



## Town of Huntsville Staff Report

**Meeting Date:** February 14, 2018

**To:** Planning Committee

**Report Number:** DEV-2017-172 (as amended)

**Confidential:** No

**Author(s):** Kirstin Maxwell, Manager of Planning

**Subject:** OPA#13 and Z/22/2017/HTE Island 2 (Fairview Island) Lake of Bays

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### Report Highlights

Staff review and recommendation concerning OPA No. 13 and Zoning amendment application Z/22/2017/HTE - Island 2 (Fairview Island), Lake of Bays.

### Recommendation

#### **OPA #13:**

**THAT: Amendment #13 to the Town of Huntsville Official Plan be ADOPTED and forwarded to the District of Muskoka for approval.**

#### **Z/22/2017/HTE:**

**THAT: Zoning by-law amendment Z/22/2017/HTE be APPROVED, changing the zoning from a Shoreline Residential Four (SR4) Zone to an Institutional Camp (CS3) Zone with exception.**

### Background

A public meeting was held by Planning Committee on September 13, 2017, to consider these applications ([DEV-2017-172](#)). This public meeting was well attended and Committee heard numerous concerns respecting the proposed development. In response, Committee requested that the applicant provide more clarity on the proposed use, its commercial nature and how it intended to address the concerns raised by mainland residents.

### Discussion

The applicant clarified that the Zoning By-law 2008-66P definition of an "Institutional Tourist Establishment" is what is being requested and also provided a detailed analysis of the mainland properties on Clovelly Point, Nithgrove and Glenmount neighbourhoods. Upon review of the original and latest revisions to the proposal, and having attended all informal and formal public consultation sessions, it appears that the issues raised can be grouped into several broad categories, which

include Use; Access; Character/Visual Impact; Servicing; Non-Conforming Status; Noise; Compatibility and Zoning By-law. A summary of each of the issues, applicable Official Plan policy, and whether or not the issue has been addressed and the proposal is in conformity with the applicable Official Plan provisions follows.

### **Access**

There was concern expressed about the potential of a mainland shoreline parcel, associated with the island and located on Nithgrove Road (within the Township of Lake of Bays), being used to facilitate parking and as the main access to the island. This small parcel can accommodate the parking of two vehicles and is designated in the Township of Lake of Bays Development Permit By-law to permit this use. There is an associated back lot parcel which staff understand has also historically been used for parking, but is not designated for that use.

Respecting the use of these two lots on Nithgrove Road for parking and access to the island, it would appear that only the smaller parcel may be legally used for that purpose today. Should the applicant wish to use the back lot for parking to enable access through the shoreline lot, it would need to be re-designated in the Township of Lake of Bays Development Permit By-law. No additional rights of use to those lands are being proposed or granted through these applications.

Section 8.4.4 of the Official Plan indicates that mainland access and parking for water access properties may be provided through commercial marinas, individual access points serving one property, or waterfront landings serving more than one property. In this case, to address this concern, the Official Plan Amendment has been revised to ensure that it is clear that construction, guest, and service access to the island is to be provided from commercial marinas. In this regard, letters of support from four existing marinas on Lake of Bays were received indicating that each had adequate space on site for additional vehicle parking and boat mooring. The amendment also recognizes that an alternate and more limited usage access may occur from the Nithgrove Road property.

### **Use**

Section 8.2.3 of the Official Plan recognizes that development in the Waterfront occurred with a mix of residential, commercial and open space uses. It further notes that new and innovative development that enhances this traditional mix may be considered. Institutional camps are a traditional use in the Waterfront designation. It should be noted that Lake of Bays has developed with and contains a variety of land uses, including both shoreline residential and various forms of commercial development.

The most significant concern raised by the public is the redesignation of the lands to a "Waterfront Special Policy Area" to permit an Institutional Camp and the "commercial" nature of this use as well as its potential intensity. Suggestions have been made by a representative of some of the concerned ratepayers that the lands should remain designated and zoned for "residential" use and allow corporate events as an additional permitted use. However, the Official Plan does not contemplate residential development within the "Waterfront" designation having an accessory use at the scale of the commercial use proposed. It envisions more limited accessory uses such as an artisan's studio, a bed and breakfast establishment or a home occupation. Further, Section 8.6.1 of the Official Plan makes a well-defined distinction between shoreline residential (detached single family dwellings) and waterfront commercial uses (institutional camps). To address this issue, staff are recommending limitations be placed on the permitted uses identified within the draft Official Plan and Zoning By-law amendments.

Respecting intensity of use, planning documents cannot place limitations on, or zone for, people using a property. They can, however, include limitations on the size and location of structures which

will limit the scope of use of a property, thereby mitigating both land use and visual impacts. In this case, the number of structures on Fairview Island containing habitable space has been limited to 8 and their size has been limited through zoning restrictions. In addition, the number and location of docking facilities has also been restricted. These measures, together with the maintenance of a shoreline buffer, will mitigate the land use and visual impacts of the development from mainland residents. It should also be noted that an alternative residential proposal was considered by the applicant. However, it concluded that a subdivision of the island into 8 shoreline residential parcels would permit an overall increased lot coverage and number of structures in comparison to the current proposal. Further, Section 8.2.6 notes that the redevelopment of existing lots is to be encouraged, rather than new lot creation or development of vacant lots. Staff are not recommending that the proposed cottage along the northern shoreline, facing Clovelly Point Road, be permitted. As this side of the island is the closest point to the mainland, limiting development along this shoreline will restrict potential impacts.

### **Compatibility/Noise**

Mainland residents articulated concerns with compatibility of the commercial use proposed on the island and the mainland residential uses. As noted above, Lake of Bays has developed with and contains a variety of land uses, including both shoreline residential and various forms of commercial development. In this case, the island is a considerable distance (400m) from the nearest mainland (Clovelly Point). Further, it is approximately 1.3km from the closest southerly mainland shoreline properties located in McLean and Ridout Wards of Lake of Bays Township.

In accordance with Section 8.9.3.5 of the official plan, development of new institutional camps is only permitted through an Official Plan Amendment. This is so that policies can be developed to guide scale, size and density of development, and recognize and respond to the characteristics and capacity of the site in regards to water frontage, compatibility with surrounding properties, retention of vegetation and buffer areas. In this case, the amendment limits the size, scale and density of the development and, where possible, directs it to the locations of existing structures which will be replaced. Shoreline development and vegetation removal will also be limited. More specifically, the northwestern side of the island (facing Clovelly Point) would be permitted to be developed with only 1 housekeeping cottage, 3 docks and a small beach change room, which would be spread out over approximately 250m of shoreline frontage. Further, the cottage would be set back more than 20m from the shoreline. No boathouse would be permitted in this stretch of shoreline.

Additional concerns were raised that with the change in use and re-development of the island, there would be noise issues. The limitations on the extent of development, coupled with a significant vegetative buffer would have the effect of mitigating compatibility and noise concerns. Further, should noise issues arise on the island, they would be addressed through the Town of Huntsville's Noise By-law, as it would on any other property within the Town's jurisdiction.

### **Character/Visual Impact**

Respecting character, concerns were raised that a commercial development would not be in keeping with the residential character of the mainland area of the lake. Section 8.2.14 notes that the character of an area will be maintained by retaining a traditional mix of land uses and overall low density of development, as well as preserving the natural environment, vegetation, and natural shorelines. Character is established and changes over time and the extent and form of development, including density, intensity of use, and height, maintenance of shoreline buffers are important considerations when assessing the impact of a proposal on the character of an area. Given the size of the island (8.85ha) and extensive shoreline frontage (1280m), as noted above, the draft official plan amendment includes policies to protect the character of this area by limiting the scale, size and density of development, and recognize and respond to the characteristics and capacity of the site in

regards to water frontage, compatibility with surrounding properties, retention of vegetation and buffer areas.

In this regard, the Official Plan Amendment and accompanying Zoning By-law set a density standard (lot coverage limited to 5%) in comparison to existing development rights. It should be further noted that this is also less than that permitted currently, as a shoreline residential lot (10%). The 5% lot coverage requirement would result in less development density than if the island were to be subdivided and developed with residential lots. Further, Section 8.3 of the Plan speaks to the importance of design to limit impacts, both visual and environmental. The development will maintain a low profile, with additional limitations imposed on height of structures so that no development shall occur above the treeline as required in Section 8.2.9 of the official plan. As noted above, and in conformity with Section 8.2.10, shoreline structures and amenity area widths will be restricted. In accordance with Section 8.2.3 of the official plan, vegetation retention policies will ensure a balance between the protection and utilization of natural features. This will ensure that the amount of shoreline disturbance will be limited. Implementation of these policies will ensure that the impact of the proposal on this area of the lake is minimal.

### **Servicing**

Mainland residents had further concerns with potential servicing (water, sewage, hydro) of the island. Servicing has been addressed in a site servicing report prepared by a qualified professional engineer. The report envisions that development would be serviced by private individual water and sewage services, in accordance with Section 8.5.1 of the Official Plan. All sewage systems would be located a minimum of 30m from the shoreline as per Section 8.5.2, and detailed construction mitigation and stormwater management plans shall be implemented through site plan control (Section 8.5.4).

### **Non-Conforming Status**

Concern was expressed that the property maintained some form of non-conforming status in regards to the Institutional Camp. As that use ceased to exist, there is no legal non-conforming status, which necessitated the need for the applicant to submit an Official Plan Amendment to establish the use.

### **Zoning**

The chart (Attachment #3) provides an analysis of the zoning by-law approaches proposed by the applicant, the ratepayer's solicitor, Mr. Elston, and staff's recommended approach. The zoning by-law prepared by staff places additional restrictions on use, vegetation retention and location, height and size of structures. The limitations on size of structures, vegetation removal and shoreline disturbance contained in the policies of the official plan amendment would be best imposed through the zoning by-law amendment proposed by staff.

### **Options**

Committee could deny the applications, however, that is not recommended, as they would appear to conform to the intent of the Official Plan and be consistent with the Provincial Policy Statement.

### **Council Strategic Direction / Relevant Policies / Legislation / Resolutions**

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Strategic Plan

Natural Environment & Sustainability Goal #2: Integrate sustainability principles into planning and development policies and processes.

## Unity Plan

### Economic Considerations

Goal 11: Economic Development: Huntsville will promote a diverse and prosperous economy by attracting innovation, growing a knowledge-based economy, providing adequate training, developing green jobs, and offering sustainable year round employment to retain Huntsville's youth.

### Social Considerations

Goal 6: Social well-being: The community will encourage and support social diversity and personal sense of well-being by improving accessibility, promoting volunteerism, striving to reduce poverty, and maintaining a healthy, safe, friendly community to live, work, and play for all ages, cultures and abilities.

### Environmental Considerations

Goal 1: Environmental Protection: The community will protect, preserve, restore, and enhance the terrestrial and aquatic environments and biodiversity of Huntsville and surrounding area by being responsible stewards of the environment.

