



HUNTSVILLE LAKES COUNCIL

Policy Paper

A Consensus Document on:

Issues of Importance to Lakes and
Changes Needed in the Huntsville
Official Plan

November, 2003

Prepared by the Policy Committee and
Ratified by the member lakes of the Huntsville
Lakes Council

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HUNTSVILLE LAKES COUNCIL - COMMON LAKE ISSUES

The Huntsville Lakes Council (HLC) developed the following list of issues that are important to lakes. It is divided into sections pertinent to the OP, other issues and a section on implementation.

A draft of this was sent to lake association members of the HLC (Buck Lake, Chub Lake, Fairy Lake, Fox Lake, Harp Lake, Lake Waseosa, Peninsula Lake including Hidden Valley Property Owners, Mary Lake including Rowanwood Cottagers, and Menominee Lake) with the request that each review and provide comment. A document was finalized on the basis of the feedback received. This was presented to the Board of the HLC at its meeting November 1, 2003 and approved with changes. It was ratified, unanimously, at a general meeting on November 15, 2003.

Bella-Rebecca Community Association and Lake of Bays Association, members of the HLC outside Huntsville, also approved the document on November 15, 2003.

The HLC would like to make the clear point that the Huntsville OP should be as consistent as possible with the Lake of Bays OP. Many of our lakes share jurisdictions, making a common set of goals and objectives desirable. We also share the responsibility to forward to future generations a clean and healthy natural environment and the Lake of Bays OP sets a good standard in this regard.

The HLC also feels that the OP should set out standards as precisely as possible so that the zoning by-laws that result are able to be applied consistently and easily to all situations.

OFFICIAL PLAN ISSUES:

1 DEVELOPMENT/REDEVELOPMENT

1.1 NATURAL ENVIRONMENT PROTECTION

The health and integrity of our natural environment is our most valuable resource. Tourists, seasonal residents and retirees are drawn to the area by the beauty of our natural environment and form the basis of Huntsville's economy. The OP must identify measures to conserve and protect this natural resource. Its conservation should take precedence over development when the two are in conflict and mitigation measures are unable to protect environmentally sensitive or significant features or functions.

-The HLC feels that the Town needs to review and restructure its shoreline development/redevelopment policies recognizing that the natural beauty of an area can be impacted by physical development around the shorelines. It will need to clearly specify how best to balance built space with the natural environment. The OP must specifically define requirements for new development covering restraints such as access, slopes and high water tables. On narrow waterbodies, developmental impact should be reduced by frontage increases, increased setbacks, decreased height allowance, decreased dock length and increased shoreline buffers.

-When other jurisdictions, such as DFO, MNR, MOE or District, are called on for comment on development/redevelopment issues, responsibility for enforcement of decisions should be clear.

1.2 WATERFRONT DESIGNATION

The HLC supports the view that there should be a single waterfront designation for those lands within 150 metres of a waterbody, although varying somewhat, more or less, to take into account the physical or functional relationship of the land to the waterfront (with the exception of Special Policy Areas noted in section 1.3 Natural Urban Shoreline).

1.3 NATURAL URBAN SHORELINE

The Town should identify as Special Policy Areas the waterfront within its Primary and Secondary Urban and Communities Areas designations as Urban Waterfront with precise limits to development specified to especially protect from not only over-development but poor development which does not protect the natural beauty.

-The limits of these Areas should be clearly defined.

-Consideration should be given to designating, as a second Special Policy Area, the river waterfront within the downtown core again clearly defining its extent. This Core Special Policy Area could be allowed more intense urban use.

1.4 NATURAL NON-URBAN SHORELINE

The HLC feels there should be a 60 metre minimum shoreline frontage for rural designations with municipal pipe water and sewage due to the impacts of swimming, boating and run-off from dense development as well as the effect this has on the beauty of our shorelines.

-The preservation and restoration of natural shorelines and shoreline vegetation must be incorporated into the OP to protect the riparian and littoral zones and associated habitat, to prevent erosion, siltation and nutrient migration, to maintain shoreline character and appearance and to minimize the visual impact of development. Sensitive shorelines, such as those with steep slopes, poor soils etc. need special consideration. Definition of the extent of the shoreline activity areas should have as the objective the ensuring of minimal acceptable impact on the natural shoreline balanced with the need of the property owners to access the water.

