



THE DISTRICT MUNICIPALITY OF MUSKOKA

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
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www.muskoka.on.ca

TO: Chair and Members
Planning and Economic Development Committee

FROM: Summer Valentine
Director of Planning

DATE: May 19, 2016

SUBJECT: Approval of Updated Official Plan - Township of Lake of Bays
(Amendment No. 16 to the Township of Lake of Bays Official Plan)

REPORT NO: PED-6-2016-7

RECOMMENDATION

THAT the Township of Lake of Bays Official Plan Amendment No. 16, as adopted by Township By-laws 2016-005 and 2016-049, **BE MODIFIED** in accordance with the modifications as detailed in Schedule "A" attached hereto, **AND APPROVED AS MODIFIED**.

ORIGIN

The Township of Lake of Bays adopted Amendment No. 16 to the Township's Official Plan on January 12, 2016 and submitted the record on January 29, 2016 for approval by Muskoka District Council. A by-law to further clarify the adoption was passed by Township Council on May 10, 2016.

ANALYSIS

Background & Purpose

In the spring of 2014, the Township of Lake of Bays Council retained Tunnock Consulting Ltd. to undertake a 5-year review of its Official Plan, as required by the *Planning Act* to ensure the policies are updated to be consistent with the Provincial Policy Statement (PPS) and to conform to the Muskoka Official Plan. Between January 2015 and January 2016, four drafts of the Official Plan were released to the public for review and comment. District staff participated on the Township's official plan review advisory committee and provided advice on the creation of local policies that conform to the Muskoka Official Plan (MOP) and are consistent with the PPS. Technical guidance was also provided.

[Official Plan Amendment No. 16](#) to the Lake of Bays Official Plan is the result of the comprehensive review process and is comprised of an updated official plan which is intended to replace the existing text of the Plan. The schedules are intended to be revised at a future date. The purpose of the updated Official Plan is to provide comprehensive planning policies to manage growth and change throughout the Township over the next twenty years. The Official Plan sets out updated goals, objectives and land use policies which will guide decision making affecting physical change and land use within the Township.

Circulation and Public Meetings

The Township undertook an extensive public consultation process which exceeded the minimum requirements of Sections 17 and 26 of the *Planning Act* and associated regulations. This consultation process included two open houses, four public meetings, two public workshops and numerous working group meetings as well as meetings with community stakeholders. Notices of the workshops, open houses and public meetings were circulated to the required agencies and the public. Copies of open house and public meeting notices, various drafts of the official plan, background documents and summaries of the public comments were also posted on the Township's website.

The Township received comments on the official plan amendment from a variety of individuals and organizations both verbally at meetings and through written submissions. Throughout the process, District staff provided written comments on the various drafts of the document in order to ensure consistency with the PPS and conformity to the MOP. Township and District staff met on several occasions to discuss these comments and resolve outstanding issues. This has resulted in minimal modifications being proposed to the adopted amendment.

Prior to the record for the official plan amendment being forwarded to the District of Muskoka for consideration of approval, Lake of Bays Township Council and staff requested inclusion of some additional modifications to clarify consistency with the PPS and conformity to the Muskoka Official Plan.

Since receipt of the record, correspondence has been received from the Lake of Bays Association (LOBA) (attached as Appendix "I"). In their letter, LOBA has advised that although they are supportive of the official plan amendment in general, they identified two specific outstanding concerns. The first concern relates to the proposed reduction of the minimum lot area requirement for residential waterfront back lots from 4 hectares (10 acres) to 2.8 hectares (7 acres). The second issue relates to the proposed reduced shoreline setback requirement from 30 metres (98 feet) to 20 metres (66 feet) on all "Category Three" lakes in the Township.

In response to the concerns raised by LOBA, District staff undertook additional research and analysis in the context of the existing and adopted policy sets. Staff also attended Township of Lake of Bays Council on May 10, 2016 to discuss the two outstanding issues and the other technical modifications being proposed. As a result of that dialogue, the Township passed a resolution (attached as Appendix "II") to endorse the proposed modifications except for modification #31. In this regard, Township Council continues to support the reduced back lot area requirement. The proposed modifications are included in Schedule "A" and described below.