## Relevant Policies/Legislation/Resolutions

Provincial Policy Statements

Planning Act, R.S.O. 1990, cP.13

District of Muskoka Official Plan

Town of Huntsville Official Plan

Zoning By-law 2008-66P, as amended

## Attachments

[Z/22/2017/HTE & OPA#13 Attachment #1: Site Plan](#)

[OPA #13 Attachment #2: Draft Official Plan Amendment](#)

[Z/22/2017/HTE Attachment #3: Draft Zoning By-law](#)

[Z/22/2017/HTE Attachment #4: Zone Comparison](#)

[Z/22/2017/HTE & OPA#13 Attachment #5: Clarification of Use](#)

[Z/22/2017/HTE & OPA#13 Attachment #6: Ratepayers' Solicitor's Comments](#)

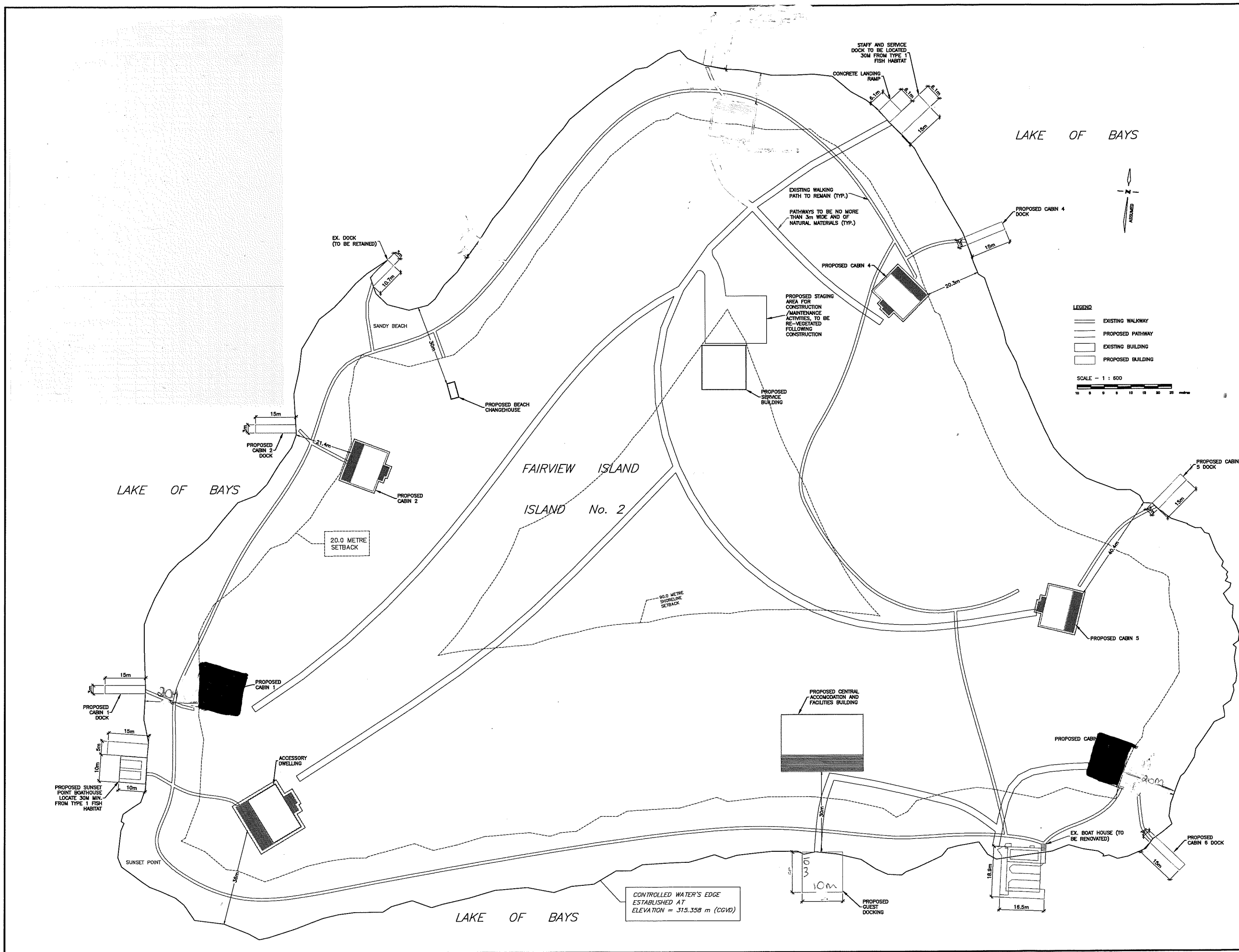
[Z/22/2017/HTE & OPA#13 Attachment #7: Additional Comments Received](#)

**Respectfully Submitted:** Kirstin Maxwell, Manager of Planning

**Manager Approval (if required):** \_\_\_\_\_

**Director Approval:** Derrick Hammond, Director of Development Services

**CAO Approval:** \_\_\_\_\_



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2	MOVED SUNSET POINT BOATHOUSE OUT OF FISH HABITAT	APR.26.2017
1	ISSUED FOR PLANNING REVIEW	APR.05.2017
No.	Revision/Issue Column	Date

Client:  
**GEORDIE KONRAD**

Project:  
**FAIRVIEW ISLAND  
 ISLAND NO. 2  
 LAKE OF BAYS IN THE  
 TOWN OF HUNTSVILLE**

Drawing:  
**PROPOSED SITE PLAN**

Approved:  
**AMENDED  
 FEB 2018**

Date:	MARCH 2017
Project No.:	17-59-01
Drawn By:	MW
Designed By:	NdK
Reviewed By:	DD
Scale:	1:600
Drawing No.:	SP3

**CORPORATION OF THE TOWN OF HUNTSVILLE**

**BY-LAW NUMBER 2018-xx**

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**(Fairview Island)**

**Being a by-law of the Town of Huntsville to adopt  
Amendment No. 13 to the Huntsville Official Plan**

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**WHEREAS:** the Council of the Corporation of the Town of Huntsville finds it expedient to amend the Town of Huntsville Official Plan, as amended:

**AND WHEREAS:** the Council of the Corporation of the Town of Huntsville has fulfilled the requirements of Sections 17 and 21 of the *Planning Act*, R.S.O., 1990, as amended.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:**

1. That Amendment No. 13 to the Huntsville Official Plan, consisting of the attached explanatory text and schedule, is hereby adopted;
2. That the Mayor and Clerk are hereby authorized and directed to affix the seal of the Corporation to Amendment No. 13 and to make application to the authority having jurisdiction for approval of the said amendment; and
3. THAT this by-law shall come into force on the final passing thereof and in accordance with Sections 17 and 21 of the *Planning Act*, R.S.O., 1990.

**READ a first** time this       day of       , 2018.

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**Mayor** (Scott Aitchison)

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**Clerk** (Tanya Calleja)

**READ a second and third** time and **finally PASSED** this       day of       , 2018.

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**Mayor** (Scott Aitchison)

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**Clerk** (Tanya Calleja)



## **AMENDMENT NUMBER 13 TO THE OFFICIAL PLAN OF THE TOWN OF HUNTSVILLE**

### **(Fairview Island)**

#### **SECTION 1 TITLE AND COMPONENTS OF THE AMENDMENT**

- 1.1 Section 5 herein and Schedule "I" shall constitute Amendment Number 13 to the Official Plan of the Town of Huntsville and shall be entitled "Fairview Island".
- 1.2 Sections 1, 2, 3, 4, 6 and 7 herein do not constitute part of the formal Amendment, but provide general information respecting the Amendment.

#### **SECTION 2 LANDS SUBJECT TO THE AMENDMENT**

- 2.1 Lands subject to this Amendment are as illustrated on Schedule "I" and affixed hereto, being composed of Island 2, Lake of Bays, Geographic Township of Brunel, now in the Town of Huntsville, District Municipality of Muskoka.
- 2.2 The subject land is located within the Huntsville Urban Settlement Area and designated Future Urban.

#### **SECTION 3 PURPOSE OF AMENDMENT**

- 3.1 Island #2 (Fairview Island) was historically developed and used as a private institutional camp in the early 1940s. However, this use ceased to exist and Fairview Island was eventually used as a residential compound. Many of the buildings associated with the former uses remain on the property today.
- 3.2 The purpose of this Amendment is to permit a private Institutional Camp Use as well as to provide site specific policies to guide the re-development of Fairview Island.
- 3.3 In accordance with the requirements of Section 8.9.2.4 of the Town of Huntsville Official Plan, this Official Plan Amendment will guide the scale, size and density of development and recognize and respond to the characteristics and capacity of the site.

#### **SECTION 4 BACKGROUND AND BASIS**

- 4.1 The lands subject to this Amendment have an area of approximately 8.85ha and 1280m of perimeter frontage. The lands rise from the shoreline towards the interior of the island. The island is extremely well vegetated with the only cleared areas being in the location of existing development.
- 4.2 The lands are developed with a two-storey boathouse containing accommodation, multiple docks, 6 cabins and the remains of several former institutional camp buildings.
- 4.3 The owners wish to establish an Institutional Camp Use on the island. The use would provide recreational and educational programs and sleeping accommodation for guests.
- 4.4 The Institutional Camp would consist of a central accommodation building, 5 housekeeping cottages, one accessory dwelling and two boathouses. A service building would also be located in the interior of the island. Each of the housekeeping cottages and the accessory dwelling would have its own dock. Vegetation removal would be limited to the building locations, with a meandering path along the shoreline. The shoreline activity area will be limited to a maximum of 80m.





- 4.5 The Town of Huntsville Official Plan directs that the establishment of new institutional camps shall proceed by amendment to the plan, to establish the principle of use and policies to guide the scale, size and density of development, and recognize and respond to the characteristics and capacity of that particular site such as adequate and appropriate water frontage, compatibility with surrounding properties, retention of native vegetation and buffer areas.

## **SECTION 5 THE AMENDMENT**

- 5.1 Schedule D-4 "Natural Constraints and Special Policy Areas" of the Town of Huntsville Official Plan is hereby amended with the addition of Special Policy Area Three – Fairview Island.
- 5.2 The text of the Official Plan for the Town of Huntsville is further hereby amended by adding a new section as follows:

### **"Section 8.12.3 Waterfront Special Policy Area Three - Fairview Island:**

#### **8.12.3.1 – Development Policies**

The following policies shall be applied to the development of Fairview Island as a Private Institutional Camp:

- a. A Private Institutional Camp as defined in the Town of Huntsville Comprehensive Zoning By-law 2008-66P, as amended is permitted on Fairview Island. Development will occur in accordance with a site specific amendment to, as well as the applicable provisions of, the Town of Huntsville Comprehensive Zoning By-law 2008-66P, as amended.
- b. All structures, save and except for permitted shoreline structures, will have a minimum setback of 20m from the normal high watermark. To avoid vegetation removal and maintain the historic developed character of Fairview Island, wherever possible, new structures will generally be located in the area of the footprints of those existing structures which are located beyond the minimum 20m water setback.
- c. The maximum height of primary structures shall be 9m. The maximum height of a boathouse shall be 4m.
- d. The maximum lot coverage of all structures, including docks and boathouses, will be 5%.
- e. The natural vegetation and shoreline of Fairview Island will be maintained and re-established. Despite Section 8.3.4 of the Official Plan, all of those areas on Fairview Island outside of permitted building envelopes and shoreline access pathways shall be maintained in their natural state.

#### **8.12.3.2 – Access and Services**

- a. No permanent fixed connection from any point on Fairview Island to any point on the mainland, including a bridge or causeway, will be permitted.
- b. Mainland construction access to Fairview Island for the Institutional Camp buildings and structures will be from commercial marinas and public access points where Municipal (Township of Lake of Bays) User Agreements are available and secured.
- c. Mainland access for guests of and services for the Institutional Camp will be from commercial marinas. Access to Fairview Island for the accessory residential use may also occur from a Waterfront Landing located on Nithgrove Road in the Township of Lake of Bays, known as Parts 1



and 2 on Plan 35R-24035, and in compliance with the site specific provisions of the Township's Development Permit By-law.

- d. The site plan agreement shall recognize that municipal services such as, but not limited to, fire, first response, ambulance, and sanitation are not generally available on an island.

#### **8.12.3.3 - Implementation**

Notwithstanding any other policy of this official plan, prior to the development of any portion of the lands identified in Schedule "I" attached hereto, a Site Plan Agreement pursuant to Section 41 of the Planning Act will be entered into between the Owner and the Town which will require, among other things, the owner to develop and maintain the lands in accordance with said agreement and:

- a. A Site Servicing and Construction Mitigation Report prepared by Duke Engineering Ltd. dated April 2017, as amended;
- b. The Site Plan prepared by Duke Engineering Ltd. and Marie Poirier Planning and Associates Inc. dated April 2017, as amended."

### **SECTION 6 IMPLEMENTATION**

- 6.1 The changes to the Official Plan of the Town of Huntsville, as described in this Amendment, shall be implemented in accordance with the provisions of Section 13 of the Official Plan.

