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**ITEM: Official Plan Amendment & Zoning By-law Amendment -
Recommendation Report**
DATE: February 25, 2026
TO: Planning Advisory Committee
FROM: Planning & Development Department
FILE NO.: OPA-2026-01 & C-2026-01

1. Background

On February 13, 2024 the Council for the Municipality of East Ferris passed resolution 2024-13, directing staff to implement changes to municipal planning policies related to the ongoing study of Trout Lake water quality. Council direction was based on recommendations contained within report PLAN-2023-08. This report to Council is attached as **Appendix A**.

The recommendations in this report to council are intended to implement the findings of the Trout Lake Study, a joint effort between the City of North Bay, the North Bay-Mattawa Conservation Authority and the Municipality of East Ferris. Together we worked with a consulting team consisting of J.L. Richards, who led policy development and planning recommendations, and Hutchinson Environmental Sciences, who led the modelling and scientific analysis side of the project.

The end goal of the project was to update outdated lake information and address inadequate provincial modelling related to Trout Lake. Throughout the study process, significant public consultation was undertaken with multiple open house meetings held and a series of direct consultations including key stakeholders on Trout Lake, including the Trout Lake Conservation Association.

The Draft Official Plan and Zoning By-law Amendment texts are enclosed as separate attachments to this report. In addition to the proposed policy text, an updated version of Schedule D to the Official Plan is also provided.

Part One of the attached OPA-2026-01 text provides a broad overview as follows:

“The Trout Lake Study was initiated as a comprehensive review of lake quality and the review of current policies and provisions around the protection and management of the lake. The last, similar, comprehensive study was conducted in 1992.

Generally, the Trout Lake Study found that a limited amount of new residential development could be permitted within 300 metres of the shoreline of the lake, its major inflowing streams, and Four Mile Lake, subject to best management practices, to protect and enhance lake water quality. The Study included 28 recommendations to protect the lake, including 13 land use planning recommendations.”

Of the 28 recommendations, there are a mix of recommendations that are focused on best practices, educational components or other factors that do not require direct implementation through a municipal planning policy amendment process. Those implementations will be carried out outside of the scope of this planning review process.

For the remainder of the policy focused recommendations, the goal is to implement these policies through this municipally led amendment process with the intention of standardizing Trout Lake policy between the Municipality of East Ferris and the City of North Bay. East Ferris and North Bay both have significant sections of Trout Lake shoreline as well as large inflowing streams in their respective communities and the standardization, where possible, of our policy regimes are a net positive for lake and watershed management efforts.

2. Planning Review

A. Provincial Planning Review

The Provincial Planning Statement 2024 (PPS 2024) was issued under Section 3 of the Planning Act, which requires that decisions affecting planning matters “shall be consistent with” policy statements issued under said Act.

The PPS 2024 speaks broadly to community development and touches on a wide range of policy statements that are relevant to the Trout Lake Study.

Section 1 of the PPS states that healthy, livable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; avoiding development and land use patterns which may cause environmental or public health and safety concerns; promoting development and land use patterns that conserve biodiversity; and preparing for the regional and local impacts of climate change.

Section 1 also speaks to servicing and has well developed policies permitting the servicing of rural lots through private services (well and septic), which is consistent with the approach put forward by these policies. Municipal servicing does not exist in East Ferris and private servicing

is consistent with the rural landscape and service levels provided.

Section 4 of the PPS speaks to the management of natural heritage and water resources. Specifically, Section 4.2 of the PPS states:

“4.2 Water

1. Planning authorities shall protect, improve or restore the quality and quantity of water by:
 - a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - b) minimizing potential negative impacts, including cross-jurisdictional and cross watershed impacts;
 - c) identifying water resource systems;
 - d) maintaining linkages and functions of water resource systems;
 - e) implementing necessary restrictions on development and site alteration to:
 1. protect all municipal drinking water supplies and designated vulnerable areas;
 2. protect, improve or restore vulnerable surface and ground water, and their hydrologic functions;
 - f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
 - g) ensuring consideration of environmental lake capacity, where applicable.
2. Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.
3. Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water.
4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier large and fast-growing municipalities, the upper-tier municipality shall undertake watershed planning in partnership with lower-tier municipalities, including lower-tier large and fast-growing municipalities.
5. All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities.”

The implementation of the Trout Lake policies represents an improvement in the best practices surrounding lake management while also acknowledging growth and lot creation policies and the science associated with the health and capacity of Trout Lake.