Modifications

1. Residential Back Lot Area Requirement

Residential back lots are defined in Section D.25 of the MOP as lots within the Waterfront designation that are physically separated from the shoreline by a legally conveyable parcel of patent land which has development potential and are usually located in a linear fashion along a road. Back lots are required to have frontage on and gain access from a year round maintained municipal road. Section D.27 of the MOP states that residential back lots are required to have substantially increased lot sizes with respect to frontage and area than shoreline residential lots. The specific lot area and size requirements for residential back lots are typically detailed in Area Municipal Official Plans. However, they must conform to the intent of the MOP.

The Lake of Bays Official Plan has historically required a minimum back lot size of 4 hectares (10 acres) and frontage of 134 metres (440 feet) on a public road. In an attempt to increase the amount of attainable housing options in the Township, it was Township Council's desire to reduce the minimum required area to 2.8 hectares (7 acres). No change in frontage was contemplated. This position was not supported by Township staff or the consultant undertaking the comprehensive review, nor did their analysis show smaller lots would lead to increased affordability.

Concerns were raised by LOBA and the Ministry of Municipal Affairs and Housing (MMAH) regarding the impacts that this policy decision would have on the environment and growth outside of settlement areas. In order to assess the magnitude of the proposed change, District staff undertook a high-level analysis of the estimated back lot creation potential which compares outcomes based on the existing policies of the Lake of Bays Official Plan compared to the adopted changes. Given time constraints, this analysis was conducted around Lake of Bays (the physical lake) only.

The result of the analysis indicated that the proposed reduced back lot area requirement could potentially result in the creation of twice as many (from approximately 27 to 53) residential back lots around Lake of Bays than would be possible under the current back lot size standards. In addition, based on the anticipated growth rate for the Township of Lake of Bays, the supply of existing vacant residential back lots surrounding Lake of Bays alone would appear to meet the demands for this form of development for the entire Township over the planning horizon of the official plan (20 years). In addition, based on provincial policy direction, the amount of permanent housing and population growth permitted outside of settlement is intended to be limited.

Therefore, it would appear to be premature to reduce the residential back lot standards within the Township at this time, given the anticipated impact of the proposed policies on additional potential lot creation, existing supply of vacant residential back lots, the projected growth rate for the Township as well as the current review of the MOP. As such, District staff would concur with the recommendation of Township staff to retain the existing residential back lot standards at 4 hectares (10 acres) as outlined in Modification 31 in Schedule "A".

2. Shoreline Setback Requirement

The Lake System Health policies of the MOP generally require a minimum shoreline setback of 20 metres (66 feet) for most development in order to protect water quality. However, Area Municipalities are able to impose greater setbacks in order to address local circumstances. In this case, as part of a previous Official Plan Review process, the Township of Lake of Bays imposed a 30 metre (98 feet) setback on all “Category Three” lakes (approximately 80 smaller lakes) within the Township. The increased setback was imposed on these smaller lakes in order to protect their character and was based on extensive public consultation at the time it was imposed.

The adopted Official Plan reduces the setbacks on “Category Three” lakes from 30 metres (98 feet) to 20 metres (66 feet). This appears to be based on a trend of site specific approvals to decrease the setback. Given that the proposed setback meets the current minimum setback requirement of the Muskoka Official Plan, and it is acknowledged that it is not the District’s role to re-evaluate local matters such as protection of lake character, District staff have not recommended a modification to the adopted policy. However, District staff are also not in a position to defend this particular policy change in the absence of a detailed planning justification.

That being said, a modification has been included at the request of Township Council and staff, to maintain the 30 metre (98 feet) setback on all Sensitive Lake Trout Lakes, as per Provincial requirements.

