

**Proposed Modifications and Rationale
With respect to the Official Plan for the Municipality of East Ferris**

1. PAGE 38, SECTION 5.2.4.2 RURAL – RESIDENTIAL USES, DEVELOPMENT CRITERIA,

An additional policy section will be inserted after subsection '5' reading:

“6. Lot Creation in Proximity to Waterbodies

Lot creation within 300 metres (984.3 feet) of the shoreline of Trout Lake and the West Basin of Lake Nosbonsing, and the associated watercourses and wetlands flowing into these lakes will be permitted in accordance with the policies of this plan provided there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300 metres (984.3 feet) from the shoreline of the water feature; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located. The abovementioned space/setback requirement does not apply to lots created on Trout Lake under the quota set out in Section 5.3.7.1.2(c) of this plan.

This modification is required for consistency with Section 2.2.1(f) and (h) and Section 2.2.2 of the Provincial Policy Statement, 2020, which requires restrictions on development and site alteration near sensitive surface water features such that these features and their related hydrologic functions will be protected, improved or restored. Lots considered to be impacting on Trout Lake and the West Basin of Lake Nosbonsing are those lots extending 300 metres inland from the high water mark. As the Waterfront land use designation in the official plan extends only 150 metres inland, the remainder of the 300 metres needs to be captured in the adjacent designation, which is generally the Rural designation.

2. PAGE 53, SECTION 5.3.7.1.1 LAKE SPECIFIC PROTECTION POLICY – TROUT LAKE, GENERAL,

The seventh paragraph of Section 5.3.7.1.1 will be modified and the resulting paragraph will read:

It is the intent of Council that this Plan strictly control or limit the nature and extent of development along the shoreline of Trout Lake, including second tier or back lot development, development on islands in Trout Lake, **and** development along watercourses flowing into Trout Lake. **and Development in the Trout Lake watershed ~~in general~~ should be limited and will not result in phosphorus or**

dissolved oxygen levels outside of acceptable standards on lakes downstream of the proposed development regardless of the municipality in which the lake is situated. It is the objective of these controls to maintain or improve the existing level of water quality, aesthetic and recreational quality to improve the lake's fishery. It is also the objective of these controls to minimize the disturbance of shoreline ecosystems and where there are adverse effects from development, to restore natural ecosystem functions. While maintaining this commitment to protecting the water quality of Trout Lake, limited residential development or the commercial equivalent will be permitted based on the exercise of appropriate controls on the siting of buildings and structures, including tile beds, and the use of the best available technology for phosphorus removal.

This modification is required for consistency with Section 2.2.1(a),(b),(f) of the Provincial Policy Statement, 2020, which requires planning authorities to protect, improve or restore the quality of water using the watershed as the ecologically meaningful scale for integrated and long-term planning, and minimize potential negative impacts including cross-jurisdictional impacts.

3. PAGE 55, SECTION 5.3.7.1(2)(A)- LAKE SPECIFIC PROTECTION POLICY – TROUT LAKE, DEVELOPMENT POLICIES FOR TROUT LAKE – WATER QUALITY OBJECTIVES:

The resulting policy in 5.3.7.1(2)(A) will read:

The creation of new lots within 300 metres (984.3 feet) of Trout Lake or the bank of a designated watercourse flowing into Trout Lake as identified on Schedule “D”, will be permitted provided there is sufficient space for the on-site sewage disposal tile bed to be located outside of a minimum setback of 300 metres (984.3 feet) from the shoreline of Trout Lake and the designated watercourses; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located. ~~The creation of new lots where the on-site subsurface sewage disposal tile bed would be situated within 300 linear meters (984.3 ft.) of Trout Lake or the bank of a designated watercourse flowing into Trout Lake as identified on Schedule “D” will be permitted provided that the water quality objective for Trout Lake is not exceeded.~~

The minimum water quality objective for Trout Lake is to maintain a measured average long term ice free **total** phosphorus concentration below 7.0 **µg/L-mg/L** and to maintain a measured mean (average) hypolimnetic dissolved oxygen concentration above 8 mg/L.

This modification is required for consistency with Section 2.2.1(f) and (h) and Section 2.2.2 of the Provincial Policy Statement, 2020, which requires restrictions on development and site alteration near sensitive surface water features such that these features and their related hydrologic functions will be protected, improved or restored. Lots considered to be impacting on Trout Lake are those lots extending 300 metres inland from the high water mark.

