintained lawn with some scattered trees);
- The lands within the water setback of the lake are relatively flat and sandy which will allow the infiltration of rainfall to occur; and
- The lands within the water setback of the watercourse contain a gentle to moderate slope, sandy soils and are well treed, which helps provide stability to the slope and will allow the infiltration of rainfall to occur.

To ensure that no negative impacts occur on the fish habitat/water quality of Papineau Lake and the watercourse as a result of the proposed development on the property, the mitigation measures recommended in section 9 of this report should be properly adhered to.

A conceptual layout for the proposed development is shown on **Map 2**. The size and location of the proposed cottage, well, septic system, and pickleball court could change as they have not been designed yet. Provided, the new cottage and septic system are constructed in accordance with the recommended minimum water setbacks from the Lake and watercourse as described in this report, this report does not need to be amended to show the designed location and size of these features once they have been designed.

6 Environmental Protection Zone

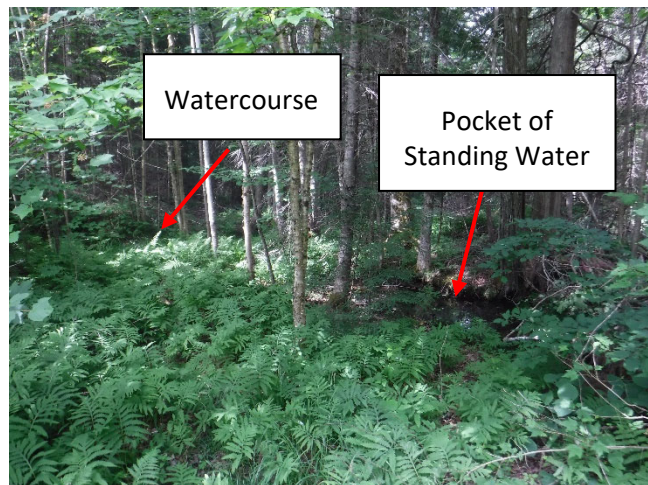
As discussed in Section 2 of this report, the northern corner of the property is zoned Environmental Protection. This corner of the property was reviewed during the site visit and there is a small pocket of standing water (Photo 10) in this area which is located at the bottom of the slope leading to Papineau Lake Road and is located near the watercourse (Photo 11). The adjacent lands to the northwest are upland and so this is considered to be a small isolated area that is likely receiving some surface water drainage from Papineau Lake Road. This small area of standing water does not contain many features or functions and would not be classified as a wetland under the Ontario Wetland Evaluation System as it is too small. Therefore, it is our opinion that there are no anticipated impacts from the proposed development on the EP area on the subject lands.

Should the owners wish to re-zone this area, this report could be used in support of an application for re-zoning to be filed with the municipality to remove the EP zone for this portion of the subject lands.

Photo 10 – Small Pocket of Standing Water. View Looking Northwest Towards Adjacent Property.



Photo 11 – Site Conditions of EP Zoned Area. View Looking South from Bottom of Slope Along Papineau Lake Road.



7 Permission Application

In order to facilitate the proposed redevelopment in the area of the water setback, a permission application is requested in order to permit a lesser water setback than the required 30 metre water setback as per the Township of Hastings Highlands Zoning By-law which states that:

“5.9.2 i) ...no development, site alteration or septic tank installation including the weeping tile field shall be located or occur: within 30 metres of the high water mark of a waterbody or watercourse...”

It is proposed that the following buildings and structures be located within the specified distances of the highwater mark of the Lake and/or watercourse.

1. Proposed Cottage (with attached sauna)– 7 metre water setback requested from the highwater mark of the lake and 15 metre water setback requested from the highwater mark of the watercourse.
2. Proposed Well – 7 metre water setback requested from the highwater mark of the lake and 15 metre water setback requested from the highwater mark of the watercourse.
3. Proposed Pickleball Court - 15 metre water setback requested from the highwater mark of the watercourse.