The Growth Plan for Northern Ontario 2011 received Royal Assent on March 3rd 2011 and is issued under the Places to Grow Act, which ensures a long term vision for strong communities while implementing policies directed at economic prosperity. The Growth Plan for Northern Ontario 2011 contains high level statements about the development of communities in the north and contains policies in section 6.2.2 and 6.3.2 that speak to the protection and stewardship

principles around natural heritage features and surface and ground water features. It specifies that this should be done within the context of environmental, social, economic and scientific factors within the region.

B. Municipal Planning Review

The focus of this report is on the implementation of the Official Plan Amendment and the Zoning By-law Amendment. These policies form a large focus of the 28 recommendations from the study documents. The key goals of the study team when starting the process were to completed accurate modelling of the lake to understand the status of the lake health from a scientific perspective, implement cross jurisdictional policies that could be applied evenly across municipal boundaries, and implement defensible municipal policies that were rooted in good planning and scientific foundations.

It is important to have up to date and defensible planning policies in place because when you have policies dating back over 30 years and modelling data that is known to be inaccurate, it opens the municipality up to challenges at the provincial tribunal level on application by application basis.

Official Plan Amendment

The policy recommendations in the Official Plan Amendment text are exclusively related to a full scale swap of the text of Section 5.3.7.1 – Lake Specific Protection Policy – Trout Lake. While much of the high level direction in this section has remained generally consistent with previous policy, there are some notable changes:

5.3.7.1 1. Trout Lake Influence Area:

We are recommending to amend Schedule D to the Official Plan and implement the Trout Lake Influence Area, which comprises of all lands within 300m of the lake and major inflowing streams. The intent of this change is to implement a broad policy area in which to apply specific lake protection policies in a more uniform manner.

5.3.7.1 4. Limited Residential Lot Creation:

Currently, there is no lot creation permitted on Trout Lake or major inflowing streams. A quota for lot creation that was previously established through an Ontario Municipal Board (OMB) hearing has been reached. The results of the Trout Lake Study have indicated that there is capacity for lot creation on the lake; however, in order to take a cautious approach, we are recommending implementing lot creation policies based on 20% of the modeled capacity. This would give a significant buffer to test modelling accuracy long term.

The result of this approach is that 33 new lots could be permitted in East Ferris on the main basin and associated inflowing streams of Trout Lake. It's important to note that this theoretical limit could not be practically reached on the shoreline of Trout Lake and if this quota were reached, it would be overwhelmingly the result of lot creation in the proximity of inflowing

streams. There is not sufficient available frontage for significant lot creation directly on the lake without major reconfiguration of existing development which is not realistic.

5.3.7.1 7 & 8. Legal Non-Conforming Uses and Non-Complying Structures:

This section will be further reviewed in the Zoning By-law Amendment text but provides a framework for limited expansions to existing uses and buildings or structures based on a calculation of the proposed increases and the proximity to the lake. This section is intended to give flexibility for as of right modifications to existing structures that are numerically minor in scope.

5.3.7.1 9. Site Plan Control:

This section will be accompanied by updates to the Site Plan Control By-law for implementation. This change is significant in that it implements a series of new conditions that are to be applied through site plan control. While the conditions required to satisfy site plan control requirements will be much greater on individual home owners, it is necessary to ensure that the other proposed can be adequately implemented.

Zoning By-law Amendment

The focus of the Zoning By-law Amendment text is to implement specific sections of Official Plan policy that require specific regulations to be associated with them. The largest new policy section relates to the changes proposed by adding policy section 3.21.2.2. This section is intended to allow for minor expansions to legal non-complying dwellings and structures based on a set framework.

Currently, Zoning By-law 2021-60 allows for the expansion of these buildings and structures without limitation, provided that existing setback deficiencies are not further decreased. The new policies would maintain some flexibility while tightening the permissions up on existing lots. In all cases a minor variance could be applied for to further increase the size, which would give the East Ferris Committee of Adjustment and other regulatory agencies an opportunity to review larger development proposals on a case by case basis.

Another change of note in the zoning by-law text is the proposed permission of bunkies in the Lakefront Residential (RL) Zone. Bunkies were prohibited in 2021 during the development of By-law 2021-60; however, this was largely based around concerns of them being used as a driver for short term rental activity. The East Ferris Short Term Rental By-law prohibits accessory structures to be used in this way and the policy review conducted during the Trout Lake Study indicates that lake impacts from bunkies are generally no greater than the impacts from other types of shoreline accessory structures. Sufficient other by-law provisions existing to limit concerns of them being used for additional residential purposes that staff recommend permitting bunkies, subject to our standard shoreline structure limitations.

