



**APPENDIX 3**

**PROPOSED OFFICIAL PLAN POLICIES**



## Appendix 3

### Eagle Lake Conservation Association Eagle Lake Community Plan

#### Proposed Official Plan Policies

July 19, 2007 (Revised per AGM July 28<sup>th</sup>, 2007)

Section 7.2.5.1 to the existing Machar Official Plan is proposed to be replaced with the policies in this Section.	
7.2.5.1	EAGLE LAKE COMMUNITY PLAN
.1	The lands affected by the provisions of this Section are identified on Schedules “A-1” and A-2” to the Township of Machar Official Plan.
	VISION
.2	The Vision for Eagle Lake is summarized in the following statement:  <i>Preserve and improve the natural environment in and around Eagle Lake in a sustainable fashion that will promote a healthy, family-oriented community.</i>
.3	The aesthetic and environmental quality of Eagle Lake shall be maintained and enhanced through land use planning and lake stewardship initiatives.
.4	New development on, and the redevelopment of existing properties will maintain a low profile with limited visual impact. Naturalized shorelines will be maintained and such activities that do occur at the shoreline will be minimally obtrusive, and have limited impact on the natural and aesthetic environment.
	BASIS
.5	Eagle Lake has a surface area of approximately 990 hectares. The lake contains over 37.8 kilometres of shoreline. Eagle Lake is divided into two distinct basins: the North Basin, with approximately 364 hectares and 14.6 kilometres of shoreline, and the South Basin, with 627 hectares and 23.2 kilometres of shoreline. The lake supports a significant amount of residential development, much of which has occurred over the past 60 to 80 years. Most development on the lake is residential, with a mixture of permanent and seasonal residences. New lot creation has not been permitted on Eagle Lake

	<p>since 1981. Consistent with land use changes in other areas, there is evidence that traditional seasonal use cottages is now subject to more extended use and permanent homes. A very small percentage of the total shoreline area is in public ownership. Mikisew Provincial Park is a recreational park, with 258 sites (196 no hydro / 62 with hydro), offering camping and day use activities on its 138 hectares. Existing commercial development is limited to a couple of resorts, a marina, and general store.</p>
.6	<p>The natural qualities that help define the character of the Eagle Lake include its landscape and shorelines with a natural and undeveloped appearance. Eagle Lake tends to be characterized by smaller cottages/dwellings that blend in with the surrounding natural features. Most shoreline structures tend to be modest in size and do not dominate their shorelines. These natural and cultural features will be protected and enhanced while allowing a limited amount of new development and careful redevelopment of existing properties, consistent with the ability of the Lake to sustain additional development.</p>
	<p><b>PRINCIPLES</b></p>
.7	<p>The Township recognizes the importance of maintaining and improving the water quality of Eagle Lake. Water quality, including trophic state and bio-physical quality will be enhanced through land use regulations affecting both new and existing development, as well as appropriate stewardship initiatives.</p> <p>The Township and Ministry of Environment shall monitor water quality on Eagle Lake, and are encouraged to undertake an updated Lake Carrying Capacity Analysis for Eagle Lake, in cooperation with the Eagle Lake Conservation Association.</p>
.8	<p>This Plan endorses a stewardship ethic for shore lands that will include landscape naturalization, improved on-site retention and treatment of pollutants, improved compatibility with the natural environment, where development will co-exist with the surrounding natural environment.</p>
.9	<p>The shallow near shore area in the water in front of lots is a significant component of the “ribbon of life” around the lakes, and is a key component in preserving the health of the lakes. The shallow near shore area is generally located within 20 metres of the shoreline, or on shallow areas that are generally less than 2 metres in depth. Development within and adjacent to the near shore areas shall be limited and shall have minimum impact on the near shore.</p>
.10	<p>When viewed from the water, the visual impact of development is an important consideration in maintaining the character of the lake. The natural environment is intended to be the dominant landscape feature around the lake. Disturbance on lots should be limited and minimized and the maximum amount of vegetation should be retained on a lot. Vegetation should be maintained on skylines, ridge lines or adjacent to the top of rock cliffs. Additional natural screening should be provided to supplement existing vegetation along the shoreline. In general, structural development that would be seen above the tree line should not be permitted.</p>

