



APPENDIX 1
EXISTING OFFICIAL PLAN POLICIES
TOWNSHIP OF MACHAR

Appendix 1

Eagle Lake Conservation Association Eagle Lake Community Plan

Existing Official Plan Policies, Township of Machar (policies affecting Eagle Lake)

July 19, 2007

Section	Item	Comment
Designations Affecting Eagle Lake – see maps 7A and 7B		
Schedule A, Land Use Plan	<ul style="list-style-type: none"> • Shoreline • Resource Protection Area – Cold Water Stream • Resource Protection Area – Aggregate • Resource Protection Area – Deer Yard • Environmental Protection Area – Fisheries Habitat • Rural 	
Part 1 Introduction		
2.0	Basis of the Plan	
2.2 The Plan will be reviewed every five years....	Last review was 1991
2.3 These policies will also attempt to ensure that development does not result in an undue financial burden to the municipality or adverse environmental impacts	Focus on fiscal and environmental impacts
2.4	Historically, much of the development in the Township has been composed of recreation residential, permanent residential and limited commercial development along the shorelines of both basins of Eagle Lake. At the present time, both basins are considered to be at capacity by the Ministry of the Environment. Extreme care will be taken by Council in considering any redevelopment or expansion of existing uses in this shoreline area to ensure that further deterioration of the environmental quality of the lake does not occur.	<p>MOE lake capacity – need to be aware of changing technologies that provide for no impact from a phosphorus perspective, which may put pressure on some additional development around the lake.</p> <p>One of the questions to be answered is how much more development could occur if the capacity issue was no longer there.</p>

Section	Item	Comment
2.10 It is not the intent of Council to provide significantly more [public] services than what is presently being provided by the municipality.	
Part II Land Use Policies		
4.0	Rural	These policies apply to land on Eagle Lake in Lots 29, 30 & 31, Con 4, at Mikisew Provincial Park. The balance of the lake is designated Shoreline.
4.2	Policies	
4.2.1	Permitted Uses Permitted uses ... include agricultural production, conservation works, parkland, fishery resource management, mineral exploration and mining, commercial pits and quarries, forestry, wayside pits and quarries, group homes, golf course, commercial tourist camps, small scale hunt camps, residential dwellings, mobile home parks, small scale industrial, commercial or institutional developments, home occupations, peat extraction operations, recreational uses, waste disposal sites and accessory uses.	
6.0	Environmental Protection Areas	
6.1	Objectives	
6.1.2	To encourage the preservation and retention of areas of biological or ecological significance such as habitat areas and wetlands as well as protect or mitigate areas having historical or pre-historical significance such as archaeological sites.	Policies are generally sound.
6.2	Policies: ...The physical characteristics include flood and erosion susceptibility, organic soils and extreme slopes and existing or closed waste disposal sites. The areas also include important wildlife habitat, fish spawning areas and wetlands. The uses permitted ... shall be limited to agriculture, conservation works, wildlife management area, horticultural nurseries, public or private parks, fishery resource management areas and outdoor recreational activities which can be developed without adverse environmental impacts.	

Section	Item	Comment
6.2.1	Lands Under Private Ownership: Privately owned lands which are designated E P may not remain so designated forever. Neither does this imply that those lands are freely accessible to the general public, nor that the Township will purchase those lands.	This is where items such as conservation easements might come in.
6.2.2	Construction Restrictions: No buildings or structures shall be permitted in areas designated E P except for buildings or structures used for flood or erosion control which have been approved by Council in consultation with MNR.... Where Council and the MNR are satisfied that the applicant has provided sufficient justification for the development proposed and that the development will not increase the flood hazard or have an impact on fisheries and that the lands may be developed in accordance with the above noted criteria, the lands may be zoned and used in accordance with the policies of the Rural designation and shall be subject to Site Plan Control.	Standard Provisions that allow development where mitigation measures protect the features.
6.2.4	Cultural Heritage Resource Areas: Cultural heritage resource areas include, but are not necessarily restricted to archaeological sites, buildings and structural remains of historical, architectural and contextual value, and human-made rural, village and or landscapes of historic or scenic interest. Council recognizes the importance of conserving cultural heritage sites and shall encourage and require, where necessary the preservation, conservation and mitigation of such heritage features in considering proposals for development or redevelopment.	None have been identified around Eagle Lake.
6.2.5	Setbacks: Building setbacks may be imposed from the boundaries of E P areas as found in the Zoning By-law, in consultation with MNR. The severity of the hazard and the relative ecological value of the resource will be the determining factor in the size of the setback. In addition, no development should occur within 30 metres on either side of all streams shown on Schedule "A" and those thereafter identified.	A 30 metre setback from cold water streams identified on Schedule A is required.