3. Recommendation

It is recommended that Official Plan Amendment OPA-2026-01 & Zoning By-law Amendment C-2026-01 be recommended for approval to East Ferris Council.

Respectfully Submitted,



Greg Kirton, RPP, MCIP
Director of Community Services

Encl.

OPA-2026-01 – Official Plan Amendment Text
C-2026-01 – Zoning By-law Amendment Text

Appendix 'A'
Council Report – PLAN-2023-08

Municipality of East Ferris

Report to Council

Report No.: PLAN-2023-08 Date: November 28, 2023
Originator: Greg Kirton, Director of Community Services
Subject: Trout Lake Water Quality Study Update and Next Steps

RECOMMENDATION

1. That Council accept the following reports and direct staff to initiate an Official Plan Amendment and Zoning By-law Amendment based on their recommendations: “J.L. Richards – Trout Lake Plan Directions Report (June 29, 2022)”, “J.L. Richards – Directions Report Addendum (November 2, 2023)” and “Hutchinson Environmental Sciences – Trout Lake Existing Conditions, Issues, Opportunities and Constraints (October 23, 2023)”.
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BACKGROUND

In May 2021 East Ferris staff, along with City of North Bay and North-Bay Mattawa Conservation Authority (NBMCA) staff, began a process to review the water quality data on Trout Lake. This process was formally led by consultants from J.L. Richards and Hutchinson Environmental Sciences Ltd. The review included numerous public consultation sessions including open houses in both East Ferris and North Bay, a booth at the East Ferris Tradeshow, presentations to both Councils and also individual private stakeholder meetings with groups such as the Trout Lake Conservation Association (TLCA).

The goal of the updated Trout Lake Study is to complete a comprehensive review of the current policies around Trout Lake based on a review of water quality data, planning policy framework and provincial policies and data. A full scale review of Trout Lake policies has not occurred since the City of North Bay studied Trout Lake in 1992 with their “Trout Lake Watershed Management Study and a Trout Lake Pollution Control Plan, Limnology and Analysis” plan. Many of the planning policies in East Ferris also have roots in the results of this plan.

The Province of Ontario did study Trout Lake in 2018 through a study done by the Ministry of Environment & Climate Change, Eastern Region Technical Support Section. This “Lake Capacity Assessment” concluded that the provincial model was not able to be used reliably as a planning tool. The model did not predict outcomes within acceptable limits and could not be used to predict development limits.

Specifically, the provincial report states that “the phosphorus model does not predict within acceptable limits for Four Mile Bay or Trout Lake (Main Basin), as it over-predicts the spring overturn concentrations by greater than 20% of measured values. As such the model cannot be used as a planning tool to predict a background concentration (to set a background plus 50% objective), and therefore it cannot be used to estimate an upper limit for development” (Lake Capacity Assessment; Trout Lake, p.14, 2018).

The report further states that “In the future, the Ministry may be open to considering a very limited release of new development lots for Trout Lake. The decision to allow or not allow new shoreline development lots will be based on a rigorous review of the long-term measured water quality data and a detailed statistical analysis of trends by the Ministry” (Lake Capacity Assessment: Trout Lake, p. 15, 2018).

Through the comprehensive review of the data, Hutchinson Environmental Sciences was able to make the necessary adjustments to the model to accurately predict outcomes in line with measured values. The adjustments were made based on things like observed phosphorus attenuation rates from peer reviewed scientific data. The conclusions of the Hutchinson report go into greater detail with regards to the modelling.

J.L. Richards built on the data produced by Hutchinson Environmental to make multiple recommendations about potential policy changes that would be appropriate given the outcomes of the report. These policy changes include amendments to best practices for development on the shoreline of Trout Lake, the inflowing streams and back lot developments.

A cautious approach was used in reviewing development capacity for Trout Lake. The proposed potential number of lots that could be created sits at 20% of what the modelled capacity is. Neither the consulting team nor staff deemed it appropriate to recommend development targets that were at or near the theoretical capacity of the lake. By using a very conservative figure it allows for the opportunity to review the data again in the near future to reassess and confirm modelling accuracy as well as get a better understanding of things like climate change that involve potential impacts with some uncertainty associated with them.