.11	Development will be considered within the context of sound environmental and ecological planning principles. The redevelopment of existing properties should adhere to current ecological, environmental, stewardship and planning standards, with a commitment to the use of “best available technology”.
.12	Efforts are required to increase the amount of lake front land that is permanently conserved in its natural state, through establishment of conservation easements and acquisition through land trusts.
	<b>FORMS OF DEVELOPMENT &amp; PERMITTED USES</b>
.13	The predominant use around Eagle Lake is single detached residential, with a limited amount of tourist and marine commercial activity. Legally existing non-residential uses are recognized. The permitted form of development is single detached linear residential development around the shoreline of the lake, with a second less intensively developed ring of single detached residential backlots.
.14	The reasonable redevelopment of existing resort commercial properties catering to the vacationing public by providing rental accommodation, lodging, or marina facilities is acceptable. Any such redevelopment will adhere to ecological planning principles. Expansions shall only be permitted where it can be demonstrated that there will be no additional impact on the water quality (trophic state) of the Lake.
.15	Any patented (private) development on lands currently owned by the Crown will not be permitted without an Official Plan Amendment.
	<b>LOT REQUIREMENTS</b>
.16	Eagle Lake has been determined to be at its development capacity, on the basis of the MOE water quality guidelines established in 1979. No new lots can be created.
.17	Existing vacant lots of record may be considered for development. Where such lots have a frontage less than 30 metres and/or a lot area less than 1,500 square metres, a Site Evaluation Report shall be submitted to and approved by the Township, confirming the suitability of the lot for development and suggesting appropriate mitigation measures to reduce the impact of the development.
.18	The merging of vacant undersized lots of record with neighbouring lots is encouraged, where appropriate, to help preserve the character of the lake, and reduce the overall impact of development on the Lake.

DEVELOPMENT STANDARDS FOR RESIDENTIAL LOTS	
.19	Setbacks are utilized to attenuate phosphorus loadings from storm water as well as to maintain the natural integrity of shorelines, including fish and wildlife habitat. Setbacks are also utilized to reduce or soften the visual impact of development on a lot. Vegetation within the setback should be disturbed as little as possible, and the soil mantle should not be altered.
.20	The minimum setback for all structural development (including redevelopment on existing properties) except refurbishment or modernization of existing dwellings shall be 23 metres measured horizontally from the high water mark. This provision does not apply to docks or boathouses or other approved shoreline structures or to heritage structures.
.21	A lesser setback may be permitted only if: <ul style="list-style-type: none"> <li>• it is not physically possible, due to terrain or lot depth features, to meet the required setback, or</li> <li>• in the case of redevelopment of a property, the imposition of the new setback would result in a more negative impact on the property than allowing reconstruction at the existing setback.</li> </ul>
.22	A Site Evaluation Report and a Site Plan Agreement shall be required by the Township in support of requests to reduce the setback beyond that which is established in the zoning by-law. The Site Evaluation Report will identify the compensating features that justify the reduction in the setback and will propose mitigation measures to further reduce the impact of the development.
.23	The size of a dwelling, combined with its location on a site, will have a direct effect on the visual impact of the development. As such, the zoning by-law shall provide standards to regulate dwelling size, to avoid overly large dwellings on the lake. Dwelling size may be regulated through a combination of restrictions on the total footprint, lot coverage, floor area, width, or height, combined with setback and landscaping considerations. The standards on maximum size of a dwelling may vary depending on the size of the lot on which it is located, and will be detailed in the zoning by-law.
.24	Variances to the established maximum size of a dwelling may be considered where the applicant provides evidence satisfactory to the Township that the visual impact of the dwelling will not be significant. Such variances may be considered where they are supported by a Site Evaluation Report and architectural drawings that demonstrate how the visual impact will be managed; and are implemented through a Site Plan Agreement. The provision of mitigation measures or compensating features such as increased setbacks, additional screening and buffering from the shoreline will be provided if determined to be required.
.25	Parking areas on a lot shall be located as far back as possible from the shoreline, and should not be located between the dwelling and the shorelines.