3. Technical Modifications

Several technical and other minor modifications are recommended to ensure that policies which address Provincial or District interests are clearly articulated. In addition to these matters, the Township also requested a number of technical changes to the document. Township Council and staff have confirmed that they have no concerns with the proposed modifications (other than modification #31).

Summary

The PPS and the Muskoka Official Plan were considered in the review of the proposed updated official plan. Subject to the recommended modifications, the document is consistent with the PPS and conforms to the Muskoka Official Plan.

FINANCIAL CONSIDERATIONS

No impacts on the 2016 Tax Supported Operating Budget and Capital Budget and Forecast are anticipated as a result of this report.

COMMUNICATIONS

The notice of Council’s decision will be circulated in accordance with the *Planning Act*.

STRATEGIC PRIORITIES

Reporting on the Lake of Bays Official Plan Review supports the following goal as outlined in the District of Muskoka's Strategic Priorities:

- “1. Manage development and growth in a sustainable manner balancing environmental, economic, social and cultural elements...”

Respectfully submitted,

Original signed by

Summer Valentine, BSc, MPL, MCIP, RPP
Director of Planning

Original signed by

Samantha Hastings, MCIP, RPP
Commissioner of Planning
and Economic Development

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Schedule "A" – PROPOSED MODIFICATIONS
AMENDMENT NO. 16 TO THE
TOWNSHIP OF LAKE OF BAYS OFFICIAL PLAN

A. MODIFICATIONS REQUESTED BY TOWNSHIP COUNCIL AND STAFF

1. Modify Section D.12 by inserting the words “as specifically outlined in this plan” after the words “special features”.
2. Modify Subsection D.30 b) by deleting reference to “Appendix xxx” and replacing it with reference to “Appendix E”.
3. Modify Subsection D.37 c) by deleting reference to “Appendix D” and replacing it with reference to “Appendix E”.
4. Insert the following new section after Section D.125:

“D.126 New development, including any component of an existing private sewage disposal system, but not including permitted shoreline structures such as accessory docks, boathouses or marina facilities, will be setback a minimum of 30 metres (100 feet) from the normal or controlled high water mark of an identified Lake Trout lake at capacity. In addition, the removal of natural vegetation within 30 metres of the lake is prohibited, except to accommodate a limited number of paths, water lines, docking facilities or other permitted shoreline accessory structures and removal of trees posing a hazard.”
5. Modify the Appendices by inserting Appendix E as attached hereto and update the Table of Contents accordingly.

B. TECHNICAL MODIFICATIONS

6. Modify “Managing Growth” preamble on page C-1 by deleting the number “2009”.
7. Modify Section C.13 by:
 - i) inserting the word “that” after the word “demonstrate”; and
 - ii) inserting the words “cannot be accommodated through intensification and redevelopment within designated growth areas to meet projected needs” after the words “District of Muskoka”.
8. Modify Section C.46 by replacing the word “may” with the words “will generally” after the first instance of the word “assessment” and the word “should” with the words “will generally” after the words “provincial standards”.
9. Modify Subsection C.46 a) by inserting the word “or” after the words “multiple lot development”.

