

Lake of Bays Association Comments and Recommendations Re Lake of Bays Official Plan Draft Amendments (Version 1 – January 2015)

Respectfully Submitted by the Board of Directors of the Lake of Bays Association April 7, 2015

Main Topic Considerations:

1. Shoreline Setbacks – 20 versus 30 metres

Section D: Environment D.12 Waterfront Development Setbacks

LOBA is in favour of D. 12 OPTION 1 – RETAIN 20 AND 30 METRE SETBACK

Tunnock Discussion Paper #1 prepared for the Township on this issue supports this option and cites *over 20 separate studies* from authorities in Canada and the United States, including the Ministry of Natural Resources, Ministry of the Environment, District of Muskoka, Muskoka Watershed Council and Township of Lake of Bays Planning Committee which support a 30 metre vegetative buffer for a variety of reasons listed in Table 1 of the Tunnock Discussion Paper.

In light of this evidence, and consistent with LOBA's input presented at the March 10th Open House, the Lake of Bays Association strongly supports Option 1- 20 and 30 metre Setback, which will result in the retention of the 30 metre setback on environmentally sensitive lakes. LOBA notes that if there are specific properties where, all factors considered, relief from the 30 metre setback requirement is acceptable, the appropriate way to deal with such situations is by way of a site specific official plan amendment and by-law amendment initiated by the landowner.

2. Lot Size – Back Lots

Section H: Waterfront H.51 Back Lots

LOBA does not support the proposed policy change to reduce minimum size of new residential back-lots from 4 hectares (10 acres) to 3 hectares (7 acres).

The Township identified the lack of affordable housing as an issue for study in this review of the Official Plan. Tunnock was asked to consider whether the supply of lots for affordable housing could be enhanced by reducing the existing Official Plan lot size requirement of 10 acres for back lots and rural lots. Tunnock Discussion Paper #2 which studied this issue notes (i) according to MPAC records, there are already over 1,350 vacant back lots and vacant rural lots within the Township and (ii) lot size is not a key determinant of cost in these types of lots based on research by the Brookings Institute and Tunnock's review of Muskoka back lot and rural lot listings. On this basis, Tunnock recommended no reduction in lot sizes for back lots and rural lots in the Township.

In addition, LOBA notes that:

- a reduction in the existing back lot and rural lot sizes may contravene the 2014 Provincial Policy Statement issued under the Planning Act by the Ministry of Municipal Affairs & Housing which requires that growth be directed towards established settlement areas.
- The location of the back lots and municipal servicing requirements has not, at this point, been assessed by the Township and therefore the full implications and costs to the Township of such smaller lots is unknown. Individual situations can be considered by way of a site specific official plan amendment and by-law amendment initiated by the landowner. If desired, a Township wide Official Plan Amendment could still be considered, separate from this OP Review process, once a thorough analysis of the impacts are assessed.

In light of the foregoing, and consistent with LOBA's input presented at the March 10th Open House, the Lake of Bays Association strongly supports no change to the existing back lot and rural lot minimum lot sizes in the Official Plan.

3. Expanding the Development Permit System

Section J: Implementation J.21 Development Permit System (DPS)

LOBA is in favour of OPTION 3 – Targeted Implementation of DPS as presented in the Tunnock Discussion Paper 3: Expanding the DPS.

The DPS has been in effect since 2007 for waterfront properties on Lake of Bays and has been effective in both preserving the natural environment of Lake of Bays by supporting water quality and the natural environment and by providing a streamlined, flexible and convenient one-stop process for planning approvals for landowners.

The extension of the DPS to waterfront communities which abut Lake of Bays would ensure that the development of these communities will occur in a manner consistent with and supportive of adjacent waterfront properties that are already subject to the DPS.

In light of the foregoing, and in addition to the input LOBA provided at the March 10th Open House, the Lake of Bays Association supports Option 3- Targeted Implementation of DPS with the extension of the DPS to waterfront communities.

Recommended Deletion:

1. **Section D. Environment D.19 Boathouses**

LOBA does not support the proposed amendment that would allow boathouses or boat ports to extend into the water beyond the existing by-law requirement for properties with at least 122 metres of frontage.