4. PAGE 55, SECTION 5.3.7.1(2)(B) – LAKE SPECIFIC PROTECTION POLICY – TROUT LAKE, DEVELOPMENT POLICIES FOR TROUT LAKE – MONITORING

The resulting policy in 5.3.7.1(2)(B) will read:

Monitoring of the water quality of Trout Lake will be carried out on an ongoing, **annual** basis by the appropriate agency in association with other partners in lake protection, **including the North Bay Mattawa Conservation Authority and the Ministry of the Environment, Conservation and Parks, as applicable**. In order to provide useful historical sampling data for effective management of the lake, Council shall continue to cooperate with other partners and commit reasonable resources to the tasks of a regular water quality sampling of Trout Lake. **Turtle Lake, located downstream of Trout Lake, and the Mattawa River immediately east of Turtle Lake, shall be sampled and monitored in tandem with Trout Lake in order to determine if changes to Trout Lake are affecting Turtle Lake. Monitoring of the Mattawa River immediately downstream of Turtle Lake will serve to determine if any changes to Turtle Lake are having an effect further downstream.**

This modification is required for consistency with Section 2.2.1(a), (g) and (h) of the Provincial Policy Statement, 2020. Turtle Lake is located immediately downstream of Trout Lake. Therefore, any development on Trout Lake would pass on a total phosphorus loading to Turtle Lake. Since current lots of record can still be developed on Trout Lake, it is important that total phosphorus and dissolved oxygen be monitored with regularity on Turtle Lake to determine whether there are any changes in water quality over time.

5. PAGE 56, SECTION 5.3.7.1(2)(E) – LAKE SPECIFIC PROTECTION POLICY – TROUT LAKE, DEVELOPMENT POLICIES FOR TROUT LAKE – SETBACKS,

The resulting policy in 5.3.7.1(2)(E) will read:

It is the intent of Council to **generally** prohibit the creation of new lots where the setback for on-site subsurface sewage disposal beds from the shoreline of Trout

Lake or the bank of the designated portion of a watercourse flowing into Trout Lake is less than ~~60 metres (196.8 feet)~~ 300 metres (984.3 feet).

On existing lots of record, the minimum setback for on-site subsurface sewage disposal tile beds from the shoreline of Trout Lake or the bank of a designated watercourse flowing into Trout Lake as identified on Schedule “D” shall be 60 linear metres (196.8 feet). Minor variances to the minimum setback for on-site subsurface sewage disposal beds may be considered provided such applications are accompanied by a report prepared by a competent professional engaged in the science and design of subsurface sewage disposal systems that clearly indicates that a minor variance is justified, but in no case shall a minimum setback of less than 30 metres (98.4 feet) be approved for development of a vacant existing lot.

In “emergency” situations, on existing lots containing development, existing on-site subsurface sewage disposal tile beds less than 30 metres (98.43 feet) setback, may be replaced provided the replacement system is no closer to the shoreline and is not increased in size to accommodate additional development. For the purposes of this section, an “emergency” situation is defined as a failed or failing septic system as determined by the North Bay-Mattawa Conservation Authority.

This modification is required based on modifications 1 and 3, as described under modification number 3 above.

6. PAGE 57, SECTION 5.3.7.1(2)(I) – LAKE PROTECTION POLICY – TROUT LAKE, DEVELOPMENT POLICIES FOR TROUT LAKE – PLANS OF SUBDIVISION AND CONDOMINIUM

The last paragraph will be replaced in its entirety and the resulting paragraph will read:

“The proposed creation of these new lots or condominium units will be permitted provided there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300 metres (984.3 feet) from the shoreline of Trout Lake; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located. (See also Sections 4.19, 5.3.7.1(2)(A) and 9.15)”

This modification is required for consistency with Section 2.2.1(g) and (i) and Section 2.2.2 of the Provincial Policy Statement, 2020. The official plan policy as adopted references a potential phosphorus export of 0.75 kg (1.6 lb) per lot or dwelling unit per year. The origin of this value is unclear. The modification will bring the policy into alignment with other development policies.

7. PAGE 57, SECTION 5.3.7.1(2)(J) – LAKE PROTECTION POLICY – TROUT LAKE, DEVELOPMENT POLICIES FOR TROUT LAKE – VEGETATIVE BUFFER,

The resulting policy in 5.3.7.1(2)(J) will read:

Notwithstanding the Site Plan policies in Section 5.3.8.4 of this plan, it is the intent of Council to generally require the establishment and/or retention of a natural vegetative buffer on lands within 30 metres (98.4 feet) of the shoreline of Trout Lake and the designated water courses flowing into the Lake, across the width of the lot, except for an area 9 metres (29.5 feet) in width measured parallel to the shoreline. Vegetation may also be removed immediately around any existing dwelling and proposed addition to a dwelling. It is the intent of Council to require the establishment and/or retention of a natural vegetative buffer on lands within 15 metres of the shoreline of Trout Lake or a designated inflowing designated watercourse. In situations where the natural vegetative buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required.

This modification is required for consistency with Section 2.2.1(b) and Section 2.2.2 of the Provincial Policy Statement, 2020, which requires planning authorities to protect, improve or restore the quality of water by minimizing potential negative impacts. This may be achieved through mitigative measures and/or alternative development approaches.