7.1 The Two Tests

Section 45(2) of the Planning Act allows the committee of adjustment to permit an enlargement or extension of a legal nonconforming building or structure where the use remains the same as the use the day the by-law was passed.

The two tests for an application for permission to enlarge/expand a legal non-conforming use are described below as well as justification as to how the application meets these tests.

Is the application desirable for the appropriate development of the subject property?

The application is to construct a proposed cottage (with attached sauna), well and septic system that will be located on the same general footprint/in close proximity to 2 existing cottages, an existing well and septic system as well as an existing shed which are located on the subject lands in the area of the water setback from the Lake and watercourse. A pickleball court is also proposed to be constructed within an already disturbed area (in the hydro corridor/former road location), which will also be located in the area of the water setback from the watercourse.

As noted in this scoped EIS report, the requested water setbacks for the proposed development are generally the same or greater than the current setbacks (with the exception of the proposed well). As the proposed development will not be located any closer to the lake/watercourse than the closest building/structure and as the proposed development is for uses that are already permitted on the subject lands (some of which uses already exist on the subject lands), the proposed reduced setbacks will therefore be in keeping with the existing character of the property. The development is therefore considered desirable for the appropriate development of the land.

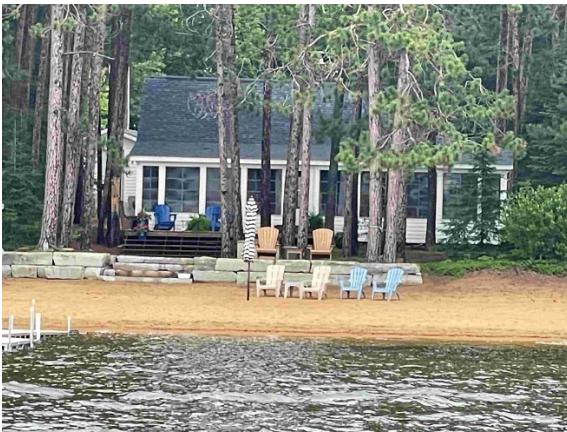
Will the application result in undue adverse impacts on the surrounding properties and neighbourhood of the subject property?

Water setbacks are in place to ensure that an adequate buffer exists between a structure and an associated water body, with the primary aim of protecting water quality. However, with appropriate mitigation measures, such as those suggested in this scoped EIS report, it is possible to locate dwellings and structures closer to a water body, on a case-by-case basis, without an adverse impact on water quality and surrounding properties and the neighbourhood. In this case, the proposed water setbacks are generally the same or greater than the current setbacks (with the exception of the proposed well which is not anticipated to have any significant tree removal associated with the installation of it), however, some flexibility has been provided for when construction occurs.

The redevelopment of the cottage, well and septic system as well as the construction of a pickleball court in the same general footprint as the existing development (or within an existing disturbed area), will allow for the existing vegetative buffer areas between the proposed development and the watercourse to remain. Additional trees and shrubs could be planted within the area of the water setback of the lake and around the proposed pickleball court, should the owners wish. Given the location of the watercourse and hydro easement on the subject lands, there would be little developable room left on the lot if all of the proposed development were to be moved back to meet the 30 metre setback requirements from the lake and watercourse and a significant amount of additional tree removal would be required for the proposed development.

Provided the mitigation measures in this scoped EIS report are properly adhered to, the proposed development will not have a greater impact on the quality of the water, natural features, or on neighbouring properties than what currently exists. The proposed development will also provide for a setback that is within the range of existing water setbacks on neighbouring properties in the vicinity of the subject lands (see below photos of other cottages near the subject lands which were taken by the owner of the subject lands). It is therefore concluded that the application will not result in undue adverse impacts to the lake, natural features or on surrounding properties.

It is our professional opinion that the application meets the two tests under Section 45(2) of the Planning Act and that the redevelopment proposal represents good planning and should be approved.