-That being said, HLC members feel there should be a maximum of a 20 metre shoreline activity area or 25 percent of the shoreline property, whichever is less.

-Vegetative buffers help filter sediment and other pollutants from runoff and should extend a minimum of 15 metres back from the remaining shoreline, with this being extended at those sites with steep slopes and soils that are less likely to remove sediments and nutrients. The feasibility of extending this buffer to 30 metres minimum, as outlined in *Shoreline Vegetative Buffers* prepared by the Planning and Economic Development Department of the District Municipality of Muskoka, should be researched.

-Town should encourage and support vegetative retention and restoration along shorelines. There is a need for a tree-cutting policy applicable to private lands, including measures to address clearing shorelines both before and after any application is made and requiring compliance when reviewing site plans. When redevelopment of existing sites is proposed, there should be a requirement to reintroduce vegetation to

any shoreline where 'clear-cutting' has already taken place. Site plan agreements should be required and sufficient staff in place to monitor adherence.

-Town should insist that no other alternatives to retaining walls or gabions are available before these are approved.

-Commercial development restrictions will be discussed later in section 1.11 Density Development.

-Special policies will have to be looked at with respect to the redevelopment of pre-existing legal non-conforming lots.

1.5 LAKE CAPACITY LEVELS

It appears that the current District water quality model as a measure of lake capacity will come under review due to recent advances in the understanding of phosphorus migration. Debate on different methodology will be ongoing but it is expected that a new model outlining values needed for a well functioning aquatic ecosystem will eventually be developed. The HLC requests that it be kept fully informed of developments and thinking in this area through frequent periodic briefings from consultants and staff.

-Any new model proposed may allow for increased development under Provincial or District policies. The OP must address additional constraints on development. For example, greater emphasis should be placed on environmental impacts on sensitive shorelines (slopes, soils, depth to bedrock, drainage, vegetation) and fish and wildlife habitat. Other standards should be developed that incorporate such issues as natural values and recreational use capacity, among others. Density of backlot development will impact lake capacity. The HLC feels that guidelines must be developed which recognize quality of life issues which will be affected by overpopulation of a lake.

-There has been a change over the past number of years in lake usage with many cottages being converted to full-time homes as many people retire here. Older 'cottages' are being upgraded to include 'amenities' such as washing machines and dishwashers and redevelopment is generally increasing the size of buildings. The OP should provide policy alternatives to require specific improvements, using new technology and science, when redevelopment of existing lots is planned.

-There should be no differentiation between seasonal and permanent uses.

1.6 WATERFRONT CONSTRUCTION

Landscaping, paving, regrading and channeling for runoff are all concerns that could lead to inadequate protection of lakes from storm water runoff (from migration of soils leading to nutrient loading, siltation and shoreline erosion). Although stewardship plays a role here, Town should set policies in this respect for lakefront property keeping in mind the need to assess soil characteristics before construction begins, the need to restrict site alteration in certain sites such as those with sandy soils, steep, rocky terrain, the need to minimize the amount of site grading and the need to preserve natural banks and natural vegetation. All shoreline development should be required to use appropriate silt screens and follow proper construction mitigation guidelines.

-In addition to the need for site plan controls with reference to new lots, these should be applied to vacant waterfront lots of record when development is in process to ensure appropriate protective measures are put in place. Redevelopment of existing properties should also be subject to site plan control.

1.7 SHORELINE FRONTAGE

Waterfront lots should be sized and designed to recognize environmental, human-made or other influences including soil, terrain, water quality, fish habitat and waterbody constraints. Current minimums should remain unless specified otherwise in individual lake plans or by lake associations.

1.8 SETBACKS

The current requirement with respect to shoreline is a 10.5 metre setback for the urban area and 20 metres for rural principal buildings on a site. The shoreline is the natural or controlled high water mark. In the case of rivers or streams, it should be calculated from the top of bank. Setbacks from significant wetlands should be a minimum of 60 metres.

-The HLC supports a 20 metre setback from all shoreline except in the Core Special Policy Area.