8. PAGE 59, SECTION 5.3.7.2(2)(A), LAKE PROTECTION POLICY – LAKE NOSBONSING, DEVELOPMENT POLICIES FOR LAKE NOSBONSING – LOT CREATION,

a) The first paragraph beginning with the words “On the West Basin” will be deleted in its entirety and replaced. The resulting paragraph will read:

“The creation of new lots within 300 metres (984.3 feet) of the shoreline of the Lake Nosbonsing will be permitted in accordance with the policies of this plan provided there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300 metres (984.3 feet) from the shoreline of Lake Nosbonsing; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located.”

b) The second paragraph beginning with the words “On the East Basin” will be deleted in its entirety and replaced. The resulting paragraph will read:

“On the East Basin of Lake Nosbonsing, east of Shield’s Point, new lots will be permitted in accordance with the policies of this plan where there is sufficient space for the on-site subsurface sewage disposal tile beds to be located outside of a minimum setback of 60 metres (196.8 feet) from the shoreline of the East Basin, provided that it can be demonstrated through modelling using the latest version of the Provincial Lakeshore Capacity Handbook that there will be no negative effects downstream including lakes that are located outside of the municipality; a Site Plan agreement will be required as described above.”

This modification is required for consistency with Section 2.2.1(a), (g) and (h) of the Provincial Policy Statement, 2020. Due to the classification of the East Basin of Nosbonsing Lake and the poor water quality downstream in Kaibuskong Bay of Lake Talon, any proposed development on the East Basin of Nosbonsing Lake will need to be modelled using the latest version of the Provincial Lakeshore Capacity Handbook.

9. PAGE 61, SECTION 5.3.7.2(2)(G), LAKESHORE PROTECTION POLICY – LAKE NOSBONSING, DEVELOPMENT POLICIES FOR LAKE NOSBONSING – PLANS OF SUBDIVISION AND CONDOMINIUM:

The resulting policy in 5.3.7.2(2)(G) will read:

Applications for plans of subdivision or condominium of five or more lots or dwelling units within the Lake Nosbonsing watershed shall be accompanied by a Servicing Options Study and a Hydrogeological Report of the environmental implications associated with the proposed development. The Hydrogeological Report will describe the prevailing hydrogeological conditions with regards to subsurface soil and groundwater conditions, available recharge, water quality and flow patterns.

The hydrogeological report will also determine the anticipated impacts of the proposed services on the shallow groundwater regime and on the adjacent lake or water courses. ~~The proposed creation of these new lots or dwelling units will only be considered where there is no adverse effect on the water quality and where the net increase in potential phosphorous export from the existing land use is less than 0.75 kg (1.6 lbs) per lot or dwelling unit per year (see also Sections 4.19, 5.3.7.2(2)(A) and 9.16.1).~~

The creation of new lots or condominium units on Lake Nosbonsing will be considered only if there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300

metres (984.3 feet) from the shoreline of the Lake and designated inflowing watercourses; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located.

The creation of new lots or condominium units on the East Basin of Lake Nosbonsing will also be considered if there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 60 metres (196.8 feet) from the shoreline of the East Basin and designated inflowing watercourses, provided that it can be demonstrated through modelling using the latest version of the Provincial Lakeshore Capacity Handbook that there will be no negative effects downstream including lakes that are located outside of the municipality; a Site Plan agreement will be required as described above.

(See also Sections 4.19, 5.3.7.2(2)(A) and 9.16.1)

This modification is required for consistency with Section 2.2.1(f) and (h) and Section 2.2.2 of the Provincial Policy Statement, 2020, and for consistency with the above-mentioned modifications.

10. PAGE 62, SECTION 5.3.7.2(2)(H), LAKE PROTECTION POLICY – LAKE NOSBONSING, DEVELOPMENT POLICIES FOR LAKE NOSBONSING – VEGETATIVE BUFFER,

The resulting policy in 5.3.7.2(2)(H) will read:

Notwithstanding the Site Plan policies in Section 5.3.8.4 of this plan, it is the intent of Council to generally require the establishment and/or retention of a natural vegetative buffer on lands within 30 metres (98.4 feet) of the shoreline of Lake Nosbonsing and the designated water courses flowing into the Lake, across the width of the lot, except for an area 9 metres (29.5 feet) in width measured parallel to the shoreline. Vegetation may also be removed immediately around any existing dwelling and proposed addition to a dwelling. It is the intent of Council to require the establishment and/or retention of a natural vegetative buffer on lands within 15 metres of the shoreline of Lake Nosbonsing or a designated watercourse. In situations where the natural vegetative buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required.