Section	Item	Comment
7.0	Shoreline	
7.1	Objectives	
7.1.3	To ensure that the quality of the lake environment is maintained or improved.	
7.2	Policies	
7.2.1	Permitted Uses: Permitted uses ... shall include single dwellings and commercial uses, marinas and recreational activities which existed on the date of approval of this Plan.	
7.2.2	General Development Standards	
7.2.2.1	... all development located within 300 metres of the highwater mark of the lake shall be deemed to have an impact on the lake.	In general, the Shoreline Designation applies to all lands around Eagle Lake that is 300 metres or more from the shoreline.
7.2.2.2	New septic systems ... shall be located at least 30 metres from the highwater mark of the lake.	Appropriate to retain this policy
7.2.2.3	The use of privately owned land for the purpose of providing communal access to the water shall require an Official Plan Amendment before the use commences. Lands used for communal access shall also be subject to provisions in the Zoning By-law and Site Plan Control to restrict the intensity of the recreational use.	Appropriate to retain this policy.
7.2.2.4 Where parkland is to be dedicated to the municipality, Council shall generally require the dedication of waterfront lands for parkland purposes.	
7.2.2.5	Lands which are presently the site of Mikisew Provincial Park and administered by the MNR are not bound by the policies of this Official Plan. However, if the lands cease to be used for a Provincial Park, the lands which are within 300 metres of Eagle Lake shall be considered as being within the Shoreline designation.	Mikisew Official Plan map should designate these lands as shoreline.

Section	Item	Comment
7.2.3	General Commercial Development Standards	
7.2.3.1	<p>The expansion of the existing commercial uses which provide accommodation may be permitted on the basis of 6 metres frontage per unit on the waterbody and a maximum density that does not exceed 10 units per hectare where a unit is defined as a rental cottage or a camp site, or a room in a hotel or lodge.</p> <p>In instances where the accommodation is provided in sleeping cabins or dormitories, the expansion or development of such commercial developments may be permitted on the basis of 2 metres per person frontage on a waterbody.</p> <p>Notwithstanding any other policy of this Plan to the contrary, the commercial development located in Pt of Lots 31 and 32, Con 1, shall be permitted on the basis of 0.86 metres per person frontage on Eagle Lake.</p>	<p>Appropriate to retain these standards.</p> <p>(Hockey Opportunity Camp)</p>
7.2.3.2	<p>The expansion of commercial uses which provide accommodation above the densities [noted above] shall only proceed by way of Amendment to the Official Plan and shall be subject to Site Plan Control. Development may also be subject to a Tree Cutting By-law passed by Council.... Council shall also require that an Environmental Impact Report be prepared in accordance with Section 7.2.6. Approval of the development may be subject to additional requirements contained in the Zoning By-law.</p>	<p>Appropriate to retain this policy.</p> <p>Council should be requested to enact a Tree Preservation By-law.</p>
7.2.3.3	<p>The implementing Zoning By-law shall limit the expansion of existing commercial developments that would increase docking or accommodation facilities, or result in additional sewage effluent due to the use.</p>	
7.2.3.4	<p>The Development of new commercial uses may be permitted subject to a site specific amendment to the Official Plan.... Council shall also require that an Environmental Impact Report be prepared....</p>	<p>This would apply to proposals on Eagle Lake.</p>