	<b>SHORELINE STRUCTURES</b>
.26	The size and location of shoreline structures, including docks, decks, gazebos, boat ports and boathouses have a direct effect on both the environmental and visual impact of development on a property. The zoning by-law shall provide standards to regulate the size and location of shoreline structures. These structures may be regulated through a combination of restrictions on the total footprint, floor area, width or height. All applicable requirements of the Federal Department of Fisheries and Oceans (DFO) and the Ministry of Natural Resources (MNR) shall be complied with.
.27	In general, shoreline structures shall be subject to the following standards: <ul style="list-style-type: none"> <li>• a maximum width of 15% of the frontage of the lot or 6 metres (20 ft.), whichever is lesser;</li> <li>• boathouses, boat ports and gazebos shall not exceed one storey in height, and shall not include an attic;</li> <li>• a boathouse or boat port shall not exceed 4.5 metres (15 ft.) in height measured from natural grade at the front of the building to the peak of the roof. The roof shall not exceed a 4/12 pitch;</li> <li>• no accommodation facilities are permitted in shoreline structures; and</li> <li>• no structure, except a dock, is permitted to project into the water.</li> </ul>
	<b>SHORE ROAD ALLOWANCES, CROWN RESERVES, ROAD ALLOWANCES LEADING TO WATER, AND PUBLIC ACCESS POINTS</b>
.28	Shore road allowances that have no potential public use may be closed in front of existing privately owned properties provided they are not within or do not front on any significant environmental features, such as significant Fish Habitat, or wetlands. In certain cases, portions of the shoreline road allowance could be closed to deal with existing building encroachments. In these instances, only a small building envelope should be closed.
.29	The Township may consider, as a condition of closing and selling a shore road allowance, retaining a conservation easement over those parts of the road allowance that are to remain in their natural state, to ensure the long term protection of the shore lands.
.30	Road allowances leading to water shall be retained in public ownership whether or not they have potential for access to the water, and shall remain as part of the open space/non development land base around the lake. Where there are existing building encroachments, the Township may consider leasing or conveying the area of the encroachment to the abutting property owner.
	<b>ENVIRONMENTAL MANAGEMENT</b>
.31	Land Management practices that reduce and minimize the use of chemicals, compounds, pesticides and nutrients for the treatment of land or vegetation will be promoted.

.32	<p>For construction, or reconstruction activities, the Township may require submission of a construction mitigation plan by the owner and/or its contractor. At a minimum, this shall include:</p> <ul style="list-style-type: none"> <li>• delineation of riparian setbacks and buffers, and provisions to adequately protect these during construction (including measures to protect against mechanical damage to trees, and compaction of their roots;</li> <li>• plans to install and maintain sediment fencing, and other erosion and sedimentation controls as required, down gradient of all areas of site disturbance;</li> <li>• plans to manage soils and other materials, to prevent against sedimentation; and</li> <li>• plans to stabilize any disturbed areas as quickly as practical.</li> </ul> <p>Where construction access to such properties is by water, plans are also to demonstrate how access is to be provided, and materials handled, so as not to negatively impact on the shoreline or near shore water quality.</p> <p>For existing development,</p> <ul style="list-style-type: none"> <li>• land management practices as described; and</li> <li>• in areas within 20 m of the shoreline, the replanting of cleared or partially cleared areas with appropriate native vegetation, and treatment of such areas as minimally managed riparian zones is to be encouraged.</li> </ul>
	NATURAL SHORELINES
.33	<p>Property owners are encouraged to maintain their shorelines and the area between the shoreline and any buildings in their natural state and as a vegetative buffer, to protect the visual and environmental integrity of the lake. The principle of development in the vegetative buffer shall be minimal disturbance of the ground, shrub and canopy layers. Vegetation within the buffer should be disturbed as little as possible, consistent with provision of a pathway, safety (i.e., removal of hazardous trees), and provision of view shed and ventilation windows. A minimum of 75% of the shoreline frontage shall be retained or restored as a natural vegetative buffer.</p>
	FISH HABITAT
.34	<p>Schedules “A-1” and “A-2” identify significant fish habitat on the Lake, as CONFIRMED by the Ministry of Natural Resources. Significant fish habitat is sensitive to the potential impacts of development, or limits fish productivity either directly or indirectly. Additional areas of sensitive or significant fish habitat may exist that are not identified on the Schedule.</p>
.35	<p>The submission of a Site Evaluation Report or Environmental Impact Study may be required to determine whether the habitat will be adversely affected or what remedial measures or development standards may be required to protect the habitat.</p>