8 Minor Variance

In order to facilitate the proposed pickleball court in the area of the water setback, one variance to the water setback provisions contained in Section 5.9.2 i) of the Township of Hastings Highlands Zoning By-law is requested. Section 5.9.2 i) states that:

“5.9.2 i) ...no development, site alteration or septic tank installation including the weeping tile field shall be located or occur: within 30 metres of the high water mark of a waterbody or watercourse...”

The variance requested is to permit a pickleball court no closer than 15 metres to the highwater mark of the watercourse on the subject lands.

8.1 The Four Tests

Section 45(1) of the Planning Act prescribes four tests that must be met if a Minor Variance is to be approved. How the application meets the tests is outlined below.

Is the application in keeping with the general intent and purpose of the Official Plan?

The subject site is designated Rural with a small corner of the northern portion of the property designated as Environmental Protection in the County of Hastings Official Plan. The Rural designation permits the proposed cottage. Section 5.4.5.7 & 5.4.5.8 of the Official Plan provides the water setback and buffering policies which states that:



- “5.4.5.7 In Waterfront areas, residential dwellings shall be set back as far from the shoreline as is practical, taking into consideration the size, shape and topography of the lot in question. Wherever feasible, the setback should be at least 30 metres from the high water mark and should remain undisturbed and naturally vegetated....”
- “5.4.5.8 In Waterfront areas and adjacent to watercourses, a natural vegetative buffer strip a minimum of 30 metres in width should be maintained wherever possible from the seasonal high water mark to filter pollutants from run-off. Within this buffer area, the clear cutting of trees shall be discouraged. On existing lots of record where a 30 metre setback from the high water mark is not possible, the setback may be reduced to the maximum setback possible, subject to the approval of a minor variance to the implementing Zoning By-law and to site plan approval. In order to determine the most appropriate building location of an existing lot of record, consideration should be given to reductions in other yard setbacks before considering reductions to the setback to the high water mark. A lesser buffer area may be required as determined by an approved environmental impact statement or site evaluation report pursuant to Part A - Sections 7.8.6 and 7.8.8 of this Plan that demonstrates that there will be no negative impact on the fish habitat and its ecological function.”

As illustrated on **Map 2** and described in this report, a reduction to the water setback can be supported for the proposed pickleball court on the subject lands as this scoped EIS report provides the required justification and proposes a number of mitigation measures to reduce the impact of the proposed pickleball court. It is therefore concluded that the application is in keeping with the general intent and purpose of the Official Plan.

Is the application in keeping with the general intent and purpose of the Zoning By-law?

Water setbacks are in place to ensure that an adequate buffer exists between a structure and an associated water body, with the primary aim of protecting water quality. However, with appropriate mitigation measures, such as those suggested in this scoped EIS report, it is possible to locate dwellings and structures closer to a water body, on a case-by-case basis, without an adverse impact on water quality. In this case, the proposed reduction to the water setback for the pickleball court, instead of the typical 30 metres can be supported given the existing disturbed nature of the proposed development area (in the existing hydro corridor), together with the implementation of the mitigation measures proposed in this scoped EIS, the pickleball court will not have a greater impact on the watercourse and associated fish and wildlife habitat than what currently exists. It is therefore concluded that the application is in keeping with the general intent and purpose of the Zoning By-law.

Is the application minor in nature?

The application is seeking a reduced water setback to accommodate a proposed pickleball court that will be located within the existing disturbed hydro corridor on the subject lands. Therefore the proposed pickleball court would not result in any more disturbance of the site than currently exists and it is proposed that additional vegetation be planted around the pickleball court in the disturbed areas of the hydro corridor. Given that the proposed pickleball court will occur within an already disturbed area of the property and that the reduced setback is well within the range of other water setbacks observed in the surrounding area, it is therefore concluded that the application is minor in nature.