Section	Item	Comment
7.2.4	General Residential Development Standards	
7.2.4.1	New residential development shall have a minimum frontage of 45 metres (150 feet) and an average lot area of 3000 square metres (3/4 acre) per unit.	Consideration should be made to increasing the standard to 60 m (200 ft.) and 0.4 ha (1 ac.).
7.2.4.2	Residential development ...shall generally occur as a single tier of development adjacent to the shoreline. A limited amount of second tier development in the form of residential backlots may be permitted provided the following criteria area met: a) the lot has a minimum area of 1.6 hectares; b) the lot has a minimum frontage of 105 metres; c) the lot is located within 350 metres of a maintained public access to the lake; and d) the septic system is located at least 300 metres from the high water mark of the lake.	Appropriate to retain these standards. Zoning by-law zones a ring around the roads within the shoreline area.
7.2.4.3	Existing lots ... which are unable to meet the minimum standards set out in the Plan and which existing legally at the date of adoption of this document [January, 1991] may be deemed to conform by Council. However, Council may deem some existing lots of record as too small in the Zoning By-law, whereby the end result is that they will not conform to both the Official Plan and the Zoning By-law.	Appropriate to retain this clause.
7.2.4.4	New recreational residential development may be permitted on roads which are not maintained year round by the Township provided that an agreement is registered on title acknowledging municipal services such as snowplowing, road maintenance, emergency services, garbage pick-up and school busing may not be provided by the municipality. The conversion of an existing recreational residence on such roads into a permanent residence or the construction of a residence which will be used year round will require an Official Plan Amendment in accordance with Section 10.2.2.2 of this Plan.	There are few seasonally maintained roads around Eagle Lake.

Section	Item	Comment
7.2.5	<p>Lake Capacity: The three lakes in the Township ... are considered by Council to have unique characteristics and limited carrying capacities with respect to the amount of shoreline development they can accommodate.... Policies specific to each of the lakes have been formulated.... Council shall ensure that testing of the Township lakes by the Ministry of the Environment is effected on an ongoing basis.</p>	
7.2.5.1	Eagle Lake	
7.2.5.1.1	<p>No new lots for residential use shall be created ... surrounding both basins of Eagle Lake, unless the creation of the lot was allowed by the passage of a By-law prior to the date of the adoption of the Official Plan by Council. However, a limited amount of second tier development ... may be permitted. This policy shall not preclude a landowner from merging two or more lots into one new lot.</p>	<p>This section may be revised to provide additional policy direction on Eagle Lake particularly related to shoreline protection measures.</p> <p>Lake capacity work needs to be updated.</p>
7.2.5.1.2	<p>All new residential development which involves the redevelopment of existing residential units may be subject to Site Plan Control under the Planning Act. Council may deem that Site Plan Control apply to residential developments with less than 25 units where the waterbody is considered to be sensitive to redevelopment by Council, the MOE and the MNR.</p>	Is this policy implemented?
7.2.5.1.3	<p>Monitoring by MOE indicates that the phosphorus level on the north basin is 10.0 mg/m³. The phosphorus level on the south basin is 7.79 mg/m³. Council wishes to limit the further deterioration of the lake's water quality and wherever possible, effect an improvement in the quality of the water and lake environment. In this regard, all new development on existing lots of record shall have a development setback of at least 23 metres from the high water mark of the lake. This figure may be increased or decreased in consultation with the MNR without and Official Plan Amendment but a minor variance to the Zoning By-law will be required. This development may also be subject to the provisions of a Tree-Cutting By-law passed by Council....</p>	MOE does not seem to have any more information than they presented in 1991 – no formal monitoring?

Section	Item	Comment
7.2.5.1.4	New development shall not raise the phosphorus level on either basin of Eagle Lake over the life of this Plan by more than 10% above its existing level from the date of approval of this Plan or result in a reduction in optimal fisheries habitat in the lake.	The lake is not managed as a Cold Water Lake Trout lake by MNR
7.2.6	Environmental Impact Reports	
7.2.6.1	<p>Criteria: The EIR ... shall be prepared to the satisfaction of the MNR, MOE and Council.... This report will be made available for review and comment by the public, local ratepayers associations and other interested agencies. This report shall consist of the following components:</p> <ul style="list-style-type: none"> a) an examination of the impact of the proposed development on water quality and the fisheries resources; b) an examination of the impact of the proposed development on the recreational carrying capacity of the lake; c) calculations concerning the occupation rates and user day figures of the other dwellings on the lake in order to determine the cumulative impact of new development on the lake's water quality; and d) an examination of the methods by which the anticipated detrimental effects to water quality and the fisheries resource are to be mitigated. 	Standard requirements for an Environmental Review.
Part III General Development Policies		
8.0	Resource Protection Areas	
8.1.	Objectives	
8.1.2	To ensure that development in the vicinity of important wildlife and fisheries areas or renewable and non-renewable natural resources does not affect those resources.	
8.1.3	To ensure ... that the resources are managed according to sound resource management techniques and that the concepts of environmental protection and sustainable development are to be adhered to.	