### **SECTION 7 INTERPRETATION**

- 7.1 The provisions of Section 13.9 of the Official Plan of the Town of Huntsville, shall apply with respect to the interpretation of this Amendment.



**SCHEDULE "I"**





## CORPORATION OF THE TOWN OF HUNTSVILLE

### BY-LAW NUMBER 2018-XX

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**(Fairview Island)**  
**Being a by-law to amend Zoning By-law 2008-66P**  
**as amended, of the Corporation of the Town of Huntsville**

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**WHEREAS** the council of the Corporation of the Town of Huntsville finds it expedient to amend Zoning By-law 2008-66P, as amended;

**AND WHEREAS** authority to pass this by-law is provided by Section 34 of the Planning Act, E.S.O, 1990. c. P. 13 and amendments thereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

1. Map Nos. "M-10 and M-11" of Zoning By-law 2008-66P, as amended, are hereby further amended by rezoning Island 2, Lake of Bays, Geographic Township of Brunel, Town of Huntsville, from a **Shoreline Residential Four (SR4) Zone** to an **Institutional Camp (CS3) Zone with exception "0xxx"**, as shown **blackened**, on Schedule "I" attached hereto.
2. Section 6 – "Special Exceptions" is hereby further amended by the following:

**Exception No. "0xxx"**

Notwithstanding any provisions of Zoning By-law 2008-66P, as amended:

- An Institutional Tourist Establishment shall be the only permitted use.  
For the purposes of this by-law, an institutional tourist establishment shall be defined as the use of land, buildings or structures for an establishment operated by a private organization that provides recreational, education, health, or spiritual programs, sleeping accommodation on a temporary and reserved basis and centralized facilities associated with such accommodation or programs, or for the provision of administration or dining. An institutional tourist establishment may include accessory buildings, structures or facilities incidental to the principal use, such as common washrooms, recreational facilities.
- The only permitted accessory uses shall be:
  - Dwelling Unit;
  - Staff Quarters;  
For the purposes of this by-law, Staff quarters shall be defined as an accessory building housing accommodation for employees of an institutional tourist establishment and which may contain a kitchen.
- Structures permitted in association with the Institutional Tourist Establishment shall be limited to:
  - Central accommodation and facilities building, which may include accommodation units, dining room, meeting rooms and similar uses;
  - 1 accessory single family dwelling;
  - Two boathouses, (the existing two storey boathouse may remain but not be enlarged, and a second single storey boathouse);
  - A maximum of 10 docks;
  - Beach change room;

- Service building;
  - A maximum of 5 housekeeping cottages. For the purposes of this by-law, a housekeeping cottage shall be defined as a structure for overnight accommodation that may include sanitary and food preparation facilities. One of these housekeeping cottages may be used for staff quarters.
  - The maximum height of all primary structures shall be 9m;
  - The maximum height of a boathouse shall be 4m;
  - The maximum lot coverage of all structures, including docks and boathouses, shall be limited to 5%;
  - The maximum footprint of each structure shall be as follows:
    - Central accommodation and facilities building, including all decks and stairs: 650m<sup>2</sup>;
    - Accessory dwelling, including all decks and stairs: 325m<sup>2</sup>;
    - Housekeeping cottage, including all decks and stairs: 125m<sup>2</sup>;
    - Service building: 279m<sup>2</sup>;
    - Beach change house: 19m<sup>2</sup>;
    - Existing boathouse (including deck and dock): 319m<sup>2</sup>;
    - 2nd boathouse: 100m<sup>2</sup>;
    - Docks associated with housekeeping cottages and dwelling: 45m<sup>2</sup>;
    - Service dock: 92m<sup>2</sup>;
    - Guest dock: 100m<sup>2</sup>;
  - The maximum height of all structures shall be 9m;
  - The maximum cumulative width of all amenity areas, docks and boathouses shall be 80m; the balance of the shoreline buffer area shall remain in its natural state;
  - A minimum 20m shoreline vegetative buffer shall be maintained and/or re-established where required;
  - No structures other than docks and boathouses shall be permitted within 20m of the shoreline;
  - The only permitted site alteration within the shoreline buffer area shall be a 1.5m wide meandering pathway;
  - Structures shall be located in the areas as shown on Schedule 9-xx, and any changes to the location or size of any buildings shall require a Zoning By-law amendment.
3. Section 9 – “Property Details Schedules” is hereby further amended by the addition of Schedule 9-xx, attached.
4. Schedule “I” attached hereto, is hereby made part of this by-law.
5. This By-law shall take effect on the date of passage and come into force in accordance with Section 24 and Section 34 of the Planning Act, 1990, Chapter P.13.

**READ a first time this 26<sup>th</sup> day of February, 2018.**

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**Mayor** (Scott Aitchison)

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**Clerk** (Tanya Calleja)

**READ a second and third time and finally passed this 26<sup>th</sup> day of February, 2018.**

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**Mayor** (Scott Aitchison)

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**Clerk** (Tanya Calleja)

**Schedule “I” to By-law 2018-xx (Fairview Island)**





Island #2 (Fairview) Zoning By-law Amendment Comparison Chart			
USE	Applicant	Ratepayers	Staff
<b>Recommendation</b>	Principal Use shall be an Institutional Tourist Establishment; including 6 housekeeping cottages but does not permit a convenience store.	Retain Shoreline Residential Four Zoning	An Institutional Tourist Establishment shall be the only permitted use. For the purposes of this by-law, an institutional tourist establishment shall be defined as the use of land, buildings or structures for an establishment operated by a private organization that provides recreational, education, health, or spiritual programs, sleeping accommodation on a temporary and reserved basis and centralized facilities associated with such accommodation or programs, or for the provision of administration or dining. An institutional tourist establishment may include accessory buildings, structures or facilities incidental to the principal use, such as common washrooms, recreational facilities.
<b>Comment</b>	<i>Use will be established with definition in zoning by-law for Institutional Tourist Establishment.</i>	<p><i>Use permitted in the SR4 zone include: Single detached dwelling</i></p> <p><i>With this approach, no Official Plan amendment would be required and as a result, no site specific development policies could be established and implemented. Shoreline activity areas would be limited in width to 15m; no additional shoreline structures would be permitted.</i></p>	<i>Use will be as defined in Zoning By-law 2008-66P with additional limitations (removal of convenience store)</i>
<b>Recommendation</b>	The following accessory uses shall not be permitted: Day nursery, personal service establishment, place of assembly, restaurant, retail store	In addition to the permitted primary residential use, no more than six, three-day corporate events per calendar year may be hosted by the owner(s) of the residential dwelling units, subject to the following conditions: a) None of the permitted buildings, structures, facilities, or any part of the property may be rented, leased, or otherwise exchanged for any form of	The only permitted accessory uses shall be: <ul style="list-style-type: none"> <li>○ Dwelling Unit;</li> <li>○ Staff Quarters.</li> </ul> For the purposes of this by-law, Staff quarters shall be defined as an accessory building housing accommodation for employees of an institutional tourist establishment and which may contain a kitchen.



		<p>payment or consideration to any person or persons, or business other than a business owned by the owners;</p> <p>b) None of the permitted buildings, structures, facilities, or any part of the property may be advertised on, displayed on, made available through, or in any way promoted on any form of online marketplace or hospitality services such as Airbnb; and</p> <p>c) Any such corporate event must be subject to a business licensed issued by the Town.</p>	
<b>Comment</b>	<i>Limit use to institutional camp, educational institution, home occupation, private park, staff quarters only</i>	<p><i>The Town has no regulatory mechanism or ability to enforce this provision, our business licensing by-law does not require licensing of this type of event.</i></p> <p><i>Accessory uses permitted as of right in the SR4 zone include an artisan's studio, bed and breakfast establishment, and a home occupation.</i></p>	<i>Limitation of accessory uses</i>
<b>Recommendation</b>	A Housekeeping cottage is defined as a structure within an Institutional Tourist Establishment that is designed to provide accommodation and equipped with a kitchen and having a lot coverage of no more than 125m <sup>2</sup> and being no more than 11m in height; and is not considered a dwelling unit.	The maximum number of <i>dwelling units</i> shall be two;	<p>Structures permitted in association with the Institutional Tourist Establishment shall be limited to:</p> <ul style="list-style-type: none"> <li>○ Central accommodation and facilities building, which may include accommodation units, dining room, meeting rooms and similar uses;</li> <li>○ 1 accessory single family dwelling;</li> <li>○ Two boathouses, (the existing two storey boathouse may remain but not be enlarged, and a second single storey boathouse);</li> <li>○ A maximum of 10 docks;</li> <li>○ Beach change room;</li> <li>○ Service building ;</li> <li>○ A maximum of 5 housekeeping cottages. For the purposes of this by-law, a housekeeping cottage shall be defined as a structure for overnight</li> </ul>

			accommodation that may include sanitary and food preparation facilities. One of these housekeeping cottages may be used for staff quarters.
<b>Comment</b>	<i>Height requested of 11m for housekeeping cottage, although not considered a dwelling unit is significant</i>	<i>The island currently contains 7 structures that are defined as "dwelling units"</i>	<i>Limit the number of structures permitted on site</i>
<b>Recommendation</b>		The maximum number of <i>private cabins</i> shall be six	
<b>Comment</b>		<i>Private cabins in the comprehensive zoning by-law are limited in size to 60m<sup>2</sup>, no kitchen facilities are permitted</i>	
<b>PHYSICAL DEVELOPMENT OF SITE</b>	<b>Applicant</b>	<b>Ratepayers</b>	<b>Staff</b>
<b>Recommendation</b>		The maximum habitable floor area of a <i>dwelling unit</i> shall be 1,000 square metres;	
<b>Comment</b>		<i>Limits floor area but does not limit lot coverage nor deck size</i>	
<b>Recommendation</b>	The maximum lot coverage shall be 5% for all structures		The maximum lot coverage of all structures, including docks and boathouses, shall be limited to 5%;
<b>Comment</b>	<i>Limiting lot coverage – 35% would normally be permitted in the CS3 zone</i>		<i>Limitation on lot coverage – in a shoreline residential zone the combined primary and accessory structure coverage could be 10% of the overall lot area.</i>
<b>Recommendation</b>			<p>The maximum footprint of each structure shall be as follows:</p> <ul style="list-style-type: none"> <li>• Central accommodation and facilities building, including all decks and stairs: 650m<sup>2</sup></li> <li>• Accessory dwelling, including all decks and stairs: 325m<sup>2</sup></li> <li>• Housekeeping cottage, including all decks and stairs: 125m<sup>2</sup></li> <li>• Service building: 279m<sup>2</sup></li> </ul>

			<ul style="list-style-type: none"> <li>• Beach change house: 19m<sup>2</sup></li> <li>• Existing boathouse (including deck and dock): 319m<sup>2</sup></li> <li>• 2<sup>nd</sup> boathouse: 100m<sup>2</sup></li> <li>• Docks associated with housekeeping cottages and dwelling: 45m<sup>2</sup></li> <li>• Service dock: 92m<sup>2</sup></li> <li>• Guest dock: 100m<sup>2</sup></li> </ul>
<b>Comment</b>			<i>Limit size of structures containing habitable space</i>
<b>Recommendation</b>			The maximum height of all primary structures shall be 9m; the maximum height of a boathouse shall be 4m
<b>Comment</b>			<i>Height is reflective of shoreline residential standard, not commercial</i>
<b>Recommendation</b>			The maximum cumulative width of all amenity areas, docks and boathouses shall be 80m. The balance of the shoreline buffer area shall remain in its natural state.
<b>Comment</b>			<i>Commercial zones permit up to 33% of shoreline frontage as amenity area (approximately 422m in a shoreline residential zone it would be limited to 15%; and if the island were to be severed there could be up to 120m of amenity area</i>
<b>Recommendation</b>	Setback from Type 1 Fish Habitat for all structures shall be 30m		
<b>Comment</b>	<i>This is already a requirement in the zoning by-law</i>		
<b>Recommendation</b>	The minimum vegetative buffer between building footprints and shoreline amenity areas shall be 30m		A minimum 20m shoreline vegetative buffer shall be maintained and/or re-established where required;
<b>Comment</b>	<i>All buildings shall be separated by 30m of vegetation</i>		<i>All areas outside of amenity areas would be fully vegetated</i>
<b>Recommendation</b>			No structures other than docks and boathouses shall be permitted within 20m of the shoreline;
<b>Comment</b>			<i>Any existing building envelopes that do not meet the 20m minimum setback will be moved</i>