Is the application desirable for the appropriate development or use of the land, building or structure?

The application is to construct a pickleball court on the subject lands in the hydro corridor on the subject lands, which is a use permitted by the Rural zone. As noted in this scoped EIS report, the pickleball court will not be located any closer to the Lake/watercourse than the existing development on the property and will be located in an already disturbed area of the subject lands.

The construction of a pickleball court in the already disturbed hydro corridor, will allow for the existing vegetative buffer areas between the proposed pickleball court and the watercourse to remain, and additional



vegetation can also be planted around the pickleball court in the disturbed portions of the hydro corridor. Given the location of the watercourse on the subject lands, if the proposed pickleball court were to be moved back to meet the 30 metre setback requirements from the lake and watercourse, additional tree removal would be required.

Provided the mitigation measures in this scoped EIS report are properly adhered to, the proposed development will not have a greater impact on the quality of the water, natural features, or on neighbouring properties than what currently exists. It is therefore concluded that the application is desirable for the appropriate development of the land.

It is our professional opinion that the minor variance application meets the four tests under Section 45(1) of the Planning Act and that the proposal for the construction of a pickleball court on already disturbed lands (in the hydro corridor on the subject lands), represents good planning and should be approved.

9 Recommendations

The conditions of the existing setback include sandy soils and a gentle slope from the existing cottages to the Lake as well as a gentle to moderate slope along the watercourse. It is anticipated that the conditions of the reduced setback for the proposed development, in conjunction with the mitigation measures below will not have a greater impact on the quality of the lake water, natural features, or neighbouring properties than what currently exists and will provide the same ecological functions of a 30 metre setback in less ideal conditions. This report does not need to be amended as long as the proposed development is located in accordance with item 2a below:

1. In order to ensure no adverse impacts occur on potential breeding birds or species at risk which may be using the subject lands or adjacent lands as habitat, the following mitigation measures should be properly adhered to:
 - a. To protect bats, no tree or shrub removal should occur between March 15th and November 30th, unless an evening late spring/summer bat survey and detailed snag survey is completed by a qualified professional within five days of the woody vegetation removal. If these surveys identify no trees being used as roosting habitat in the vicinity of the work area, then the tree removal is permitted.
 - b. The following mitigation measures are recommended in order to mitigate the potential impacts on turtle species from the proposed works:
 - i. Specific site preparation work requiring clearing of vegetation and construction activities should be undertaken between October 16th and April 14th, which is outside of the more active season for turtles.
 - ii. If the proposed works will occur between April 15th and October 15th, in order to prevent potential movement of turtle species into the proposed work area, a properly installed and maintained temporary exclusion barrier (for example silt fencing) is to be erected as per the Reptile and amphibian exclusion fencing document on MECP's website (<https://www.ontario.ca/page/reptile-and-amphibian-exclusion-fencing>) around any areas where the proposed works will occur prior to all site preparation and construction activities, or prior to May 1st, whichever is earlier.
 - iii. Once the work areas are surrounded by properly dug in fencing and prior to further site alterations, the work areas are to be searched for turtles. Any turtles observed during the construction phase should be photographed and be left to move out of harm's way



on their own. Handling of turtles should only be undertaken by individuals that possess an authorization or permit for wildlife handling.