It's important to note that additional lot development potential represents development opportunities both on the lake as well as on major inflowing streams within the watershed. In East Ferris, despite the theoretical capacity for total lot development, the physical constraints (lot frontage/area and layout of existing lots) mean that there are only candidates for 4 additional lots to be developed directly on Trout Lake.

Between the J.L. Richards Report and the Hutchinson Environmental Report there are 28 recommendations that would improve the current policy regime for Trout Lake. Those recommendations are included in each background report and are as follows:

J.L. Richards Report:

1. Include guiding policies on climate change and its associated impacts regarding Trout Lake in both the North Bay and East Ferris Official Plans.

2. Implement a hybrid approach to the Municipal Water Quality Objective (MWQO) by updating the MWQO for the Trout Lake Main Basin to 5.64 µg/L of TP and maintain the existing MWQO of 7.0 µg/L of TP for the Four Mile Basin in both the North Bay and East Ferris Official Plans.
3. Remove all reference and prohibitions on lot creation associated with the 300 metre setback from Trout Lake within the North Bay and East Ferris Official Plans.
4. Implement a Trout Lake Influence Area Overlay within the North Bay and East Ferris Official Plan, which would apply to all lands within 300 metres of the shoreline, islands, major inflowing streams and Four Mile Lake.
5. Permit a limited number of new lots to be created in the Trout Lake Influence Area, subject to best management practices. This includes 83 lots in the Main Basin (50 in North Bay and 33 in East Ferris) and up to 20 lots in Four Mile Bay.
6. Require development on existing, vacant legal lots of record to conform to updated development standards (e.g. setbacks and vegetative buffers) and best management practices.
7. Implement parameters in both the North Bay and East Ferris Official Plans and Zoning By-laws to permit limited expansions of non-complying buildings and structures, as of right and subject to best management practices.
8. Expand the policies in the North Bay Official Plan regarding legal non-conforming minor variance applications to require administrative best practices be implemented on all minor variance applications and implemented through Site Plan Control.
9. Include guidance on minor variance applications for legal nonconforming or complying uses to the East Ferris Official Plan. (Note: North Bay's Official Plan policy already includes this guidance.)
10. Require that all lots within the Trout Lake Influence Area Overlay be subject to Site Plan Control and establish site plan control applications requirements within the Official Plans for both North Bay and East Ferris.
11. Establish consistent best management practices to be used in the site plan process in the North Bay and East Ferris Official Plans.
12. Continue to prohibit Additional Residential Units in the study area.
13. Permit sleep cabins, subject to site plan control and best management practices on waterfront lots. Establish sleep cabin development controls in the zoning by-laws for North Bay and East Ferris. (Note: Sleep cabins sometimes referred to as guest cabins or bunkies are not considered a dwelling unit-they are accessory buildings used for temporary sleeping purposes.)

Hutchinson Environmental Report:

1. Increase the parameter list for samples collected in Trout Lake to include emerging limnological issues (calcium and chloride) and explanatory variables (total suspended solids, dissolved organic carbon and phytoplankton).
2. Implement a consistent sampling methodology, increase Quality Accuracy/Quality Control (QA/QC) procedures such as the collection of duplicate samples, and continue to use a water quality laboratory with a proven track record of delivering consistent low level TP results such as the Dorset Environmental Science Centre which has been utilized since 2013.
3. Expand the water quality monitoring program to include inflowing tributaries and complete mass balance modelling to determine the phosphorus reduction efficiencies of each watercourse which can be used to help inform management decisions.
4. Complete a thorough review of dissolved oxygen data that has been collected and develop a standardized and repeatable approach for collecting suitable data and calculating Mean Volume Weighted Hypolimnetic Dissolved Oxygen (MVWHDO) concentrations in Four Mile Bay, Trout Lake – Main Basin, Turtle Lake and Lake Talon. NBMCA completed a thorough analysis of MVWHDO in 2018 in Trout Lake so that approach should be reviewed to determine if it can be adopted as a standardized assessment approach.
5. Complete and distribute annual monitoring reports to the City of North Bay and East Ferris and include comparisons of data to Municipal and Provincial Water Quality Objectives to provide an ongoing dataset to inform planning policy.
6. Develop a Lakeshore Capacity Model (LCM) and dissolved oxygen model for each of Turtle Lake and Lake Talon to quantify the impact of increased Total Phosphorous (TP) loads associated with the three development scenarios on TP concentrations and MVWHDO concentrations in Turtle Lake and Lake Talon. Combine the findings with updated MVWHDO evaluations in Turtle Lake and Lake Talon (Recommendation #4) and other available monitoring data to better determine downstream impacts.
7. Sampling at Sites 2625 and 2685 should be reinitiated to establish the effectiveness of those septic systems.
8. Examine the septic system monitoring results as they are received so that immediate corrective action can be taken in the event of missing samples or anomalous results.
9. Follow up on the results for those systems not averaging at least 93% phosphorus removal by conducting more sampling and/or installing an additional piezometer at the furthest downgradient point in the tile field. (Note: For Minimum Impact Lots only)
10. Develop a septic inspection program that provides a better understanding of system functionality than visual observations of obvious system failures, such as inspections completed during home inspections.