			<i>further back to meet zone standards; and will further limit shoreline disturbance</i>
<b>Recommendation</b>			The only permitted site alteration within the shoreline buffer area shall be a 1.5m wide meandering pathway.
<b>Comment</b>			<i>Only a path shall be permitted within the 20m buffer area</i>
<b>Recommendation</b>	The development of lands in this zone including location and size of all structures shall be as shown on Schedule 9-xx attached. and will be subject to site plan control.		Structures shall be located in the areas as shown on Schedule 9-xx, and further any changes to the location or size of any buildings shall require a Zoning By-law amendment.
<b>Comment</b>	<i>Specifies location and footprint size of all buildings.</i>		<i>Detailed plan showing location of structures will be attached to the by-law</i>

**AIRD BERLIS**

Leo F. Longo  
Partner  
Direct: 416.865.7778  
E-mail: [llongo@airdberlis.com](mailto:llongo@airdberlis.com)

October 24, 2017

BY EMAIL: [tanya.calleja@huntsville.ca](mailto:tanya.calleja@huntsville.ca)

Our File No. 139021

Chair Alcock & Committee Members  
Planning Committee  
Town of Huntsville  
Town Hall  
37 Main Street East  
Huntsville, Ontario  
P1H 1A1

Dear Chair and Committee Members:

**Re: Langford/Lalor – Island No. 2, Lake of Bays  
OPA#13 and Z/22/2017/HTE**

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We represent the applicant in this matter.

Further to the statutory public meeting held on September 13, 2017 regarding our client's planning applications for Fairview Island, we would like to bring to your attention that we have submitted to your planning staff some additional materials, a copy of which is attached.

These materials were prepared to address the expressed concerns and comments of the public and Committee members. It should be noted that included in these materials is a proposed zoning by-law which our client, as the applicant, has drafted for your consideration and which, in our opinion, appropriately addresses the concerns and suggestions put forward at that meeting.

We further note that we received a suggested amending zoning by-law which was submitted to you by Mr. Harold Elston on behalf of his clients. Our client does not agree with that proposal. In our client's role and in fulfillment of their responsibilities as the applicant, we have prepared the attached proposed zoning by-law for your consideration.

Our client and its consultants are always available to discuss matters with you and your staff at your convenience.

October 24, 2017  
Page 2

Yours truly,

AIRD & BERLIS LLP

  
Leo F. Longo  
LFL/ly  
Encl.

c. Kirstin Maxwell  
Client  
Marie Poirier  
Harold Elston

30735322.1

AIRD BERLIS



**M A R I E P O I R I E P L A N N I N G  
& A S S O C I A T E S I N C .**

---

Marie E. Poirier, B.Sc., MCIP, RPP  
3-2876 Highway 60, P.O. Box 216, Dwight, ON P0A 1H0  
Phone: 705.635.9860 Fax: 705.635.9768 Email: marie@mpplanning.com

Town of Huntsville  
37 Main St  
Huntsville ON

Attention: Ms Kirstin Maxwell  
Manager of Planning

Dear Ms Maxwell:

**RE: Fairview Island Planning Applications  
Additional Information**

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**Further to our meeting on September 20, 2017, enclosed please find additional information to support the applications as we discussed. We are enclosing a draft zoning by-law, clarification of use document, and a Character and Compatibility Analysis.**

**If you have any questions please contact me at your earliest convenience.**

**Yours truly,**

---

Zoning Amendments – Consents – Site Planning – Expert Witness – Policy Planning  
Project Management – Site Analysis – Property Redevelopment – OMB Appeals

**FAIRVIEW ISLAND (ISLAND 2) TOWN OF HUNTSVILLE**  
**OFFICIAL PLAN AMENDMENT AND RE-ZONING APPLICATIONS FOR RE-  
DEVELOPMENT**

**LAND USE AND CHARACTER COMPATIBILITY ANALYSIS**

**Submitted: October 2017**

**Prepared by: Marie Poirier Planning & Associates**

**Purpose of Analysis**

For the purpose of providing support for the planning applications respecting the re-development of Fairview Island, we reviewed the land uses, development, lot configurations, and density of development along the shorelines in closest proximity to Fairview Island and along the shores of Lake of Bays in general. This was in an effort to analyze land use and character compatibility of the Island with surrounding areas. This analysis relied on mapping available through the District of Muskoka, Town of Huntsville, Township of Lake of Bays, and site inspections from Lake of Bays. Maps and photos are appended to demonstrate the text.

**Comparison 1: Current Development on Lake of Bays**

***Clovelly Point, Glenmount, and Nithgrove Neighbourhoods***

The closest shorelines to Fairview Island are the areas known as Clovelly Point to the north, and Glenmount, Nithgrove and Norway Point to the south. East of Fairview Island is Bigwin Island and the shores of the community known as Port Cunnington. Each of these developed shorelines are cluster type waterfront communities connected by public uses and institutions such as docks, churches, community centres and parks. The residential lots are generally less than the size and frontage of the minimum lot sizes and frontages required by current planning policy and regulation.

***Clovelly Point***

Clovelly Point is located to the north of Fairview Island at a distance of over 400 m. The properties were created by a Plan of Subdivision in 1914 and are comprised of approximately 17 lots with a cumulative shoreline frontage on Lake of Bays of +/- 2,921.77 feet. The area includes waterfront lots whose primary access is from and road frontage on Clovelly Point Road.

The existing lot frontages and areas are substantially smaller than current standard lot sizes of 200 feet of shoreline frontage and 1 acre of area (as per the SR1 zone of the Town of Huntsville Zoning By-law). Municipal Property Assessment Corporation (MPAC) data as available through the Muskoka Web Map program indicates that the majority of lots along Clovelly Point have less than the required 200 feet of shoreline frontage, with an average of +/- 171.87 feet. Over half of the properties have a frontage equal to or less than 150 feet. Furthermore, 12 of the 17 lots (71%) have an area equal to or less than 1 acre. The average lot size is +/- 0.88 acres.



With respect to development, each lot has at least one dock and several have boathouses, boatports or similar structures (see Photos #1-#5). Since these lots were developed prior to the implementation of any planning or development controls, lot coverages and density largely exceed today's standards and limited vegetation was retained at the shorelines. Development is "tight" with little or no side yard setbacks, and close to the water.

Associated with this level and type of physical development is related waterfront recreational activity. Photographs taken September 17, 2017 for the purpose of the Fairview application show that not only does each lot have a dock but attached to those docks are an array of water craft, and water based "toys" (see Photos #1-#6).

### *Glenmount*

The community of Glenmount is located on the south shore of Lake of Bays and to the south-east of Fairview Island at a distance of over 1.3 km. It consists of approximately 53 lots with a cumulative shoreline frontage on Lake of Bays of +/-10,264.63 feet. The area includes waterfront lots whose primary access is from and road frontage is on Glenmount Road.

There is a range of existing lot sizes in the Glenmount area. For example, 30 lots (56.6%) have an area in excess of 1 acre, while 23 lots (43.4%) have an area less than one acre in area. The average lot area is +/- 4.27 acres, although this is skewed higher as a result of five lots ranging in area from 18 to 41 acres. When removing these five lots from the calculation the average lot area is +/- 1.63 acres. In addition, 32 lots (60.4%) have less than 200 feet of frontage, while 21 lots (39.6%) have more than 200 feet of frontage. The average lot frontage is +/- 193.67 feet.

The Lake of Bays Sailing Club is located in this area, which offers berthing facilities and lessons including yoga on the dock. A short distance from the Sailing Club is the Lake of Bays Tennis Club. Both clubs offer programmes, camps, tournaments and food and beverage facilities. Multi slip docking facilities are available as most members arrive by water as the Tennis Club membership requires ownership of waterfront property on Lake of Bays.

### *Nithgrove*

The Nithgrove Road community is located to the south (west) of Fairview Island at a distance of over 2 km. The area is comprised of approximately 24 lots with a cumulative shoreline frontage on Lake of Bays of +/- 2,897.63 feet. The area includes waterfront lots whose primary access is from and road frontage is on Nithgrove Road and Nithgrove Drive.

The average lot frontage is +/- 121 feet and average lot area is 0.67 acres, both substantially less than the 200 feet and 1 acre standards of the Lake of Bays Development Permit By-law. Moreover, 21 lots (87.5%) have less than 200 feet of frontage and 20 lots (83.3%) have less than 1 acre of area.

Partially as a result of the small lot sizes, many of the lots have cottages within the first 20 m of the water (inconsistent with current planning standards) along with dense accessory shoreline

structures including docks, boathouses, and boatports and shorelines largely cleared of vegetation (see Photos #7-#15). The density of development and location of structures near to the shoreline (again, as a result of having been developed when access was only available by water) results in a high level of activity along the shorelines and the nearshore area of the waters of Lake of Bays.

#### *Summary Chart*

Below is a summary chart. It shows the relative density of structures proposed on Fairview Island compared to Clovelly Point, Glenmount and Nithgrove.

	Clovelly Point	Glenmount	Nithgrove	Fairview as Proposed
<b>Frontage (feet)</b>	2,921.77	10,264.63	2,897.63	4200.0
<b>Structures*</b>	17.0	53.0	24.0	8.0
<b>Avg Frontage per Structure (ft.)</b>	172	194	121	525.0

*\*In the case of Clovelly Point, Glenmount and Nithgrove the primary structures are dwellings. In the case of Fairview as Proposed, the primary structures are the housekeeping cottages, central accommodation building and the accessory dwelling.*

#### *Lake of Bays in General*

Lake of Bays is the third largest of the inland lakes in Muskoka after Lake Muskoka and Lake Rosseau. It has over 350 miles of shoreline and 21 islands. Residential and commercial development and uses are distributed along the shores of Lakes of Bays, in many places close to the water since access was historically by water via steamship. Only when roads were opened in the middle of the 20<sup>th</sup> century was access available by land. Development was not controlled by legal setbacks from the water until local zoning by-laws were enacted in the 70's and 80's. This resulted in a pattern of cottages, docks, boathouses, and resort buildings located along the shores, near the water, and at higher densities than would be permitted by today's zoning by-law standards for new development and which apply to the Fairview application.

Commercial development and uses have always been a large part of the character of Lake of Bays. Golf courses, resorts, marinas, and retail/convenience stores have served the cottage community and the travelling public for decades. They have taken on different locations and modernized facilities but these commercial developments and uses are historic and very much part of the character of Lake of Bays today and recent decades. New types of commercial activity have emerged such as boat tour operators, water taxis, and fishing charters at various locations on Lake of Bays.

Eight (8) full service marinas are spotted across Lake of Bays, several offering boat and recreational watercraft rentals and retail shops. The Tennis Club and Sailing Club both within 1 km of Fairview Island offer food and beverage services, and hold several tournaments, camps, lessons, dockage and waterfront based activities. There are over 19 resorts offering various experiences from housekeeping cottages to full concierge services on a membership basis and to



the travelling public. Bigwin Island which is located approximately 2 km from Fairview Island and boasts a world class 18-hole golf course, cabin rentals, a restaurant and banquet centre. The perimeter of Bigwin Island is subject to a Plan of Subdivision consisting of over 120 lots developed with cottages, docks and boathouses as well as a condominium development.

There are three communities on the shores of Lake of Bays: Dwight, Dorset and Baysville. These communities provide a variety of commercial uses including: retail establishments, restaurants, churches, a school (Dwight), post offices, community centres, accommodations and all have public docking for access by water.