1.9 HEIGHT AND SIZE OF BUILDING

Allowed height of buildings must respect the character and height of the natural surrounding environment and characteristics of adjacent structural development. Except in the Core Special Policy Area, the HLC feels that limits to height should be imposed so that views from the lake of the skyline are not disrupted. (Building heights should be measured to the peak of the roof.) Allowed lot coverage of buildings should depend on setbacks and adequate vegetative buffering and thought should be given to defining total built space to lot size. Lake plans or lake associations may identify specifics for each lake.

1.10 SHORELINE STRUCTURES

There is a need to find a fine balance between the desire for access and enjoyment of a shoreline while protecting its major features. Town should develop guidelines on shoreline structures, such as extension into the water, width of structures and size and height of boathouses, that reflect the desired character of lakes and should apply site plan control to regulate shoreline development. Established or newly identified fish or wildlife habitat must be respected. Site plan policies must be clearly based on the premise that built form along a shoreline be minimized and not interfere with aesthetic and environmental features of a property.

-Individual lake plans/lake associations may wish to further restrict allowed shoreline structures, especially boathouses.

1.11 DENSITY DEVELOPMENT

With respect to multiple residential and/or commercial developments, the OP needs to deal with how best to balance built space with the natural environment. The total picture including lake capacity, setbacks, footprints, scale, density, height, aesthetics and views from and of the lake and the shoreline will need to be specified for each of these higher use applications.

-Cluster, residential commercial and marina specifics need to be defined, such as have been set out in the lake plans of Fairy Lake and Peninsula Lake which agree that, for cluster development, there should only be 25 percent or 30 metre, whichever is less,

shoreline allowed for activity use areas; 33 percent for resort commercial and 50 percent for marinas. Other lakes may wish to define their own specifics for these types of development.

1.12 PROTECTION OF NATURAL/CULTURAL FEATURES

The OP should identify natural and cultural features of provincial, regional and local significance and provide for appropriate measures to protect them from development pressures. Lake plans/lake associations will identify additional features at the most local level.

1.13 IDENTIFY, PRESERVE AND MAINTAIN WILDLIFE HABITAT

The OP should identify, inventory and provide appropriate protection for significant wildlife and fish habitat.

1.13.1 FISH HABITAT

Preservation of fish habitat is a priority and identification of significant habitat should always be required by Town. Increased setbacks may be required. Only minimal exceptions should be permitted.

1.13.2 WILD ANIMAL ACCESS TO SHORELINE

Guidelines in the OP need to strengthen shoreline protection of habitat at specific habitat sites as identified by various resources such as MNR and individual lake associations. Shoreline development policies must address shoreline buffers (item 1.4 Natural Rural Shoreline) to provide for the need to share the shoreline resource with local wildlife.

1.14 BACKLOTS

Town restricts backlot development to only those on year-round maintained roads. Minimum lot size and road frontage continue to need to be stipulated. Setbacks should be sufficient to provide a visual buffer and any visual impacts from the lake should include the same restrictions as for shoreline structures. Structures on a backlot need to have the same restrictions applied as stated for shoreline properties to ensure respect for the character and height of the surrounding environment and views from the lake. Cluster development applications must be compatible with surrounding land uses.

2 TOWN'S ROLE IN WATER QUALITY

2.1 FARM (ANIMAL/CHEMICAL) CONTAMINATION

Policies should be included in the OP to eliminate or minimize the impact of agricultural uses on waterbodies. Policies should deal with separation of uses, fencing, berms and buffers, and setbacks.

-For example, the HLC suggests the creation of a by-law stating that farms bordering on waterbodies should have a fence at least 30 metres from shore, increased depending on soil conditions and runoff, to prevent contamination from animal waste. This should also apply to other uses if animals are kept on a property (e.g horses used by camps). To help limit contamination from chemical application during farming, there should be a 30 metre buffer strip of natural vegetation between worked areas and any shoreline. A policy needs to be developed for regular upstream and downstream testing of waters to determine pesticide and nutrient loads. As testing may show, specialty soils which promote mineralization of phosphorus and nitrogen may be required to be deposited within this buffer. Contingency management procedures should be developed if loads

are exceeded and a methodology defined for review of the whole testing/retesting process. Farmers should be provided with educational materials on fertilizer and pesticide use (e.g. pesticide use for demonstrated needs only, use of minimum amounts, irrigation plans to minimize runoff etc.) and farmers should be required to document their use of fertilizers and pesticides. Identification of properties on flood plains should be done so that these are not sold as farms or converted to such usage.