Proposed Section D.19 would allow boathouses or boat ports to extend beyond the existing by-law requirement for properties with at least 122 metres of frontage.

No underlying planning rationale has been provided by Tunnock or Township staff to support this change.

With no underlying planning basis for this policy, LOBA is concerned that owners of smaller lots will be able to seek and obtain similar relief so that, in effect, the existing by-law requirements will be rendered ineffective.

In light of the foregoing, and consistent with the input LOBA provided at the March 10th Open House, the Lake of Bays Association strongly supports no change to the existing Official Plan requirements for boathouses and boat ports. LOBA notes that if there are specific properties where, all factors considered, relief from the existing by-law requirements is acceptable, the appropriate way to deal with such situations is by way of a site specific official plan amendment and by-law amendment initiated by the landowner.

Recommended Addition:

1. Section E. Development Constraints

LOBA respectfully requests that Shallow Waters be added as a Development Constraint for docks and boathouses.

At the March 10th Open House LOBA expressed concern that the Official Plan lacks wording that addresses requests to approve excessively long docks and/or boathouses located a further distance from shore than normally permitted in order to accommodate shallow water. LOBA proposes that shallow water should not provide an exemption from dock and boathouse bylaw requirements so that the environmental, aesthetic and navigation standards are maintained lake-wide. The OP defines Development Constraints as “natural features or man-made situations that present impediments, restrictions, or limits to development... Where necessary, limitation on development must be imposed to protect the environment, minimize the visual impact or development and preserve the character and aesthetics of the areas”. As such, shallow water would be defined as a development constraint for docks and boathouses.

Recommended Changes to Wording:

1. Section C: Strategy for Growth C.70 Road Networks

LOBA supports Peninsula Lake Association’s comment presented at the March 10th Open House regarding the need for vegetated buffers along highway corridors, and further, the Lake of Bays Association respectfully requests that wording be added to C.70 that ensures well vegetated buffers are maintained along the Hwy 60, Hwy 35 and Muskoka Road 117 transportation corridors. Suggested wording could be:

Highway corridors are valuable assets to our tourist economy and should be considered as gateways for first impressions that reflect the natural appearance, character and aesthetics of the area. Hwy 60, Hwy 35 and Muskoka Road 117 require sufficient vegetated buffers to maintain the aesthetics of natural beauty, especially where quarries and commercial and industrial operations make use of the highways for connectivity and community development.

2. **Section F. Economy - Economic Basis Preamble (wording in the first box)**

As noted at the March 10 Open House, the Lake of Bays Association has concerns with the proposed wording of the last sentence: *“The Township prides itself as a community that is “open for business”, and intends to facilitate economic development by expediting planning and other approvals that reflect the policies of the Official Plan.”*

LOBA recognizes and supports the need for the Township to be able to support and attract new business development. However, promotional words such as **“open for business”**, and the willingness **“to facilitate development through expediting planning and other approvals”** should be re-phrased as they are not planning principles and may indicate a compromise of normal planning processes. The wording as proposed could be misinterpreted as suggesting that business opportunities may receive preferential treatment and/or a lack of due diligence in the approval process. Rephrasing the sentence is suggested.

3. **Section F. Economy - Tourism Preamble (wording in the second box)**

Based on our understanding that the District of Muskoka’s Official Plan Tourism and Resort Policy is currently under review, and that the Lake of Bays Official Plan must be consistent with the District Official Plan, the Lake of Bays Association respectfully requests that the Tourism Policy section be stamped (or otherwise flagged) as *“Subject to Review Following Completion of the District of Muskoka Tourism and Resort Development OP Policy Review”*.

4. **Section F: Economy F.2 Tourism**

The Lake of Bays Association feels that the principle expressed in F.2 (*“Development of new, or redevelopment of existing tourist commercial operations, attractions, facilities or services which complement the existing tourism base and the character of the Township will be encouraged.”*), may be clarified with the following suggested wording:

“Development of new, or redevelopment of existing tourist commercial operations , attractions, facilities or services which complement the existing tourism base and the character of the Township will be encouraged provided the scale and intensity of such initiatives are compatible with the character of the natural environment particularly in the waterfront areas and the scale of surrounding and nearby land uses. Where possible, more intensive tourist commercial developments will be directed towards or nearby the settlement areas.”