## **Comparison 2: Fairview Island Developed as Residential**

As an alternative to the proposed use or any other commercial use, Fairview Island through a zoning amendment, could be developed for residential use as of right. The SR4 zone which is the current zone category only permits the uses, building, and locations of structures as they existed at the time of the passing of the By-law. Any re-development other than exactly what currently exists will require, at minimum, a re-zoning and is subject to site plan control.

The Town of Huntsville Official Plan requires that new waterfront development be zoned SR2 which requires a minimum lot size of 1 ha (2.5 acres) and a minimum lot frontage of 60 m (200 feet). Based on the size and frontage of Fairview Island, and the topography and natural features, as of right 8 lots could be created. Each lot would be slightly over 1 ha in area and have 160 m of frontage.

Each of these lots could be developed with a dwelling of 540 sq. m (5,800 sq. ft.) with accessory structures totalling 540 sq. m (5,800 sq. ft.). Three roofed accessory structures (for each of the 8 lots or 24 in total) would be permitted as of right. These could include for example, a boathouse being 100 sq. m (1,076 sq. ft.) and a sleeping cabin being 60 sq. m (646 sq. ft.) and a shed or outbuilding up to the maximum permitted. A gazebo is also permitted in the shoreline yard and is limited to 15 sq. m (150 sq. ft.) and would be included as one of the three permitted shoreline structures. A dock would also be permitted up to 15 m (49.2 ft.) wide and 15 m (49.2 ft.) in length.

If Fairview Island was developed as multiple residential lots, the developer would be able to, as of right, achieve higher lot coverage and more intense waterfront development than is being proposed in the current application.

	<b>Fairview as Residential</b>	<b>Fairview as Proposed</b>
<b>Structures*</b>	8	8
<b>Cumulative Shoreline Structure Width</b>	120 m**	85.7 m
<b>Boathouses and Similar</b>	8	2
<b>Lot Coverage</b>	10% (5% Primary + 5% Accessory)	3.60%

*\*In the case of Fairview as Residential the primary structures are dwellings. In the case of Fairview as Proposed, the primary structures are the housekeeping cottages, central accommodation building and the accessory dwelling.*

*\*\*Based on a Shoreline Amenity Area width of 15 m over 8 lots.*

## **Analysis**

The contour frontage of Fairview Island is 1,280 m (4,200 feet). A central accommodation building, six (6) housekeeping cottages, an accessory dwelling, ten docks, and two boathouses are proposed. All docks meet by-law standards for width and length.

Conversely, shoreline development along all three surrounding areas of Clovelly Point, Glenmount, and Nithgrove all significantly exceed the density of shoreline development proposed for Fairview Island based on the cumulative shoreline frontage. The proposed vegetative buffers on Fairview both at the shoreline and in the form of the managed forest plan mitigate any impacts on views and result in a shoreline character which is more natural than the built up waterfront characters of the nearest mainland shorelines.

The density of shoreline development also influences the intensity of activity on the water. Fairview Island with 4,200 feet of shoreline and the proposed shoreline structures and accommodation will not result in any greater intensity of use of the water of the shoreline (including noise and lighting) than the existing development along the waterfront of the neighbouring shorelines. Bigwin Island and nearby resorts host weddings, golf tournaments and other events as do the Tennis and Sailing clubs. The density of development per shoreline foot and even factoring in the maximum accommodation potential of the proposed central building will not result in any greater intensity or type of impact than has historically or is currently experienced on Lake of Bays either in proximity to Fairview Island or generally throughout Lake of Bays.

Lake of Bays consists of a mix of residential and commercial uses. There are a number of resorts, marinas, and commercial uses within a 2-km radius of Fairview Island and the proposed development is not only in character but will result in a less intensive use given the density of development but will not have any more impact on the Lake than that which is created by the existing waterfront uses.

If Fairview Island were developed as multiple residential lots, it would result in a more intense use of the Island than is currently proposed. Currently the proposal includes the retention of the Managed Forest. If the Island were to be subdivided it would preclude retaining the Managed Forest, as each lot would be too small to qualify.

The development of Fairview Island will include the use of modern septic technologies and will be subject to higher standards of the Ontario Building Code. The development will be more environmentally sensitive than many of the surrounding properties with outdated septic systems, pit privies, and development adjacent to the water.

## **Summary and Opinion**

The character of the shorelines in proximity to Fairview Island and for that matter throughout Lake of Bays consists of a mix of residential and commercial uses. The shorelines of Clovelly Point, Glenmount and Nithgrove consist of higher density development on undersized lots (based on current planning standards) with shoreline structures that provide and result in higher intensity use of the shoreline and near shore waters with limited setbacks or vegetative buffers.

The development of Fairview Island is appropriate and fully compatible with the surrounding areas for the following reasons:

- The Island will be less developed than surrounding areas of Clovelly, Glenmount, and Nithgrove;
- The Island will be developed less than if it were developed as residential;
- The Island will retain and have more vegetation and natural features than the surrounding areas;
- The Island will be developed with modern septic technology and will be more environmentally sensitive than outdated septic systems and pit privies used by surrounding area properties;
- There are various commercial uses, many more intensive than proposed for Fairview Island, in the surrounding area.

Therefore, the proposed development of Fairview Island in the current application is appropriate and compatible with the character of use and development of the neighbouring shorelines and Lake of Bays in general.

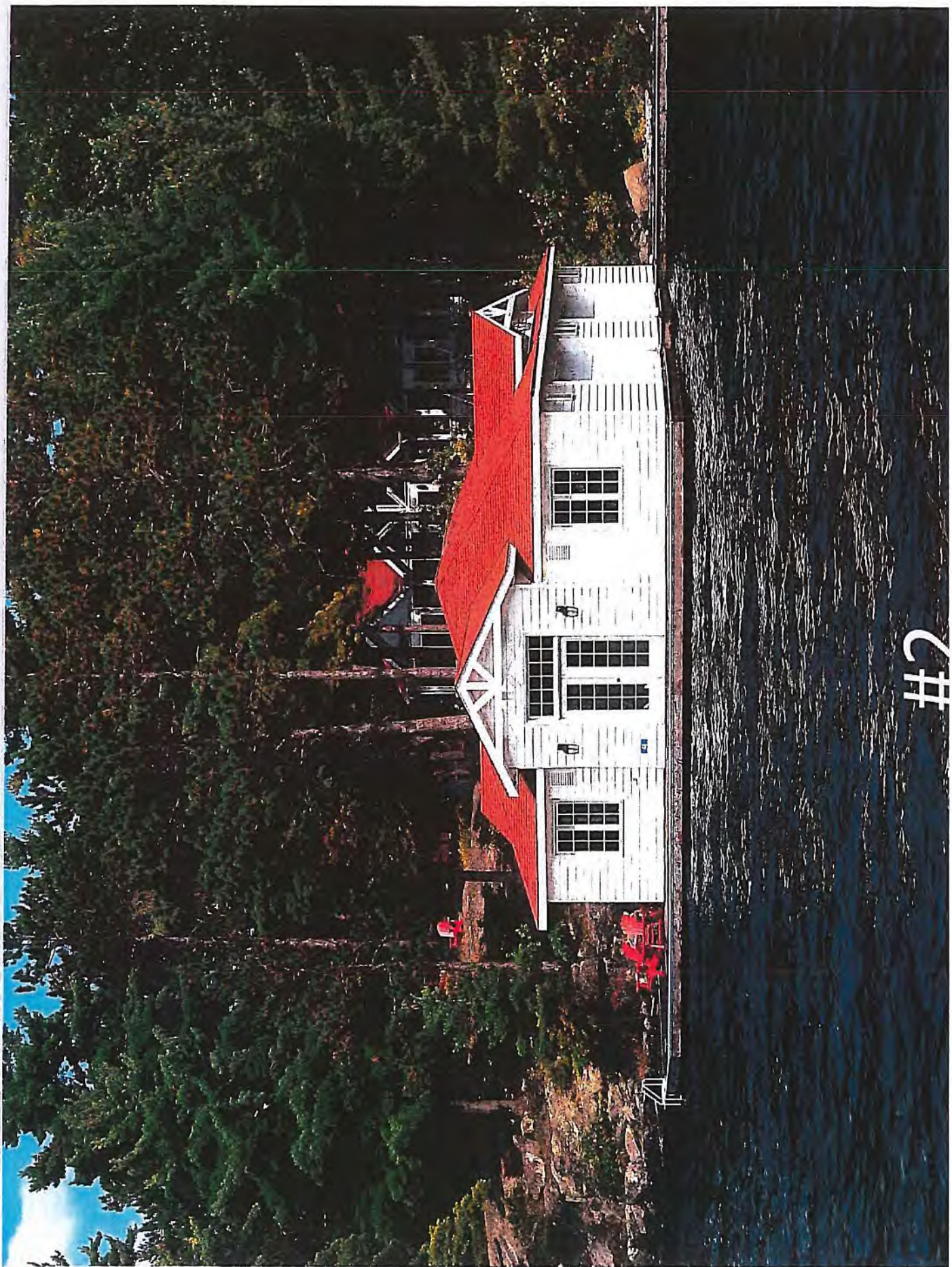


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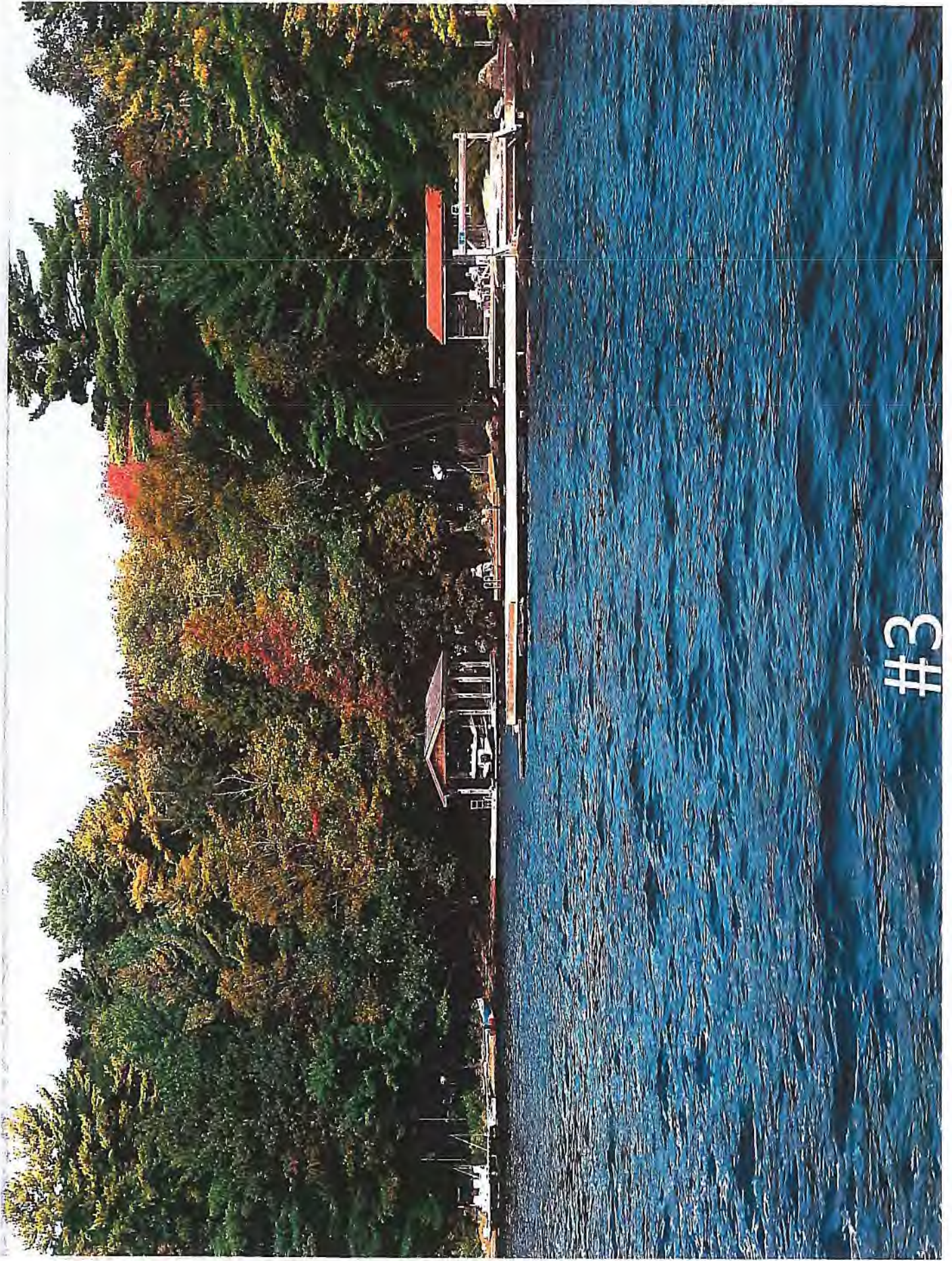