- c. Nests and eggs of many bird species are protected under federal and/or provincial legislation such as the Migratory Birds Convention Act and the Fish and Wildlife Conservation Act. In order to protect breeding birds (including eastern whip-poor-will), no tree or shrub removal should occur between April 15th and August 15th, unless a breeding bird survey is completed by a qualified professional within five days of the woody vegetation removal, which identifies no nesting activity in the vicinity of the work area.
 - d. If any Butternut trees are noted in or adjacent to the proposed work areas, a Butternut Health Assessment is to be completed for these trees. Healthy butternuts are not to be removed or harmed until an overall benefit for the species has been provided following MECP protocols.
 - e. In order to avoid attracting wildlife into the work area, the work area is to be kept clear of garbage and standing water.
 - f. If any SAR (alive or injured) are observed or if a nest is observed during construction, activity in the area is to stop and the Ministry of Environment, Conservation and Parks (MECP) and a biological consultant contacted immediately.
 - g. Any occurrences of species at risk found on site should be submitted to the Natural Heritage Information Centre as soon as possible.
 - h. If any SAR are discovered throughout the course of the work and/or should any SAR or their habitat be potentially impacted by on site activities, MECP should be contacted and operations be modified to avoid any negative impacts to SAR or their habitat until further direction is provided by MECP.
2. To ensure that no adverse impacts occur on Papineau Lake and the fish habitat/water quality within the Lake, the following recommendations should be properly adhered to:
- a. The proposed cottage is to be located at least 7 metres from the highwater mark of the Lake and is not to be constructed any closer to the high water mark of the watercourse than the existing Cottage 2 (13.8 metres);
 - b. The proposed septic system is to be located a minimum of 30 metres from the highwater mark of the lake/watercourse and should be constructed with soils that have good phosphorous retention potential;
 - c. The proposed well is to be located at least 7 metres from the highwater mark of the lake and at least 15 metres from the highwater mark of the watercourse;
 - d. The proposed pickleball court is to be located in the hydro corridor, at least 15 metres from the highwater mark of the watercourse. Additional approvals may be required from hydro to construct the pickleball court in this location. Native vegetation is to be planted in the disturbed areas of the hydro corridor around the pickleball court.
 - e. Buffer areas within the recommended setback areas are to be maintained along the shoreline of Papineau Lake and the watercourse. These buffer areas should be maintained substantially in a natural vegetated state, with the exception of the existing shoreline activity area along Papineau Lake as well as the limbing of trees to provide for a view of the Lake and the removal of dead or diseased trees.



- f. Vegetation on the subject lands outside of the buffer areas should also remain in a natural state as much as possible, except for the clearing of portions of the property to allow for the construction of structures.
- g. Roof runoff should be controlled by directing water runoff to the rear of the new structures through the use of eave troughs and rain barrels or to a grassed area.
- h. The extent of exposed soils is to be kept to a minimum at all times. Re-vegetation with native trees and shrubs of exposed, non-developed areas is to be achieved as soon as possible and should only use locally appropriate native species.
- i. Erosion and sediment control measures are a critical component of the construction work. Effective sediment and erosion control measures are to be maintained until complete re-vegetation of disturbed areas is achieved. Silt fencing is to be installed along the edges of the work areas. It is important that fencing is properly dug-in to treat any surface water flow and is maintained as required, including removal of accumulated sediment.
- j. Additional mitigation measures to minimize the potential for inputs of sediments and other contaminants into the Lake and the environment in general include proper maintenance on construction equipment with respect to refuelling, washing and fluid changes, and proper disposal of fluids, filters and other waste materials. None of this work should take place within 30 metres of any surface water features.
- k. If any gabion baskets or other works are proposed below the high water mark of the lake and/or watercourse, provincial (Ministry of Natural Resources and Forestry Land Use Permit) and/or federal (Department of Fisheries and Oceans Request for Review) approvals, where required, are to be obtained.

10 Conclusion

The site conditions permit objectives of preserving soil and water quality, envisioned by the 30m setback, to be achieved with a reduced setback for the proposed development that will be built within existing disturbed areas on the subject lands.

The fish habitat/water quality of Papineau Lake and the shoreline vegetation will not be adversely impacted and the proposed reduced setbacks to the new development will not result in the pollution of the air, water or soil. The proposal will also minimize potential phosphorus impacts, stormwater flows and potential erosion and will not adversely impact any species at risk, or the colonial waterbird nesting area on adjacent lands.