.36	Where significant fish habitat is identified as part of the review of a development application, the provisions of this section will apply to that development.
	MIKISEW PROVINCIAL PARK
.37	The Ministry of Natural Resources is encouraged to maintain management plans for the Park that respect the character of the lake and avoid excessive active recreational use abutting the shoreline.
	REQUIREMENTS FOR SEWAGE DISPOSAL SYSTEMS
.38	New septic systems are encouraged to be located as far back from the shoreline as possible, and shall be located a minimum of 30 metres from the shoreline, unless it is not physically possible (due to terrain features or lot depth) to locate the septic system at such a distance, in which case the system shall be located as far back as possible and in accordance with current legislated minimum setback requirements, and shall be based on the recommendations of a Site Evaluation Report.
.39	The Township supports efforts for regular inspections of septic facilities on all developed properties. Owners of existing properties are encouraged to upgrade their existing septic tank tile field systems to current standards and best available technology if inspection suggests that those systems are not performing up to the levels achievable with new installed systems.
	IMPLEMENTATION
.40	Where required by the Township, and as a condition of development, or to demonstrate that development is suitable on a property, a Site Evaluation Report, biophysical analysis or an environmental impact study shall be prepared to demonstrate whether the lot is suitable for the development and that shoreline protection measures have been incorporated into the design of the site. Any such report shall be prepared by firms authorized by the Township, and shall be completed to the satisfaction of the Township. The costs of preparing such reports and any necessary Township initiated peer reviews would be the responsibility of the applicant.
.41	Shoreline protection measures may be implemented and enforced through subdivision, consent or site plan agreements, or through conditions of approval imposed by the Committee of Adjustment.
.42	Management of storm water on site is an important component leading to shoreline protection. As a condition of approval, including the issuance of building permits, appropriate storm water controls shall be implemented; to ensure that increased run off does not reach the lake. Remedial drainage work will be designed so that such work will not negatively affect adjacent lands, habitat or water resources.

.43	The implementation of “dark sky friendly” lighting initiatives is encouraged on all properties.
.44	<p>All development around the shoreline of Eagle Lake may be subject to Site Plan Control. Site Evaluation Reports and shoreline protection measures shall be implemented through the provisions of the zoning by-law, and/or through appropriate development agreements or site plan agreements.</p> <p>Development of all vacant lots on the lake shall be subject to site plan control. In addition, all large scale redevelopment of existing developed properties (more than 25% increase in size of existing building) shall be subject to site plan control.</p>
.45	The Township may pass by-laws to prohibit or regulate the destruction or injuring of trees, require that a permit be obtained to injure or destroy trees, and impose conditions to a permit, as provided in the Municipal Act, 2001, as amended (Section 135).
.46	The Township may pass by-laws respecting the dumping or placing of fill, removal of topsoil or the alteration of the grade of land as provided in the Municipal Act, 2001, as amended (Section 142).