This modification is required for consistency with Section 2.2.1(b) and Section 2.2.2 of the Provincial Policy Statement, 2020, which requires planning authorities to protect, improve or

restore the quality of water by minimizing potential negative impacts. This may be achieved through mitigative measures and/or alternative development approaches.

11. PAGE 62, SECTION 5.3.7.3(2), LAKE SPECIFIC PROTECTION POLICY – LAKE NOSBONSING WETLANDS – DEVELOPMENT POLICIES,

The section will be deleted in its entirety and replaced. The resulting policy in 5.3.7.3(2) will read:

Development shall be located a minimum of 120 linear meters from the edge of a Lake Nosbonsing wetland unless it can be demonstrated there will be no negative impacts on the wetland or its function. (See also Section 6) The creation of new lots located within 300 metres (984.3 feet) of the edge of a Lake Nosbonsing wetland will be permitted provided there is sufficient space for the on-site subsurface sewage disposal tile bed to be located outside of a minimum setback of 300 metres (984.3 feet) from the wetland; a Site Plan agreement will be required prior to development to ensure the on-site subsurface sewage disposal tile bed is so located.

The above policy regarding the setback of sewage disposal tile beds will also apply to the development of new non-residential uses within 300 metres (984.3 feet) of the edge of the wetland.

This modification is required for consistency with Section 2.1.4 of the Provincial Policy Statement, 2020, which prohibits development and site alteration in significant wetlands, and also Section 2.1.8 which prohibits development and site alteration on adjacent lands to significant wetlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the wetlands or their ecological functions.

This modification is also required for consistency with Section 2.2.1(f) and (h) and Section 2.2.2 of the Provincial Policy Statement, 2020, which requires restrictions on development and site alteration near sensitive surface water features such that these features and their related hydrologic functions will be protected, improved or restored.

12. PAGE 93, SECTION 6.2.7, SHORELINE ALTERATION

The resulting policy in Section 6.2.7 will read:

Notwithstanding the Site Plan policies in Section 5.3.8.4 of this plan, it is a policy to generally maintain or enhance the natural vegetation along the shoreline of Lake Nosbonsing, Trout Lake, and the designated water courses flowing into these lakes, to a target depth of 30 metres along the entire frontage of the lot, except for an area 9 metres in width for purposes of a boat launch, pathway and amenity area. ~~It is a policy to maintain or enhance the natural vegetation along the shoreline of a lake or any designated water course to a target depth of 15 metres for 75% of the water frontage.~~ On all other lakes, the target depth will be 15 metres. Where it is demonstrated that alteration is required, it shall be carried out with professional advice. (See also Sections 4.2.3 and 5.3.7 of this Plan.)

This modification is required for consistency with Section 2.2.1(b) and Section 2.2.2 of the Provincial Policy Statement, 2020, which requires planning authorities to protect, improve or restore the quality of water by minimizing potential negative impacts. This may be achieved through mitigative measures and/or alternative development approaches.

13. SCHEDULES A, B, C, E, F, would be amended by:

- a) delineating Trout Lake and Turtle Lake by adding the words “Trout Lake” and “Turtle Lake (part of the Mattawa River system)” atop the respective waterbodies; and
- b) adding the words “dividing point between the two lakes”, being the Stepping Stones located immediately northeast of Lot 3 Concession 14, Township of East Ferris”

Part (a) is required for consistency with Section 2.2.1(d) of the Provincial Policy Statement, 2020, which requires that planning authorities protect, improve or restore the quality of water by identifying water resource systems consisting of surface water features (among various other features) which are necessary for the ecological and hydrological integrity of the watershed. The modification serves to identify the geographic extent to which lake-specific policies in Section 5.3.7, among others, apply.

Part (b) of the modification is required in order to clarify that the Trout Lake setback does not apply to Turtle Lake.

14. SCHEDULE ‘D’, would be amended by:

- a) identifying Trout Lake and Turtle Lake (part of the Mattawa River system) as distinct waterbodies with the ‘Stepping Stones’ as the dividing point;

- b) revising the “Trout Lake Setback From Significant Watercourses” red line to represent a distance of 300 m from Trout Lake and Significant Watercourses;
- c) deleting the “Trout Lake Setback From Significant Watercourses” line from the Crown lands identified on Schedule ‘A’ as “Mattawa River Provincial Park”; and
- d) adding a “Lake Nosbonsing Setback From Significant Watercourses” to the legend; and
- e) adding a red line to represents a distance of 300 m from Lake Nosbonsing and Significant Watercourses.

Part (a) of this modification is required for consistency with modification #14.

Parts (b), (d), and (e) of this modification are required for consistency with modifications # 1, 3, 6, 7, 9, and 10.

Part (c) of this modification is required for consistency with the Public Lands Act, subsection 11(1) and section 16, whereby the Province is not bound by an Official Plan with respect to the management and disposition of Crown lands.