Section	Item	Comment
8.2	<p>Policies: Resource Protection areas are lands containing wildlife and fisheries habitat and renewable and non-renewable natural resources.</p> <p>.... Those specific areas considered sensitive to additional development are cold water streams, deer habitat and waterfowl wetland areas and high potential aggregate areas.... The Resource Protection designation is an overlay designation providing an additional level of protection to those areas. The uses permitted shall be those permitted by the underlying land use designation provided that the use will not significantly affect the designated resource....</p>	<p>Around Eagle Lake, there are a number of resource protection areas, including aggregate, deer yard and cold water streams.</p> <p>There may be additional cold water streams that may be identified subject to MNR concurrence.</p>
8.2.1	Mineral Aggregates	There is one mineral aggregate area in Lot 25, Con 6 that is within the shoreline designation, but is on the opposite side of the public road away from the shoreline.
8.2.2.	<p>Wildlife Resources: Development in and adjacent to critical wildlife areas such as the deer wintering yards and the heronry as indicated on Schedule "A" shall be discouraged. All cold water streams indicated on Schedule "A", or thereafter identified, shall have a development setback of 30 metres neither side of the stream. This figure may be increased or decreased in consultation with the MNR without an amendment to this Plan. However, a minor variance to the Zoning By-law shall be required.</p> <p>It is the intent of this Plan to promote the wise management of fisheries so as to provide recreational and economic benefits to the Township ... consistent with the maintenance of healthy fish communities. In considering an Amendment to the Official Plan, a development proposal or a public work adjacent to a known fisheries habitat area, Council shall, in consultation with the MNR, consider the following matters:</p> <ul style="list-style-type: none"> a) the affect the proposal will have on fish habitat; b) the methods by which any negative impacts on the habitat can be minimized or eliminated; 	Appropriate to retain these policies.

Section	Item	Comment
	<p>c) the impact of the development on the fisheries resource, with respect to the principle of having no net loss of productive capacity of habitats; and, d) the need to provide or maintain public access.</p> <p>Where it cannot be demonstrated that the anticipated negative environmental impacts can be sufficiently minimized or eliminated consistent with the Canada Fisheries Act, Council will not allow development which results in the destruction of fisheries habitat areas.</p> <p>Where development occurs adjacent to a known fisheries habitat areas designated on Schedule “A” or thereafter identified, the minimum development setback from the high water mark of the lake shall be 30 metres.... Notwithstanding this setback requirement, boathouses, not used for human habitation and docks may be permitted in consultation with the MNR on a site-specific basis.</p>	
8.2.3	Forests: ...encourage the retention of forest cover on streams and river banks and lakeshores...	
10.0	Transportation Systems	
10.2.2.2	<p>Non-Winter Maintained Roads: It is not the intent of Council to provide winter maintenance on roads which are not presently maintained in the winter months as indicated on Schedule “A”. Dwellings which are served by such roads will not receive year round services such as road maintenance, police protections, fire protection and school bus service by virtue of being located in an area which cannot be readily accessed by these services throughout the year.</p> <p>(procedure established for an Official Plan Amendment to redesignate year round roads)</p>	

Section	Item	Comment
10.2.4	Development on Private Roads: Council will not permit the development of new private roads in the Township. Existing private roads may continue to be used but should not be extended. Development on these roads may be permitted subject to the other policies in this Plan where it is considered infilling.	
10.2.5	Road Allowances: Council shall not stop up and close road allowances that provide public access to lakes.	
13.0	Implementation and Administration	
13.2	Non-Conforming Uses	
13.2.1	<p>As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the Zoning By-law. In some instances, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance. Council shall, therefore, have regard for the following principles:</p> <ul style="list-style-type: none"> a) the feasibility of acquiring the property for holding, sale, lease or development by the Township for a more appropriate permitted use; and, b) the possibility of relocating the non-conforming use to another site. 	
13.3	Crown Lands: The polices of this Plan are not binding on undertakings carried out on Crown Lands and Provincial Parks by the Crown or its agents. However, Council will encourage senor levels of government to comply with the policies in the Plan wherever possible.	
13.6	Maintenance and Occupancy By-laws	Does the Township have a Maintenance and Occupancy By-law?

Section	Item	Comment
13.11	<p>Site Plan Control: The Township of Machar is designated a proposed Site Plan Control Area.... The following types of development shall be subject to Site Plan Control:</p> <ul style="list-style-type: none">a) the expansion or development of commercial uses which provide accommodation and other commercial uses in the Shoreline designation;g) all development within the Environmental Protection designation.	All lands in the Township may be subject to site plan control.