With the above mentioned mitigation measures properly adhered to, there will be no negative impacts on the quality of the lake water, natural features, or neighbouring properties resulting from the proposed future development. Therefore the proposed development will be consistent with the Provincial Policy Statement (PPS), 2020 and the County of Hastings Official Plan, 2018.

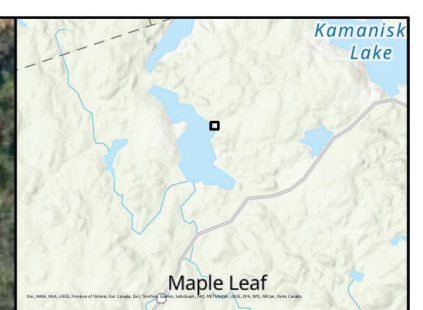
The proposed redevelopment represents an improvement over the existing site conditions and it is our professional opinion that the permission application meets the two tests under Section 45(2) of the Planning Act and that the redevelopment proposal represents good planning and should be approved. It is also our professional opinion that the minor variance application meets the four tests under Section 45(1) of the Planning Act and that the proposal for the construction of a pickleball court on already disturbed lands (in the hydro corridor on the subject lands), represents good planning and should be approved.



11 References

- Agriculture Canada. 1987. Soils of Hastings County North Sheet Ontario Soil Survey Report no. 27.
- Ainley Graham & Associates Limited. Consolidated March 2023. Municipality of Hastings Highlands Bylaw 2004-035 Comprehensive Zoning Bylaw.
- County Of Hastings Planning & Development Department. August 3, 2018. The Hastings County Official Plan.
- Government of Canada. 2024. Fisheries and Oceans Canada. Aquatic Species at Risk Map.
- Ontario Ministry of Natural Resources. March 2010. Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition. Toronto: Queen's Printer for Ontario.
- Ministry of Natural Resources and Forestry. 2024. Ministry of Natural Resources and Forestry Fish ON-Line.
- Ministry of Natural Resources and Forestry. 2024. Ministry of Natural Resources and Forestry Make-a-Map: Natural Heritage Areas.




End of report.