10. Modify Section C.47 by inserting the words “or where there may be a cumulative impact from adjacent existing development” after the words “industrial uses”.
11. Modify Section D.12 by:
 - i) deleting the words “except for waterfront commercial uses, including storage, service and maintenance facilities or parking”; and
 - ii) inserting the words “(including storage, service and maintenance facilities or parking areas)” after the words “marina facilities”.
12. Delete Section D.60.
13. Modify Section D.61 by inserting the words “(except those identified as provincially significant)” after the first instance of the word “wetland”.
14. Delete Section D.67.
15. Modify the “Wildlife Habitat and Endangered or Threatened Species” preamble on page D-32 by deleting the words “provincially endangered or threatened species have not been specifically identified” and replacing them with the words “no regulated habitat of endangered or threatened species has been identified by the Province”.
16. Modify the “Land Use Compatibility” preamble on page E-7 by deleting the words “new residential” after the words “could affect any”.
17. Delete Section E.28.
18. Modify Section E.35 by inserting the words “or a lesser distance as approved by The District of Muskoka or the Province,” after the words “waste management system,”.
19. Modify Section E by moving Section E.43 directly after Section E.40 and by inserting the words “Changes in land use within 1000 metres (3,280 feet) of a municipal water supply intake or municipal sanitary sewage outfall will be monitored.” at the end of this section.
20. Modify Section G.29 by inserting the words “, in accordance with Section C.57” after the words “can be met”.
21. Modify Section G.213 by inserting the words “the frontage requirements along” after the words “highway and”.
22. Modify Section H.26 by replacing the letter “b)” with the letter “c)” and the letter “c)” with the letter “b)” and reorganizing the subsections accordingly.
23. Modify Subsection H.88 j) by deleting the words “allocation of” and “capacity”.
24. Modify Section I.8 by deleting the word “Settlement” and replacing it with the word “Development”.
25. Modify Subsection I.21 b) by inserting the words “or land extensive” after the word “scale”.

26. Modify Section I.36 by inserting the sentence “All other criteria of the Muskoka Official Plan will also be met.” after the words “abutting uses”.

27. Modify Section J.42 by:

- i) deleting the word “and” at the end of Subsection iii);
- ii) inserting the word “and” at the end of Subsection iv); and
- iii) inserting the following new subsection after Subsection iv):

“v) provided water quality is not further impaired and an overall net improvement to water quality is achieved.”.

28. Modify all Sections to renumber policies accordingly and update all references and cross references accordingly.

C. MUSKOKA OFFICIAL PLAN CONFORMITY MODIFICATIONS

29. Modify Section D.16 by inserting the following at the end of the section:

“A minimum target of 75% of the shoreline frontage of a lot will be maintained in a natural state to a target depth of 15 metres from the shoreline where new lots are being created and where vacant lots are being developed. Where lots are already developed and further development or redevelopment is proposed, or where the lot is located with a community, these targets should be achieved to the extent possible. Where these targets cannot be met, a net improvement over the existing situation is required.”

30. Insert the following new section after Section E.39:

“E.40 Residential uses shall be setback a minimum of 200 metres (660 feet) from a sanitary sewage disposal site. Non-residential uses shall be setback a minimum of 150 metres (500 feet) from a sanitary sewage disposal site. All uses will be setback a minimum of 400 metres (1320 feet) from a waste stabilization pond (i.e. sewage lagoon).”

D. PROVINCIAL POLICY STATEMENT CONSISTENCY MODIFICATION

31. Modify Section H.51 replacing “3 hectares (7 acres)” with “4 hectares (10 acres)”.

Appendix E

LAKE SYSTEM HEALTH - TERMS OF REFERENCE FOR WATER QUALITY IMPACT ASSESSMENTS

Water Quality Impact Assessments will be carried out by a professional who can be qualified by the Ontario Municipal Board as an expert witness on these matters, if required, on the basis of education and experience in one or more of the following disciplines: soils science, hydrogeology, or limnology and with demonstrated experience working in Precambrian Shield environments. Water Quality Impact Assessments consist of three main steps. Firstly, a site condition analysis is required. Should this analysis determine that site conditions exist such that development can proceed without affecting water quality, the second step would involve the identification of a suitable building envelope and any required mitigation measures. As a third step, the final report will be reviewed by municipal staff and may also be subjected to a peer review.

PHASE 1: SITE CONDITION ANALYSIS

A site condition analysis will be undertaken to determine if the required conditions exist on site so that development can occur in a manner that will ensure the protection of water quality. This analysis will include:

a. Site and Surrounding Area

A plan will be provided that identifies the physical features associated with the site and surrounding lands including land use, topographic features, watercourses, ponds, designated protected areas, and wetlands.

b. Site Description

A Plan will be provided showing a detailed description of the site including:

- Lot size including frontage, depth, area and general shape.
- Location of public and private access roads.
- Location of significant features, both geological and man-made, including such features as wetlands, off-site streams and other surface water.
- Site contours at an interval not more than 5 metres (OBM).
- Areas of slope between 0 to 9%; 10 to 25%; and over 25%.
- The location of all depressions and gullies that will channel stormwater toward the lake.
- The location of all permanent and seasonal or intermittent streams as well

as details concerning observations of the amount of flows experienced within the streams at various times of year (minimum of spring freshet and summer drought periods) and an outline of the expected path of surface runoff from the development site to the lake of interest.