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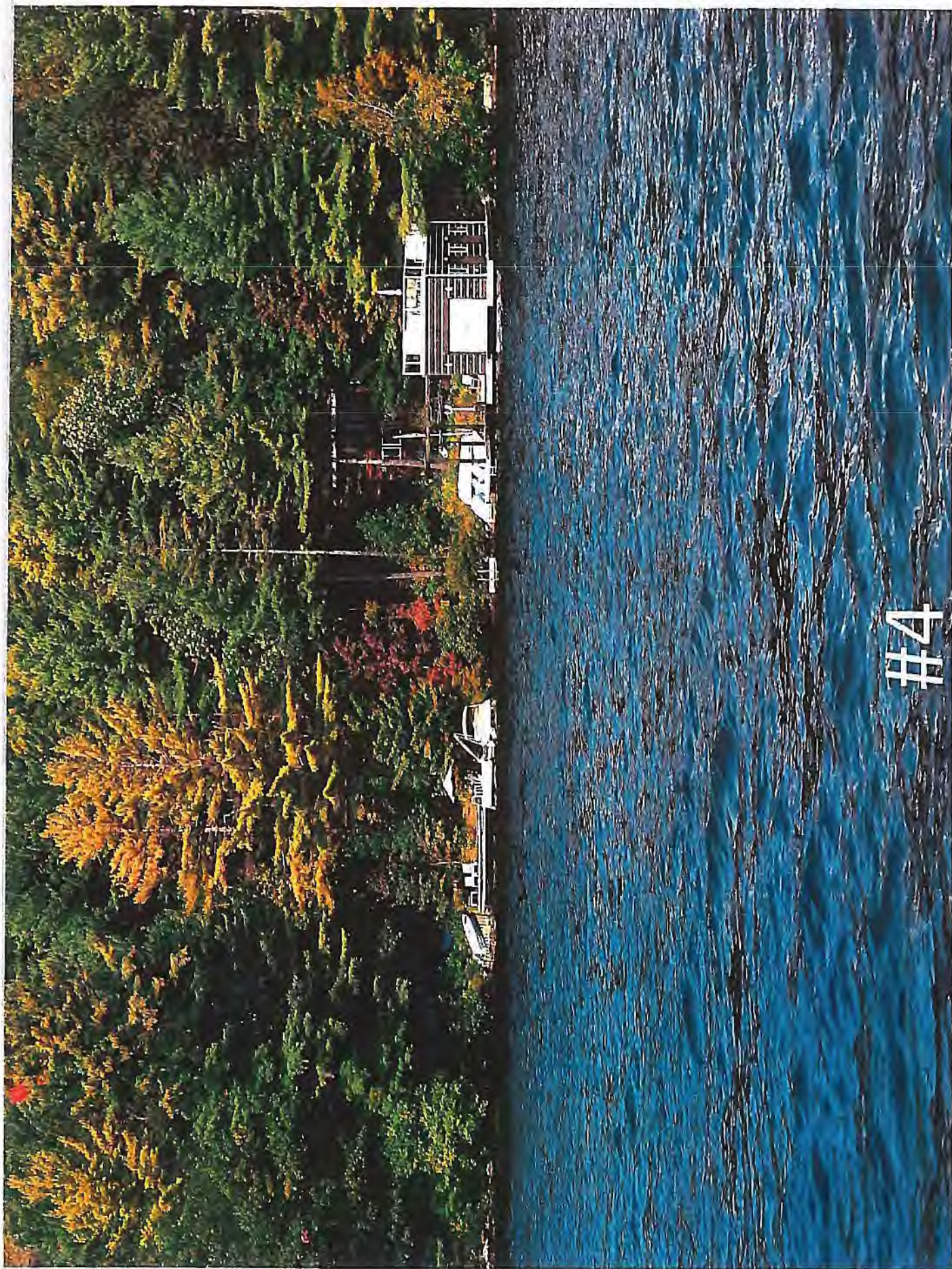


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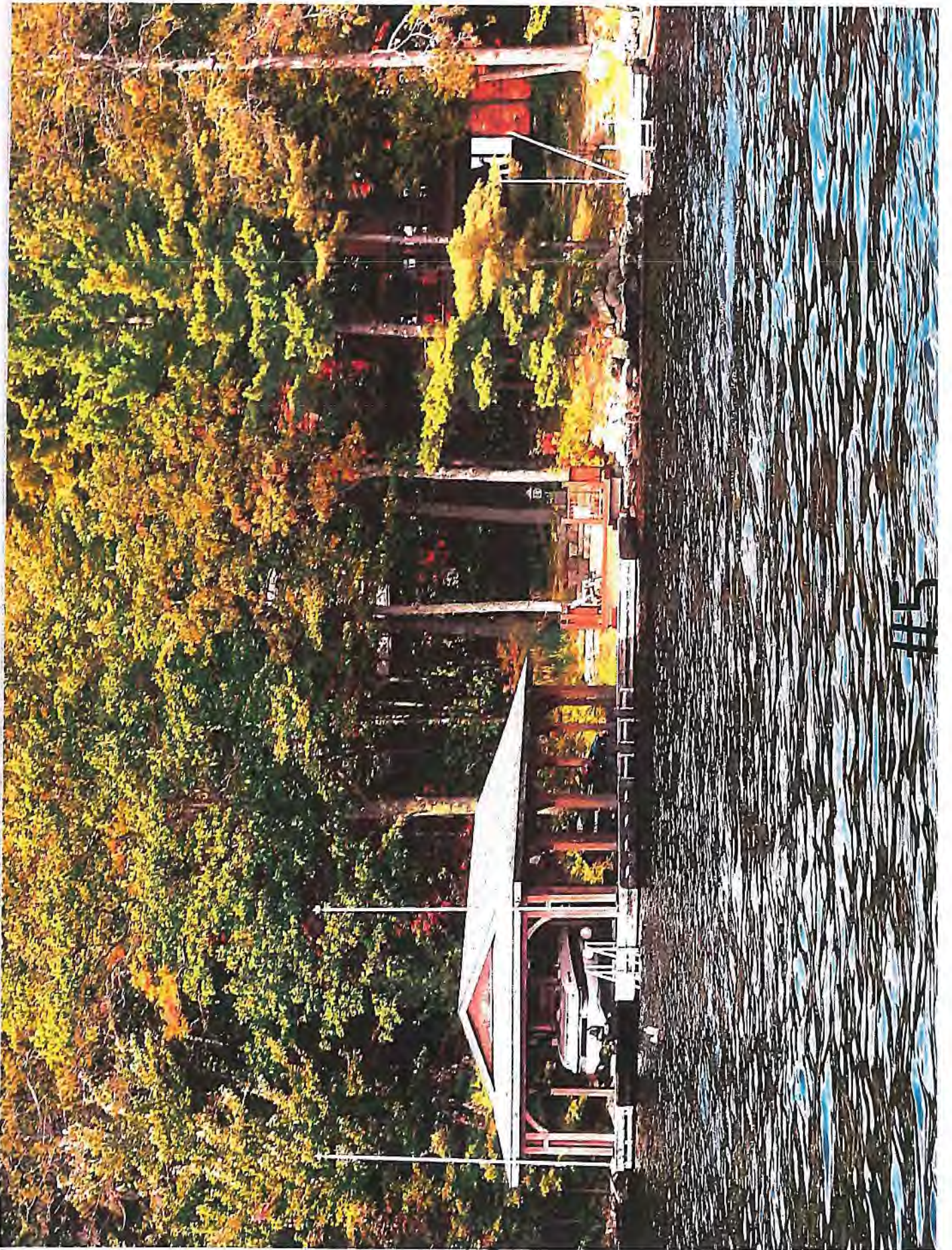




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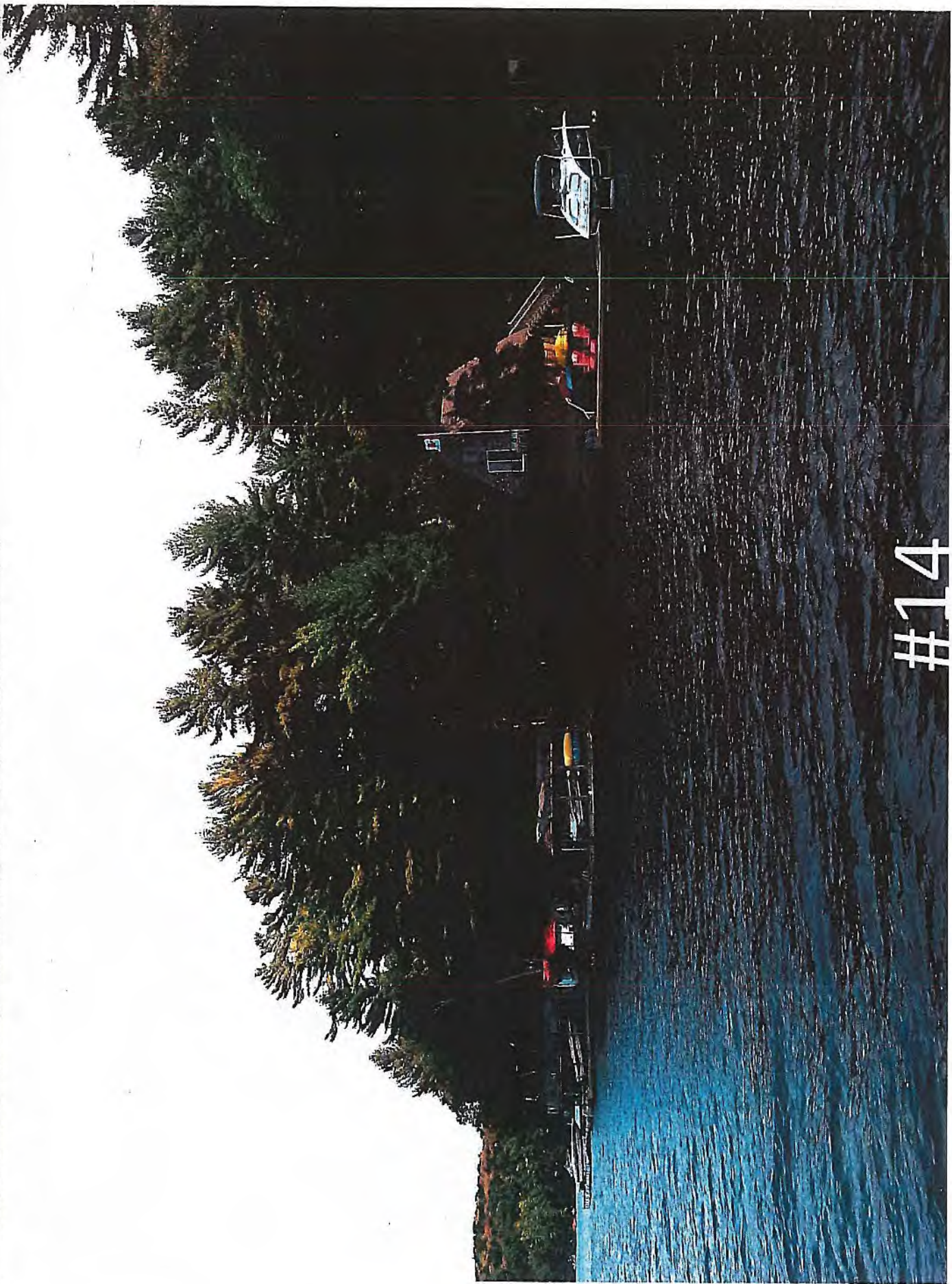




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**FAIRVIEW ISLAND (ISLAND 2) TOWN OF HUNTSVILLE**

**OFFICIAL PLAN AMENDMENT AND RE-ZONING APPLICATIONS FOR RE-DEVELOPMENT**

**ADDITIONAL INFORMATION TO PROVIDE CLARIFICATION OF USE**

**Submitted: October 2017**

**Prepared by: Geordie Konrad & Marie Poirier Planning & Associates**

In the Planning Justification Report, it is described that the purchaser intends to use the property as follows:

"In addition to the purchaser's personal use, the purchaser has a family-owned business and intends to invite employees and clients to the Island for staff and corporate social events, to attend retreats, team-building activities and strategy summits."