- The restriction of new agricultural uses along shorelines and in floodplains should be addressed. The HLC suggests that a goal of Town should be the eventual removal of existing agricultural uses from waterfront properties.

2.2 STORMWATER MANAGEMENT

Policies should be included to commit to realizing the objectives of the Muskoka Golf Courses Research Advisory Committee, November, 2001, with respect to stormwater management practices.

- Town should require oil/grit separators on all new asphalt parking lots servicing major commercial/residential development and encourage retrofitting of existing lots.
- In urban areas, road and bridge run-off should be collected in an oil/grit separator or Stormceptor system before discharge into the watershed. This should be made mandatory for all new development and a policy devised to retrofit other municipal roads. Town should support District's efforts to do likewise.
- In rural areas, on heavily traveled bridges, run-off should be collected and treated prior to discharge into the watershed.
- Town should review District's ongoing assessment of the capacity of its sewage treatment systems with respect to overflow limits in sewage treatment plants/lagoons/sewer collection systems and ensure that capacities are upgraded, when necessary. Overflow events should be required to be made public.
- Storm-water retention ponds in new developments should be designed to accommodate major events and should enhance natural and aesthetic qualities of the area.

2.3 INDUSTRIES LOCATED ON WATERWAYS AND FLOOD PLAINS

Industries should not be allowed to locate on flood plains.

- The policy stating no industry on waterways should be maintained.
- “Clean” industry only should be allowed in Huntsville and should be maintained apart from residential areas and areas of tourist attraction.

2.4 NATURAL DRAINAGE

Natural drainage should be preserved rather than covered, diverted or blocked (e.g., small creeks and seasonal streams) and incorporated into overall storm management plans.

- Culverts should be designed to accommodate flood flows.

2.5 WETLANDS

Wetlands are an invaluable resource not only for their benefits to our lakes but also as wildlife habitat. Every effort should be made to preserve small as well as large systems. The HLC supports the District Wetlands Review and recommends that Huntsville Council review District policy and include additional policy for wetland protection in the Town OP (especially for small wetland systems). Suitability for development on or near

a significant wetland needs to be confirmed by a site evaluation report or an environmental impact study. Smaller systems need to be identified and protected.
-Increased setbacks and vegetative buffers should be specified.

2.6 DREDGING/LOG REMOVAL

The current OP states that there should be no dredging, filling or alteration of the shoreline of any natural watercourse or waterbody without prior approval from the Area Municipality, MNR and any other authorized approval agency. Since disturbance of the waterbed bottom may affect drinking water, siltation patterns, fish habitat etc., the HLC supports the continuation of this policy. It feels the Municipality should push for more control when major navigational dredging or commercial log removal enterprises are proposed and lake associations should be informed of any such proposals.

2.7 ATV'S/SNOWMOBILES - CONTROLLABLE CONTAMINATION (Unburned Fuel)

ATV and Snowmobile Trails wherever possible should avoid impacting lakes, streams and wetlands.

- Snowmobile Clubs should be asked to educate their members in this regard.
- In selecting land for ATV use, Town must ensure that degradation from such use will not impact watercourses or wetlands.
- ATV and snowmobile users should be made aware of the impact their machines can have on roads and trails.

3 SPECIAL ISSUES

3.1 PUBLIC ACCESS

3.1.1 PORTAGES AND TRAILS

The OP should inventory existing portage and other public trail routes. These should be preserved and protected by Town and not exchanged for alternate land unless this exchange allows for an equally suitable portage or trail.

3.1.2 PUBLIC ACCESS TO WATERBODIES

There is certainly a need for increased public access to water. Road allowances leading to water should be identified and retained in public ownership. However, increasing public access by development of these allowances should be done in association with individual lakes so as to not increase lake capacity/traffic beyond safe limits. The Parks and Trails Committee, after identifying possible allowances to be opened, should consult with the affected lake associations.

-All public access routes need ongoing maintenance by Town as well as protection from erosion and heavy equipment use.