- Areas of aquatic vegetation and ecological description (dominant species, emergent/submergent/floating leaved).
- A description of the terrestrial vegetation community – size, composition, age and general health, as detailed below.

c. Soil Characteristics

The Impact Assessment will include a documentation and mapping of soil conditions in order to characterize the soils to be used in the construction of septic system leaching beds as well as the native soils in the mantle between the leaching beds and any surface water receptors. The location of the proposed septic system leaching bed and the expected pathway of the subsurface nutrient flow (septic plume) in relation to the ultimate receptor (waterbody) of the nutrient flow must be delineated on the Plan submitted. The proponent will also:

- Undertake manual auguring to map soil depth along the flow path of each septic plume within 30m of the tile field, with soil depths inferred from a minimum of twenty (20) points, or as many as required to ensure the integrity of the soil mantle.
- Document the location of sources of suitable soil to construct the partially or totally raised tile fields.
- Provide descriptions of soil characteristics –type, texture and colour for any soils (native or off site) used to construct the tile field and present in the mantle, as determined from soil profiles taken at the site of the tile field or source of the soil, as appropriate, and the mantle area.
- For lakes which are either highly sensitive or over the water quality threshold - provide an analysis of soil chemistry (lab analyses of phosphorus adsorption capability, mineral content and particle size) for any soils proposed for use in the tile field, and from the native soil mantle.
- Map the location of all on-site sample locations, and off-site locations of soils that are to be imported.

d. Vegetation cover

The Impact Assessment will map the location and characteristics of shoreline and upland vegetation communities and provide an explanation of the site characteristics that will provide natural buffer protection for the adjacent waterbody from overland and subsurface flow of sediment, nutrient and other potential pollutants. The Impact Assessment will include a photographic documentation of the property showing vegetative cover. The record shall include the following photographs, at a minimum:

- The shoreline across the entire width of the lot as viewed from the lake,
- The tile field and mantle areas, along the direction of subsurface flow towards the lake
- The building envelope, along the shortest distance between the envelope and the lake

e. Findings

A determination of the suitability of the site conditions to ensure development will not adversely impact water quality will be provided.

PHASE 2: IDENTIFICATION OF RECOMMENDED BUILDING AND SEPTIC ENVELOPES AND MITIGATION MEASURES

Where a site has been determined to have the conditions required to permit development based on the findings of the Site Condition Analysis, a Plan will be provided showing a detailed description of the manner in which development should occur to protect water quality, including:

- Building location, septic system location, paths, decks, accessory buildings, shoreline structures, parking areas and any other hard surfaces;
- Proximity to significant features, both geological and man-made, including such features as wetlands, off-site streams and other surface water.
- The location of proposed leaching beds in relation to permanent and intermittent streams or other drainage courses.

Specific mitigation measures necessary for the effective elimination of the impacts of nutrient and sediment loading on water quality should also be identified, including:

- Detailed construction mitigation plans including methods to deal with sediment and nutrient loading. Map the proposed location of all proposed facilities.
- Detail and map stormwater mitigation measures including methods to deal with sediments and nutrient loading during construction and occupation.
- The location, design and construction of septic systems and leaching beds.
- Shoreline setbacks and buffer areas.
- The delineation of building envelopes for proposed building structures and uses, including septic systems for each lot. Building envelopes are defined as the area bounded by the minimum setback from the shoreline and minimum yard setbacks for all development.
- Measures for protecting the natural vegetation, slopes and soil mantle for the area located outside of the building envelopes. Design criteria (including size and construction materials) for uses, buildings and structures that may be permitted within this area. (e.g. boat docks, meandering walkways to the shoreline, and driveways).