We would like to provide additional clarity to this use.

The property will be used as an Institutional Tourist Establishment. It will have a central accommodation building, an accessory dwelling, and six (6) housekeeping cottages. People will come to the island for accommodation, recreation and education.

The Town of Huntsville Zoning By-law defines an Institutional Tourist Establishment as:

*"INSTITUTIONAL TOURIST ESTABLISHMENT means the use of land, buildings or structures for an establishment operated by a private organization that provides recreational, education, health, or spiritual programs, sleeping accommodation on a temporary and reserved basis and centralized facilities associated with such accommodation or programs or for the provision of administration or dining. An institutional tourist establishment may include accessory building, structure or facilities incidental to the principal use such as common washrooms, recreational facilities or a convenience store. An institutional tourist establishment does not include a dwelling unit other than accessory dwelling for the owner or operator or staff quarter and does not include a use otherwise defined in the by-law."*

With respect to this definition, the Island will provide recreational and educational programs (staff and corporate social events or retreats, strategic sessions, team-building activities, and strategy summits), sleeping accommodation (via housekeeping cottages) on a temporary and reserved basis (to guests attending by invitation only and NOT the general/travelling public) and centralized facilities associated with such accommodation or programs for the provision of administration and dining (central accommodation building) as permitted by the Zoning By-law. The Island will also include an accessory dwelling for the owner or operator as permitted.

Guests attending will be by invitation only. This establishment will not be open to or used by the general/travelling public.

***Examples*** of guests who might be invited to come to the island include:

- The owners or their family members staying a housekeeping cottage or central accommodation building for accommodation and recreation.
- Employees of the family-owned business staying in a housekeeping cottage or the central accommodation building for accommodation, recreation, and team building activities.
- Clients of the family-owned business staying in a housekeeping cottage or central accommodation building for accommodation, recreation, strategic leadership retreats, and executive education programs.

Zone Symbol	Exception Number	By-law Number	Location	Schedule Number	Provisions
CS3	00 __	2017-__	Fairview Island Island No. 2 in Lake of Bays (Brunel)	9-	<p>Notwithstanding any requirements of Zoning By-law 2008-66P, as amended, the following shall apply:</p> <ul style="list-style-type: none"> <li>• The permitted principal use shall be an <i>Institutional Tourist Establishment</i> including up to six housekeeping cottages (defined below) but shall not include a convenience store</li> <li>• The following <i>accessory uses</i> shall not be permitted in this zone: <ul style="list-style-type: none"> <li>◦ Day Nursery</li> <li>◦ Personal Service Establishment</li> <li>◦ Place of Assembly</li> <li>◦ Restaurant</li> <li>◦ Retail Store</li> </ul> </li> <li>• A <i>housekeeping cottage</i> shall mean "a structure within an <i>Institutional Tourist Establishment</i> that is designed to provide accommodation and is equipped with a kitchen and having a <i>lot coverage</i> of no more than 125 sq m and being no more than 11 m in height. A <i>housekeeping cottage</i> is not a <i>dwelling unit</i>;</li> <li>• The setback from Type One Fish Habitat shall be 30m for all structures;</li> <li>• The minimum vegetative buffer, between building footprints and shoreline amenity areas as identified on Schedule 9 attached to this By-law, shall be 30 m.</li> <li>• The maximum <i>lot coverage</i> shall be 5% for all structures;</li> <li>• The development of the lands in this zone, including the location and size of all <i>structures</i>, will proceed in accordance with Schedule 9 attached hereto and be further subject to site plan control.</li> </ul>

# HAROLD G. ELSTON

Barrister & Solicitor | Integrity Commissioner

October 4, 2017

## SENT BY EMAIL

Chair Alcock and Members of Planning Committee  
Town of Huntsville, Town Hall  
37 Main Street East  
Huntsville, ON P1H 1A1

Dear Chair Alcock and Members of Planning Committee:

**Re: *Proposed Rezoning of Fairview Island, Lake of Bays***

As you may recall, I act for a group of residents on Lake of Bays who are concerned about the proposed redevelopment of Fairview Island. I would like to thank you for your attention to our submissions at your meeting of September 13, 2017.

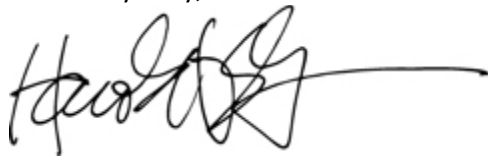
Following that meeting, we have reflected upon the proponent's plans, as professed at that meeting and in their applications and supporting materials. We have concluded that there is a better way to characterize and zone Fairview Island; a special exception to the SR4 zone to allow the Konrads to establish a large facility for use by their families and members of their company, but also protect the neighbouring landowners from the negative impacts associated with a new commercial resort.

As set out in the attached zoning by-law, we believe that a fair compromise is to continue the residential designation and zoning, but create a new "special exception" provision to allow two 1,000 square metre dwellings, four cabins, two boathouses and double the amount of shoreline structures. The useable area resulting from these permissions totals some 2420 square metres, or over 26,000 square feet. While admittedly a reduction from the 40,000 square feet, six cabins, 28-bedroom commercial resort proposed by the Konrads, it is our strong opinion that the size of development which we propose is, by any measure, more than adequate to accommodate their stated needs.

By sending a copy of this letter and our proposed zoning by-law to the Konrad's counsel, Mr. Longo, my clients extend an offer to settle. In other words, my clients offer to support a revised application in the form of the attached by-law.

With great respect, should the Konrads reject our offer, we are led to the inevitable conclusion that they have in mind much more ambitious and intense development plans for Fairview Island than those they have shared with Committee. The Town and the neighbouring community are entitled to know with certainty the extent and nature of the Konrads' proposed development. Absent such knowledge, the applications should be considered, at best, premature, and rejected.

Yours very truly,



Harold G. Elston  
c.c. Leo Longo



**CORPORATION OF THE TOWN OF HUNTSVILLE  
BY-LAW NUMBER 2017-XX**

**WHEREAS** the Council of the ...

**NOW THEREFORE** THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE ENACTS AS FOLLOWS:

1. Map Nos. "M-10 and M-11" of Zoning By-law 2008-66P, as amended, are hereby further amended by rezoning Island 2, Lake of Bays, Geographic Township of Brunel, Town of Huntsville (the "**property**"), from a **Shoreline Residential Four (SR4) Zone** to a **Shoreline Residential Four – Special Exception Zone**.
2. Section 6 – "Special Exceptions" is hereby further amended by the following:

**Exception No. "xxx"**

Notwithstanding any provisions of Zoning By-law 2008-66P, as amended, the property shall be developed in accordance with the following provisions and standards:

- i. The maximum number of *dwelling units* shall be two;
- ii. The maximum habitable floor area of a *dwelling unit* shall be 1,000 square metres;
- iii. The maximum number of *private cabins* shall be six; and
- iv. In addition to the permitted primary residential use, no more than six, three-day corporate events per calendar year may be hosted by the owner(s) of the residential dwelling units, subject to the following conditions:
  - a) None of the permitted buildings, structures, facilities, or any part of the property may be rented, leased, or otherwise exchanged for any form of payment or consideration to any person or persons, or business other than a business owned by the owners;
  - b) None of the permitted buildings, structures, facilities, or any part of the property may be advertised on, displayed on, made available through, or in any way promoted on any form

of online marketplace or hospitality services such as Airbnb;  
and

- c) Any such corporate event must be subject to a business  
licensed issued by the Town.

3. Section 9 – “Property Details Schedules” is hereby further amended by the  
addition of Schedule 9-xx, attached.

4. Schedule “I” attached hereto, is hereby made part of this by-law.

5. This By-law shall take effect ...

**READ a first time this      th day of      , 2007.**

...

# HAROLD G. ELSTON

Barrister & Solicitor | Integrity Commissioner

November 2, 2017

**SENT BY EMAIL: tanya.calleja@huntsville.ca**

Chair Alcock and Members of Planning Committee  
Town of Huntsville, Town Hall  
37 Main Street East  
Huntsville, ON P1H 1A1

Dear Chair Alcock and Members of Planning Committee:

**Re: *Proposed Development of Fairview Island, Lake of Bays – OPA No. 13 and Z/22/2017/HTE***

As you know, I act for a group of residents on Lake of Bays who are concerned about the proposed redevelopment of Fairview Island. I would like to take this opportunity to provide a brief response to the new materials from Ms. Poirier, which were submitted to you by Mr. Longo on October 24, 2017.

Regarding Ms. Poirier's *Land Use Character Compatibility Analysis – Comparison 1: Current Developments on Lake of Bays*, with respect, while an interesting exercise documenting the historic, existing development of three communities on the lake (together with a very general description of Lake of Bays), the comparison is exceedingly simplistic, and fails to address the detailed and thoughtful policy review and analysis which Mr. Lehman and Ms. Menzies have provided to you. In our respectful submission, this comparison of a few, select criterion as between the existing cottage properties and the proposed commercial tourist establishment misses the point entirely, and falls well short of the kind of planning justification needed by the Committee, before it could possibly lend its support to the development.

Moreover, and, again, with respect to Ms. Poirier, the document called *Comparison 2: Fairview Island Developed as Residential* is equally unhelpful. The analysis fails to provide any details or discussion as to how the land might be subdivided, ignores the *Planning Act* and Official Plan tests which would need to be satisfied, and, in comparing Fairview as residential to Fairview as commercial, omits any reference to the impact of the introduction of a commercial resort on the surrounding communities. It is, at best, a hypothetical exercise which does nothing to address the very real land use planning concerns which my clients and their planners have raised, particularly for a prominent island property, which serves as a common and central feature of several neighbouring lakeside communities, visible and audible to most of the southern portion of the lake.

# HAROLD G. ELSTON

As for the *Additional Information to Provide Clarification of Use*, we do not see anything new or clarifying, in this piece. In fact, the description is similar to what has been previously presented. In our respectful submission, what is important is the permissions provided by the official plan and zoning changes sought by the applicant; permission for what must properly be considered to be a commercial tourist resort. The fact that, after many meetings and discussions, over the course of several months, the applicant is still struggling to describe the use is deeply troubling and signals the need for the Town to adopt a cautious approach.

As a final note, my clients are concerned about the moving target that the application has become. As the Committee will appreciate, for a planning process to have any merit it must respond to a well thought out, properly described and certain application. The applicant is not at liberty to continuously evolve its plans, and the Town should not find itself in the position of having to imagine what the development will consist of, and how it will impact the neighbouring community. Neither should the public be required to constantly review and re-assess new development proposals. At a certain point, which may now have been reached, the applicant should be considered to have abandoned its application, with prejudice to any future applications.

In any event, we continue to believe that the draft zoning by-law which we provided to you properly addresses the Town's planning policies, represents good planning, and, at the same time, allows the applicant to do what it says it wants to do, even as clarified by Ms. Poirier.

Thank you for your attention to these submissions.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Harold G. Elston', followed by a long horizontal flourish line extending to the right.