3.2 PEACE AND QUIET

The OP should commit to passing an enhanced noise control by-law similar to the Township of Muskoka Lakes By-law 2003-23. It is more specific than our current By-law #95-20 and seems more enforceable. For example, it prohibits specific types of noise (e.g equipment, dog barking, loud voice), sets time limits (e.g 30 minutes for barking), time frames (e.g not between 2300 hours and 0700 hours) when some noise may or may not be acceptable and sets out a decibel level of excessive noise. Specific noise issues relating to lakes need to be addressed by individual lakes and supported

by Town. Nuisance noise is the problem, not occasional noise that some owners/builders have to make from time to time.

3.3 NIGHT LIGHTING

The HLC supports the recommendations put forward by the Natural and Urban Environment Subcommittee of the Strategic Plan Committee regarding inclusions into the new OP with respect to light (dated August 29, 2001). These state that new development or major reconstruction projects conserve as much light energy as possible by types of lighting, timing devices etc. used and that lighting be sympathetic to dark sky initiatives. The recommendations also encourage retro-fitting of existing lighting in these regards. In waterfront rural and other rural areas, the OP should recognize the same initiatives and also include the need for lighting to be sensitive to: conflicts with abutting uses, opposite shorelines and the preservation of privacy, impacts on wildlife and hazards to navigation.

3.4 PRESERVATION OF CROWN LAND

The Town of Huntsville does not have a great deal of crown land left within its boundaries. It should indicate its wish to apply Open Space zone to all crown lands within its designation.

- The HLC feels that no crown lots should be sold or exchanged to the private sector, especially those with water frontage, unless this exchange provides a real benefit to the natural environment.

3.5 RESOURCE EXTRACTION

Expansion of old pits or quarries or issuing of permits for new ones should go through an Environmental Impact Study. The Town's Pit and Quarry By-law should be reviewed and specific policies put in place with respect to excavation below the existing water table, dewatering and possible negative impacts on ground water, as well as increased and site-specific setbacks from watercourses.

- Sites should not impact on natural views from nearby waterbodies. The effects of noise, traffic etc. on properties nearby enough to be affected need to be taken into account.

- There is a need to improve rehabilitation policies.

3.6 GOLF COURSES

The OP should adopt as policy *The Best Management Practices and Guidelines for the Development and Review of Golf Course Proposals* recommended by the Muskoka Golf Course Research Advisory Committee, November 2001. This defines the background studies required to develop a golf course, the process required to ensure that environmental constraints are identified and managed in the approvals process and shows how to develop appropriate design options, undertake the construction phase of a development and operate the golf course in the most environmentally sensitive manner.

- Currently, zoning for areas designated as rural 1 and 2 allows outdoor recreational uses which would include golf courses. No land should include pre-approval for golf course development. Control of golf course development through the rezoning public process is critical to achieve proper review of applications.

3.7 BROWNFIELDS

The OP should include policies with regard to brownfield sites. The future impact of such sites could be significant. The HLC applauds the proposals in this regard made by the Natural and Urban Environment Subcommittee of the SPC, dated November 29, 2001. These recommend the development of an inventory of such sites, an assessment of the nature of the hazards at each site and the development of a plan of recovery. The HLC supports the Motion made at Town's Environmental Advisory Committee on May 7, 2003 that the Town budget to allow for the development of a registry for these and other environmentally sensitive properties both public and private.

3.8 COMMUNICATION TOWER PLACEMENT

Currently, Industry Canada, the approving agency for communication tower placement, does have a consultation process. Town should develop a policy to guide its advice to Industry Canada. This policy should include consultation with the appropriate lake association if there is to be visual impact from a waterbody.

OTHER POLICY ISSUES:

1 SEPTIC SYSTEMS

The HLC supports the current efforts of Town to bring its data base on septic systems up to date. We encourage the Town to increase the depth and scope of its inspections, develop a protocol regarding follow-up on faulty systems, including compliance with recommendations, and provide information to septic system owners on proper septic system management and maintenance.

2 PUBLIC PESTICIDE/FERTILIZER USE

The HLC feels that constraints should be placed on the use of pesticides on public and private property when used for cosmetic purposes only and the product used should be pest-specific. Banning use in certain areas, such as near waterbodies, schools, seniors' residences, should be required. This should be preceded by, or in conjunction with, a public education program on alternatives to pesticides.