11. Complete a thorough septic inspection on any short-term rentals to determine if the system can adequately treat wastewater generated by such uses.
12. Develop a comprehensive and fulsome list of Best Management Practices (BMPs) and development standards that are automatically applied to all waterfront development applications so that a protective approach to development is implemented as part of all waterfront developments.
13. Complete a review of septic system technologies such as the EcoFlo Biofilter and Waterloo Biofilter, and soil requirements for leaching bed systems that have proven to attenuate phosphorus (e.g. 1% acid-extractable concentrations of iron and aluminum [MOE 2010]) to determine appropriate sewage system requirements that will minimize impacts on Trout Lake.
14. An influx of new residents that value manicured lawns and are not familiar with waterfront BMPs and lake stewardship could negatively impact Trout Lake. Regulatory BMPs on existing and future development should be encouraged through education, stewardship and enforcement.
15. Repeat the Trout Lake Management Study in the near future (e.g. 3-5 years) to assess the health of Trout Lake in response to ongoing climate change, effectiveness of BMPs, and progress related to the Recommendations provided here-in, utilizing any new updated lake capacity tools, so that appropriate changes to planning policy can be developed and implemented.

The next step in the process is to incorporate the recommendations that have been made into policy and regulations. This will require an Official Plan Amendment and Zoning By-law Amendment process that will produce detailed policy that will go forward to the Planning Advisory Committee and Council for review and decision. This will be a complete public process that is consistent with *Planning Act* requirements and will allow for further public engagement at all steps of the process.

OPTIONS

1. Option 1

That Council accept the following reports and direct staff to initiate an Official Plan Amendment and Zoning By-law Amendment based on their recommendations: “J.L. Richards – Trout Lake Plan Directions Report (June 29, 2022)”, “J.L. Richards – Directions Report Addendum (November 2, 2023)” and “Hutchinson Environmental Sciences – Trout Lake Existing Conditions, Issues, Opportunities and Constraints (October 23, 2023)”.

This option is recommended because it allows staff to move forward with updating our planning documents to be in line with the most up to date information available related to Trout Lake.

2. Option 2

That Council accept the following reports but direct staff to take no action on policy changes: “J.L. Richards – Trout Lake Plan Directions Report (June 29, 2022)”, “J.L. Richards – Directions Report Addendum (November 2, 2023)” and “Hutchinson Environmental Sciences – Trout Lake Existing Conditions, Issues, Opportunities and Constraints (October 23, 2023)”.

This option is not recommended because it would result in policies not being amended to reflect updated best management practices for Trout Lake. Further, the lack of amendments to lot creation policies leaves the municipality open to Ontario Land Tribunal challenges for individual development applications.

FINANCIAL IMPLICATIONS

Financial implications would include staff time associated with policy development and subsequent meetings. All costs associated with the consulting team for this project have been paid through past budget processes that were approved by Council.

RECOMMENDATION

It is recommended that Council accept the following reports and direct staff to initiate an Official Plan Amendment and Zoning By-law Amendment based on their recommendations: “J.L. Richards – Trout Lake Plan Directions Report (June 29, 2022)”, “J.L. Richards – Directions Report Addendum (November 2, 2023)” and “Hutchinson Environmental Sciences – Trout Lake Existing Conditions, Issues, Opportunities and Constraints (October 23, 2023)”.

Respectfully Submitted,



Greg Kirton, RPP, MCIP
Director of Community Services

I concur with this report,
and recommendation



Jason H. Trottier, HBBA, MPA, CPA, CMA
CAO/Treasurer

Attachments:

J.L. Richards – Trout Lake Plan Directions Report (June 29, 2022)

J.L. Richards – Directions Report Addendum (November 2, 2023)

Hutchinson Environmental Sciences - Trout Lake Existing Conditions, Issues, Opportunities and Constraints (October 23, 2023)