PHASE 3: MUNICIPAL REVIEW

The District of Muskoka and/or the Local Municipality will review the Impact Assessment, or submit it to peer review to establish:

- The completeness of the assessment regarding the requirements herein,
- Interpretation of the assessment by the proponent,
- The effectiveness of the mitigation measures proposed
- The likelihood that the assessment supports a conclusion of no nutrient impact to the subject water body.

The assessment will be maintained on file for the possibility of re-assessment of the site to ensure that mitigation measures have been implemented and maintained over time.



March 10, 2016

Debbie Crowder
Clerk, District Municipality of Muskoka
50 Pine Street
Bracebridge, Ontario, P1L 1N3
BY EMAIL: dcrowder@muskoka.on.ca

RE: LAKE OF BAYS OFFICIAL PLAN

The recently adopted Lake of Bays Township Official Plan is presently before the District of Muskoka for approval. The Lake of Bays Association (LOBA), which represents approximately 1300 family property owners / stakeholders around the Lake of Bays, is grateful for the efforts involved in the Official Plan Review by the local staff, their consultants, the local elected representatives and now the District staff and the District elected representatives.

LOBA is fully supportive of the new Official Plan as amended with the exception of two material issues. Provided these two matters are resolved or held for further study by the District (and possibly the Township as appropriate), LOBA has no objections to the remainder of the document being approved at an early date by the District of Muskoka.

The two remaining issues of concern to LOBA are the following:

- 1. A proposed reduction in the area requirement of waterfront backlots from 10 to 7 acres.**
- 2. A proposed reduction in the shoreline setback requirement for a large number of small lakes in the Township from 30 metres to 20 metres.**

LOBA objects to the approval of both of these proposed amendments.

Proposed Backlot Area Reduction

This proposal came as a motion from the Lake of Bays Council floor and was not generated by professional consultants or planning staff engaged in the Official Plan Review. There has been no planning or environmental study or analysis of any kind on the eventual impact of the proposal. Nor has there been a clear rationale or supportive documentation provided for the introduction of the proposal aside from casual remarks that it may generate more economic development and affordable housing. In fact, this proposal is contrary to the advice of the planning consultant, Tunnock Consulting, who was retained by the Township of Lake of Bays to conduct the Official Plan Review (please see attached **Discussion Paper 2 – Lot Sizes and Housing Affordability** prepared by Tunnock Consulting Ltd). Economic development and affordable housing are noble objectives and the initiative is well intended, but the concern is that the costs will severely outweigh any questionable benefits that may ensue.

Appendix "I"

LOBA is concerned with the potential negative unmeasured impacts of this proposal on individual property owners and stakeholders and the aggregate tax base, the fragmentation of the forested areas and wildlife habitat of the area, the potential for negative ambient visual impacts around the lake along with a decline in the desirability of the natural environment in the eastern part of the District of Muskoka and the consequential adverse impacts on tourism for the area which is and has always been the backbone of the local economy for the entire Township and District.

In addition, LOBA is of the view that this proposal is not in keeping with the major thrusts of the 2014 Provincial Policy Statement as it will tend to encourage linear development around the approximately 120 km shoreline of Lake of Bays and elsewhere in the Township, with attendant hard and soft local and District servicing implications and result in undermining the efforts to create and maintain complete self-sustaining communities in the area.

On balance, LOBA and its membership is of the view that any signal that increased backlot development is being encouraged is contrary to the main thrusts of all local, District and Provincial policies that apply to the area.

As per the District's letter to the Township of Lake of Bays dated January 8, 2016 (attached) on a related matter of widespread rural lot reductions, the District is now required to be engaged in a process of refining its growth strategies to implement the 2014 Provincial Policy Statement.

LOBA would respectfully submit that this backlot reduction initiative be denied. Failing that, no reduction in backlot standards should be entertained prior to the completion of the necessary District growth strategy reviews and studies.