-The HLC supports a ban on pesticide and fertilizer use within at least 30 metres of a waterbody. The use of phosphate retaining soils may be required in certain locations.

3 EXOTIC/INVASIVE SPECIES

Invasion by exotic/invasive species is an increasing problem. Town should consider avenues by which the public can be educated in this regard.

4 ENFORCEMENT

The HLC has heard numerous complaints about the lack of the ability of Town to enforce its by-laws. By-laws are pointless without the expenditure of resources to ensure compliance. The Town will need to address this in every budget.

5 RETENTION OF BLOCKS OF LAND - LAND TRUSTS/ECO GIFTS

There remain some stretches of pristine shoreline left. These are of benefit to all residents of the lake, including wildlife. Although the province is the main player in benefitting property owners for conservation easements and eco-gifts, Town can

provide charitable donation receipts for the market value of any property donated to it. As well, individual arrangements can, in some cases, be made with property owners to allow their continued use of the donated land. On this basis, we feel that the following statement can be made:

- Town should develop further, and publicize the benefits of, land donation programs.
- The HLC supports the initiative of the District Ad Hoc Committee on Property Taxation which proposes including natural waterfront property in the Managed Forest Property Class. This will encourage shoreline property owners to retain their shorelines and backlands undivided and in a natural state by providing reduction in property tax.

6 MAPPING

Town should maintain its current high standard of map resource information.

7 RECYCLING/RE-USE/COMPOSTING

Muskoka has a very good blue box system in place. Town has begun to make composting units available to residents. This initiative should be promoted vigorously. Public composting such as for Christmas trees and leaves should be maintained and municipal composting avenues explored.

8 ROADS - USE OF SALT, OIL AND OTHER POLLUTANTS

Town needs to develop and implement road salt management plans using best management practices especially regarding losses from storage sites, better engineering at snow dump sites to control runoff, increasingly acquiring and using improved salt application technologies and using alternatives to salt in environmentally sensitive areas. As well, it should require that sand from winter road use collected from private sites by private haulers be treated in the same way as municipal collection does, i.e as a toxic waste. It needs to encourage the implementation of Road Weather Information Systems (RWIS) technologies for its roads and it must keep abreast of Environment Canada's recommendations regarding road salt use.

IMPLEMENTATION ISSUES:

1 IMPLEMENTATION TOOLS

Town should commit to implementation tools that ensure control of all phases of development including preconstruction site alteration.

2 COMPREHENSIVE ZONING BY-LAWS

These need to be developed with enough specificity to be enforceable. As noted in Other Policy Issues, item 4, Town must budget for enforcement.

3 TREE-CUTTING BY-LAW

Town should expand its tree policy to rural areas. District's current by-law refers to lands greater than or equal to 50 acres. There is a need to very clearly define in by-law the issue of tree cutting along shorelines, regardless of lot size.

4 EXCEPTIONS/AMENDMENTS

Town should be encouraged to develop a policy whereby the HLC and the appropriate lake association are made aware of any exceptions requested to proposals at the by-law and site plan stages as well as pertinent OP amendments.

5 COMMUNICATION WITH LAKES

The HLC suggests that one person in the planning department be identified as a lake associations contact. The onus will be on each lake association to submit current contact information to this person and the onus on the planning department to keep each association informed of pertinent applications.

6 LAKE PLANS

The recommendations in Lake Plans developed by individual lake associations should be considered for adoption as Secondary Plans under the OP.

7 STEWARDSHIP

Each lake has its own distinctive character and needs including special physical, cultural and social heritage factors. Residents are increasingly becoming aware of their role in identifying and maintaining these values. This role is becoming increasingly important as the various governments relinquish some of their responsibilities. Many lakes are developing their own lake plans to this end and, as just noted, these values need to be incorporated into the OP.

-As well, the HLC encourages the Town to financially support stewardship endeavours and other approved initiatives, such as but not confined to, water quality assessment. Staff support would help ensure that these are developed in accordance with prescribed standards/criteria.

8 SHORELINE EROSION

The HLC supports the expansion of municipal legislative authority to control issues related to wake impact such as speed control on narrow waterbodies.

-Town should support stewardship initiatives in these regards.

-Lake level fluctuations are a concern. Town should be aware of lakes with such problems and support them in every way possible in their endeavours to address this issue.