24-7048A
3098 PAPINEAU LAKE ROAD
TOWNSHIP OF HASTINGS HIGHLANDS

**MAP 1:
SITE & SURROUNDING LAND USE**

LEGEND

-  Roads
-  Watercourse
-  Subject Lands

Crown Land
Vacant Woodlands

Papineau Lake

Waterfront Residential

117.48 m

Subject Lands
2.46 ac

PAPINEAU LAKE RD

112.3 m

Crown Land

Vacant Woodlands

93.47 m

Waterfront Residential

93.3 m

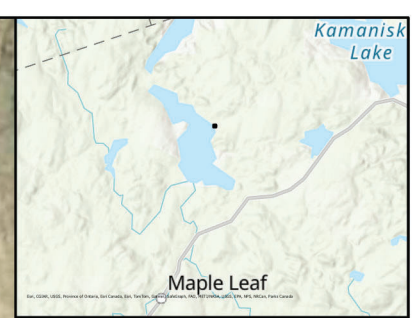
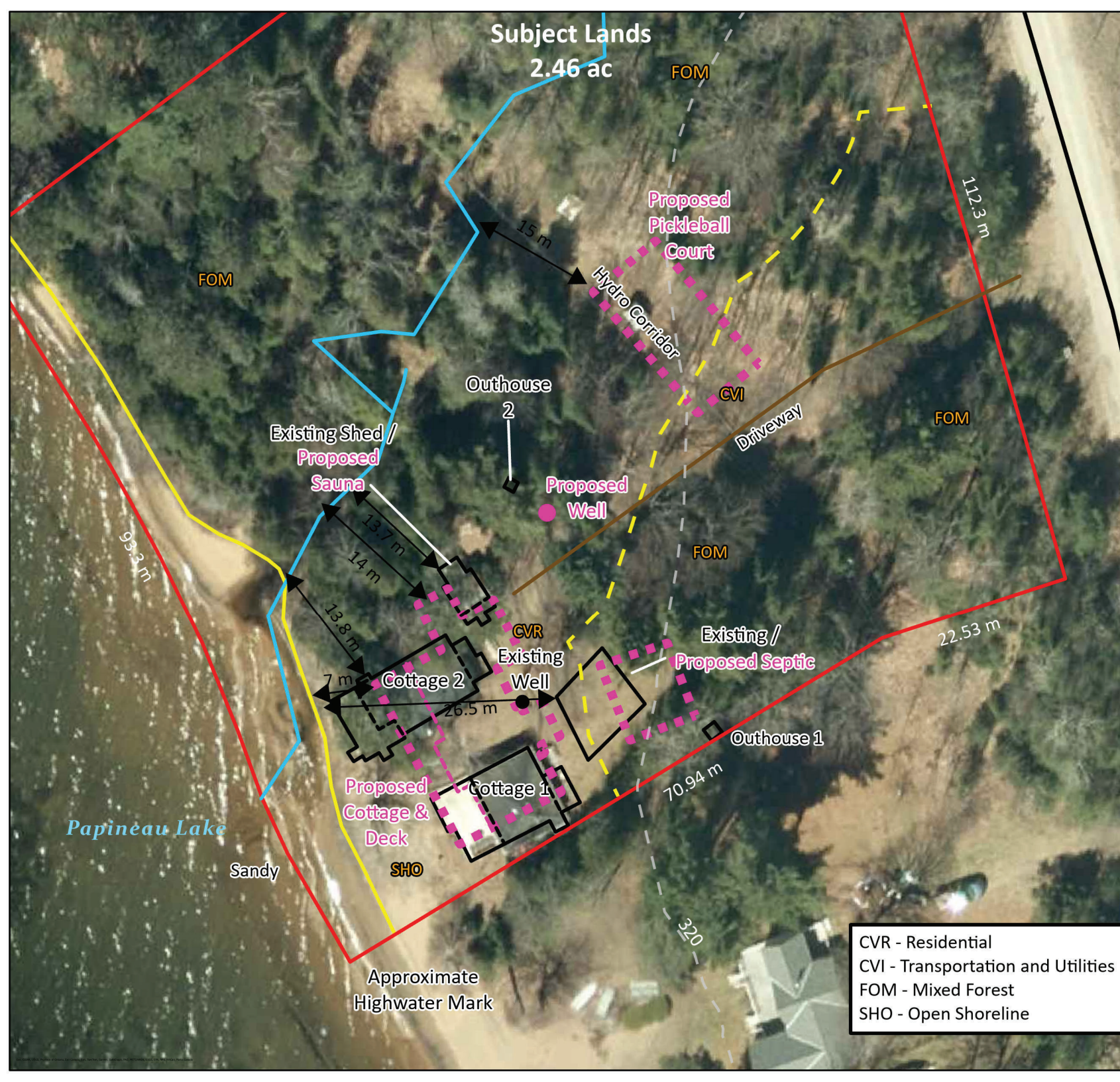
1:1,800
1 cm = 18 meters



0 5 10 20
Meters

PROJECT NO.
24-7048A

DATE:
9/9/2024



24-7048A
 3098 PAPINEAU LAKE ROAD
 TOWNSHIP OF HASTINGS HIGHLANDS

MAP 2:
 SUBJECT LANDS

- LEGEND**
- Roads
 - Contours
 - Watercourse
 - Driveway
 - Approximate Highwater Mark
 - 30 m Water Setback
 - Subject Lands
 - Existing Buildings & Structures
 - Proposed Buildings & Structures

1:575
 1 cm = 6 meters

CVR - Residential
 CVI - Transportation and Utilities
 FOM - Mixed Forest
 SHO - Open Shoreline

PROJECT NO.
 24-7048A

DATE:
 09/09/2024