PROPOSED REDUCTION IN SHORELINE SETBACK STANDARDS

This proposal similarly emanated from the floor of the Lake of Bays Council and was not generated by the professional consultants or planning staff engaged in the Official Plan Review. **Discussion Paper 1 – 20 vs 30 Metre Setbacks** (attached), prepared by Tunnock Consulting Ltd., recommended against any changes to the setback requirements and provides, by way of reference, numerous studies which support the maintenance of greater front yard setbacks for small, remote and environmentally sensitive lakes.

Currently six of the larger lakes in the Township of Lake of Bays have a 20 metre setback requirement and over 100 of the remaining smaller lakes in the Township have a 30 metre setback. It is not clear, but it is LOBA's understanding that the rationale behind the proposal to reduce the setback to 20 metres for all lakes was to simplify setback standards for administrative purposes. This would not appear to be a sound planning rationale to justify this proposal.

As per the District's letter to the Township of Lake of Bays dated January 8, 2016 (attached), the reduction of this setback for lakes identified as "Sensitive Lake Trout lakes" is contrary to District and Provincial policy and will not be approved. LOBA supports this position, however there are only 15 lakes in the Township of Lake of Bays that are classified as Sensitive Lake Trout Lakes, which means that 87 lakes that are not classified by the District as Sensitive Lake Trout Lakes that would be subject to a reduction of shoreline setback from 30 to 20 metres. LOBA is very concerned about what the impact of this lesser setback would be on these 87 lakes because the environmental impacts of this change on the individual lakes as well as broader Muskoka Watershed are presently unmeasured and unstudied.

Appendix "I"

LOBA would respectfully request that this proposal be denied, or failing that, that the appropriate studies be carried out by the District, the Township or perhaps the Muskoka Watershed Council, as appropriate, to properly determine the potential cumulative impacts and consequences of reduced shoreline setbacks.

We trust that these comments will be received in the spirit in which they are intended. As you have no doubt heard before, LOBA strongly believes that in the Township of Lake of Bays and the District of Muskoka, the environment is the economy and the economy is the environment.

Respectfully Submitted,



Ian Beverley
President
Lake of Bays Association

C.C.

Samantha Hastings, Commissioner of Planning and Economic Development,
District Municipality of Muskoka
Mark Christie, Manager, Community Planning and Development
Ministry of Municipal Affairs
Lake of Bays Association Board of Directors

ATTACHMENTS:

1. LOBA COMMENTS re OP Draft Amendments April 7, 2015
2. Discussion Paper 1 – Shoreline Setbacks 20 Metre vs 30 Metre (Tunnock Consulting Inc)
3. Discussion Paper 2 – Lot Size and Housing Affordability (Tunnock Consulting Inc.)
4. Statutory Public Meeting Letter of Input re: Backlots #6 (c) 08-26-15
5. Statutory Public Meeting Letters of Input re: Backlots #6 (d) 08-26-15
6. Township of Lake of Bays Staff Recommendation re OPA #16 11/10/2015
7. OP Review LOBA SUBMISSION – January 2016 – Rural Lot Sizes
8. District of Muskoka Comment Letter - OP Review – January 2016



Township of Lake of Bays

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May 11, 2016

District Municipality of Muskoka
70 Pine St.
Bracebridge, Ontario
P1L 1N3

via email: samantha.hastings@muskoka.on.ca

Attention: Samantha Hastings, MCIP, RPP
Commissioner of Planning & Economic Development

Dear Sam:

Re: Township of Lake of Bays Official Plan Review – Proposed Modifications and Clarification to the Adoption Process

Thank you for your presentation at the Council meeting on May 10, 2016. Attached is a copy of **Resolution # 5(d)(ii)/05/10/16**, supporting the District of Muskoka proposed modifications to our Official Plan, with the exception of modification # 31, where Council confirmed their desire to reduce the minimum size of waterfront backlots and asked that this modification be deleted.

In addition, By-law 2016-049 (attached) was approved providing clarification to our Official Plan adoption process. Please include this additional information with our Official Plan material for your consideration to approve the Official Plan.

Please let me know when you schedule this file for consideration. Should you have any questions respecting this, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink that reads "Stefan Szczerbak". The signature is written in a cursive, flowing style.

Stefan Szczerbak, M.Sc., RPP, MCIP
Planner

Enclosures

SDS/tm

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
Council (Planning) Meeting**

DATE: 10 May 2016

RESOLUTION: #5(d)(ii)/5/10/16

MOVED BY:

SECONDED BY:

Robert Young

_____ *Nancy Tapley*

_____ *Robert Young*

WHEREAS the Council for the Corporation of the Township of Lake of Bays hereby receives the staff report "**Official Plan Review - Status Update**" dated May 10, 2016.

AND WHEREAS during the normal approval process of a local Official Plan through the District of Muskoka, it is common for District staff to recommend certain modifications to the document that are either technical in nature, or conflicts to the current District of Muskoka Official Plan policies or policies that are not consistent with the 2014 Provincial Policy Statement.

AND WHEREAS clarification is required with respect to the procedure the Township of Lake of Bays used to adopt the Lake of Bays Official Plan through the passing of By-law 2016-005.

NOW BE IT RESOLVED THAT Council of the Corporation of the Township of Lake of Bays hereby supports the proposed modifications attached to this report.

AND FURTHER THAT Council of the Corporation of the Township of Lake of Bays pass By-law 2016-049 clarifying the Official Plan adoption process by repealing the text from the current Official Plan from the originally adopted on December 14, 1999, as amended and including the current Official Plan Schedules into the recently adopted revised Official Plan.

Proposed Modification No. 3)

*with the exception of
RC*

RECORDED VOTE

NAYS

YEAS

- Councillor Shane Baker**
- Councillor Terry Glover**
- Councillor Robert Lacroix**
- Councillor Ruth Ross**
- Councillor Nancy Tapley**
- Mayor Robert Young**

Carried	✓	Defeated		Postponed		Lost	
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MAYOR

_____ *Robert Young*

**THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW 2016-049**

BEING A BY-LAW TO REPEAL THE TEXT OF THE FORMER OFFICIAL PLAN OF THE TOWNSHIP OF LAKE OF BAYS, ORIGINALLY ADOPTED ON DECEMBER 14, 1999, AND AS AMENDED

WHEREAS the Council of The Township of Lake of Bays enacted By-law 2016-005 on January 12, 2016, adopting Official Plan Amendment No. 16 to the Official Plan of the Township of Lake of Bays Planning Area;

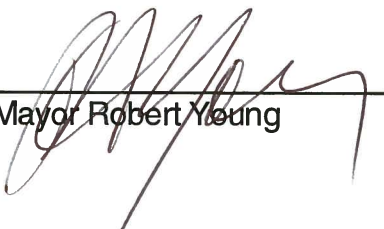
AND WHEREAS the Council of The Township of Lake of Bays has fulfilled the requirements of Sections 17 and 26 of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS Official Plans may be repealed or amended in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays enacts as follows:

1. That the text of the former Official Plan of the Township of Lake of Bays, originally adopted on December 14, 1999 and as amended, is hereby repealed and replaced in its entirety by the text as adopted by By-law 2016-005.
2. That the Official Plan of the Township of Lake of Bays now hereby consists of:
 - a) Text, being Official Plan Amendment No. 16 as adopted by By-law 2016-005;
 - b) Schedules A1, A2, A2-1, A3, A4, A5, A6, A6-1, A6-2, A7, A7-1, A8, B1, C1, C2, C3, D1, D2, E1 as adopted on December 14, 1999.
3. That this By-law shall come into force and take effect on the final passing thereof.

READ a FIRST, SECOND and THIRD time this 10th day of May, 2016.



Mayor Robert Young



Deputy Clerk – Terri-Lyn Magee