Harold G. Elston

c.c. Leo Longo, Aird Berlis

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-11-17 9:53 PM

To: Crystal Best-Sararas

Subject: oppose rezoning fairview Island

I am the owner of a property which we use year round on Lake of Bays. I strongly oppose the proposed rezoning of Fairview Island. I believe the proposal before council does not conform to the wishes of the community, nor do the proposed changes reflect an acceptable use of the property. I urge you to listen to local property owners who oppose the proposed rezoning, and vote against the proposal. Ellen Clark

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Ellen Clark [REDACTED] through <http://www.huntsville.ca/>.

September 5, 2017

To whom it may concern,

I am writing to voice my concerns regarding the proposed "development" of Fairview Island.

I have been a permanent resident on my 200 acre property on [REDACTED] for the past 40 years. In that time sadly I've witnessed the decline of many species of wildlife frequenting my property. I hope to provide a sanctuary for the wildlife that still lives in Muskoka by leaving to my children land that will NOT be "developed" in any way. They will inherit stewardship of the land.

The small lakeshore access at the foot of [REDACTED] is stipulated in the deed to my property as "a right of way in perpetuity". This right of way used to be a small foot path affording my family access to swim and launch our canoe. It was an undisturbed piece of natural shoreline that has now been "developed" into a parking pad. I'm hearing horror stories regarding the possibilities of garbage storage on that tiny strip of land.

People love Muskoka not for the asphalt roads and multi storey buildings, but the natural flora and fauna and pristine wilderness. Let us strive to protect what is the best of Muskoka.

Sincerely,

Sharron Grant – [REDACTED]

Ferris and Aaron Grant  
[REDACTED]  
[REDACTED]  
[REDACTED]

June 5 2017

Dear Kirstin Maxwell

Please bring this letter to the attention of the Lake of Bays Township, Lake of Bays Heritage Foundation (LBHF), Lake of Bays Association (LOBA) and the Town of Huntsville.

I would like to formally express my objection to rezoning Fairview Island from Residential to Commercial. A commercial designation will set a dangerous precedent for this part of the lake that has been a quiet and peaceful part of Lake of Bays. This designation of commercial and the plans to put a large and very active corporate retreat on this Island poses numerous issues. This would be environmentally unsound with plans for elaborate hydro resulting in light pollution and a huge septic bed; all this on an Island that previously has had outhouses and solar panels, this would be a huge step back in our collective efforts to be more environmentally sound.

My family owns the property that has a legal right of way connected to Fairview Island and I would like to ask those of you who can make decision that will profoundly impact myself and my family to ensure that there is transparency and clarity regarding this development. The words of the developers (the Konrad family) and what is written in their building proposal are not consistent with claims of garbage storage and by-law altering numbers of parking spots (50) on Nithgrove Road. While the applicants claim they do not need any changes to the Nithgrove Road property it is however mentioned extensively in their planning proposal. I propose that any mention of Nithgrove Road and proposed changes need to be removed from the planning report until such a time as these changes can be reviewed by the LOB township and evaluated by the appropriate district representatives. Huntsville should not be making decisions for land that is in Lake of Bays Township.

In addition while I respect the Township of Huntsville's need to expend commercial opportunities for the area this project is likely to upset a huge number of individuals surrounding the Island for many years to come and by the admission of the applicants themselves will not be an opportunity to employ any significant number of local individuals or bolster the local economy significantly. In fact by their own admission this would be a terrible business investment. I am entreating you not to be deceived into thinking this commercial designation will benefit the Town of

Huntsville or it's residents in any appreciable financial way. In fact approving this would demonstrate a clear choice to favour these developers over a very concerned and upset group of constituents. A commercial designation would make sense potentially if this proposal would benefit the whole community however as described by the developers themselves the only impact on us will be negative.

If you are not ready to reject this proposal to rezone the Island outright (which would be preferable) I would ask that you at least delay approval until all relevant stakeholders are given a chance to weigh-in (specifically LOB township).

Thank you for your consideration on this matter.

Yours truly,  
Ferris Grant  
Aaron Grant  
Otis Grant  
Alton Grant



September 10, 2017

To Huntsville Town & District Councillors

Re: Proposed rezoning of Fairview Island

We oppose the request to rezone Fairview Island.

We have owned a cottage in [REDACTED] for 30 years and our family has been on the lake since the early 1950's. We appreciate and value that Lake of Bays has been able to balance the need to change with the importance of preserving its unique character. While we are not directly adjacent to Fairview Island, decisions of this magnitude affect the entire lake.

This rezoning will allow intensive year-round use of the property by large groups with no proper governance or controls. This is inconsistent with the culture of Lake of Bays and has the potential to negatively impact the environment, the peace and serenity of the lake and the enjoyment of those on the lake.

It is difficult to see that this use is in any way consistent with the 1940's use of the island as a summer (6 week) religious camp. This rezoning will let the island be used as a large scale for profit corporate event facility or an "adult summer camp" with the attendant noise and pollution from waterfront activities and late-night partying.

It does not matter what the owners say they intend as once the rezoning is granted there will be no ability to properly control the intensity of use.

For these reasons, we urge you to deny the rezoning application.

Yours truly

Handwritten signatures of Rick and Mary Lou Gossage in black ink.

Rick and Mary Lou Gossage

[REDACTED]

**Jasmine Last**

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**From:** [REDACTED]  
**Sent:** September-09-17 11:37 AM  
**To:** Kirstin Maxwell  
**Subject:** Fairview Island

Hi Kirstin,

I'm writing on behalf of the planning application before the Town of Huntsville for the re-development of Fairview Island on Lake of Bays. I understand that the proposal includes six cottages with docks, main facilities building, a service building, two boathouses and docking areas. The proposed use is an Institutional Tourist Establishment as defined in the Town of Huntsville Zoning By-law and is proposed to be changed from residential to commercial.

As a resident on Lake of Bays on a near by island, I support the proposal and the rezoning because it will have less impact than many other available options, including the creation of several residential lots (each with its own septic system) developed to the maximum extent as permitted under the Zoning By-law. I appreciate the extent of vegetation that is to be retained in the proposed development, including half the Island being held as a Managed Forest.

The development and on-going use would have positive impacts for the local economy and I feel we are fortunate to have the Konrad family willing to invest in our community. For all the reasons above I would ask the Council for the Town of Huntsville to approve the planning applications necessary to move the proposal forward.

Sincerely,

Greg Thompson

[REDACTED]

Lake of Bays, ON

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-09-17 1:47 PM

To: Crystal Best-Sararas

Subject: Fairview Island -Lake of Bays

Please note that we oppose the rezoning of Fairview Island as describe the the planning document on your website . We urge you to protect the quality of Lake of Bays by no supporting these proposed changes

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Josee Hammill<[REDACTED]> through <http://www.huntsville.ca/>.

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-10-17 11:52 AM

To: Crystal Best-Sararas

Subject: OPPOSE REZONING--READ THIS G&M ARTICLE!!

Dear Councillors:

We on Lake of Bays are very concerned to OPPOSE THE REZONING of FAIRVIEW ISLAND. The Konrad Group wants to make an Adult Corporate Retreat and more! Here is an example of what an Adult Camp is like from an article in the Globe and Mail. It is your DUTY to not allow this Rezoning to happen!

Regards

Deborah and Patrick Hickey

[REDACTED]  
Huntsville

<https://beta.theglobeandmail.com/life/travel/activities-and-interests/everyones-a-winner-at-camp-no-counselors/article30284101/?ref=http://www.theglobeandmail.com&>

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Origin: <http://www.huntsville.ca/en/townhall/meetyourcouncillors.asp>  
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This email was sent to you by Deborah & Patrick Hickey [REDACTED] through <http://www.huntsville.ca/>.

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]  
Sent: September-11-17 1:44 PM  
To: Crystal Best-Sararas  
Subject: PLEASE STOP REZONING OF FAIRVIEW ISLAND

Please stop this rezoning in order to keep our Lake as a place for our family single family dwellings.

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Betty Irwin [REDACTED] through <http://www.huntsville.ca/>.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[www.huntsville.ca](http://www.huntsville.ca)

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-12-17 11:21 AM

To: Crystal Best-Sararas

Subject: Rezoning of Fairview Island

Dear Members of Counsel, my wife have a cottage on [REDACTED] and we have both been cottagers on the lake since we were very young. I wanted express our extreme displeasure in what is being proposed for the re-zoning of Fairview Island. It is not at all what was intended for the lake and we think we will severely harm the lake for everyone else's enjoyment. We hope you put an end to it. Many thanks, Alan

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Alan Lever [REDACTED] > through <http://www.huntsville.ca/>.

## Jasmine Last

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**From:** Lili Davis-Burchat [REDACTED]  
**Sent:** September-11-17 11:28 AM  
**To:** Tanya Calleja  
**Cc:** [REDACTED]  
[REDACTED]  
**Subject:** Official Plan Amendment (OPA#13) and Zoning By-law Amendment (Z/22/2017/HTE)  
**Attachments:** 2017-06-26 LOBA letter re By-law amendment Z\_22\_2017\_HTE.pdf

Dear Ms Calleja;

You will find attached a letter from the Lake of Bays Association regarding Official Plan Amendment (OPA#13) and Zoning By-law Amendment (Z/22/2017/HTE) on Island No. 2, Lake of Bays, Geographic Township of Brunel, Town of Huntsville, dated 26 June 2017, which we sent previously to your attention. We would ask that this letter be shared with each member of the Town of Huntsville council and to the council as a whole, along with members of the planning committee, in advance of the public open house scheduled for September 13, 2017.

We believe this letter still accurately represents the concerns of our membership regarding this proposal.

Thank you.

Lili Davis-Burchat  
Executive Coordinator  
LAKE OF BAYS ASSOCIATION  
[REDACTED]  
[www.loba.ca](http://www.loba.ca)



26 June 2017

Tanya Calleja  
Clerk, Town of Huntsville  
Town Hall, 37 Main Street East  
Huntsville ON P1H 1A1  
By email: Tanya.Calleja@huntsville.ca

**Regarding:** Official Plan Amendment (OPA#13) and Zoning By-law Amendment (Z/22/2017/HTE) on Island No. 2, Lake of Bays, Geographic Township of Brunel, Town of Huntsville

Dear Ms. Calleja;

The Lake of Bays Association (LOBA), has agreed to provide the proponents and the Town with a summary of the feedback it has obtained from its members. The following is our summation at this point of the prevailing sentiment of our members.

The Lake of Bays Association, having consulted with its membership, both through a formally scheduled open meeting and through numerous direct member contacts, consistently heard that ad hoc Official Plan and zoning amendments for commercial uses on island properties especially within a predominantly residential waterfront area is not appropriate or considered to be good planning. This is due to the prominence of the island properties to the surrounding waterfront residential and natural land use context, the need for shoreline parking and service areas, and the intensity and character of use that commercial uses require to yield a profit beyond expenses, unlike residential waterfront uses that operate without profit expectation or any financial justification.

It has been noted that land use decisions have to be based on the range and intensity of uses that the land use control instruments (Official Plan, Zoning and Site Plan) allow and not what any particular user intends to voluntarily restrict at any given point in time. It has been noted that use permissions do not relate to particular users but must anticipate change in users or intentions at any moment. Zoning is not user specific.

It is noted that a commercial zoning and official plan amendment for the subject property would have to allow an unfettered right of the owner to market and operate the property to allow full business potential. It could not for instance restrict the marketing of a service to the Konrad's corporate clients only.

.../2

In general consensus view that we have heard from our members is that commercial uses should be avoided on island properties and that they should be directed to the many commercial sites around the lake that are suffering obsolescence with a real need for renewal and re-investment or to mainland areas that are proximate to the settlement nodes. The reasons for this are that the need to service islands with landside parking access and convenient boat services can clearly result in additional impacts both environmental and ambient for the broader community. The provision of emergency services and health services to a more intensive commercial island use is also cited as an issue that requires contemplation.

Alternatively, we have heard from our members that they have lesser concerns should the island be developed and severed for residential uses in accordance with the existing zoning although it has been noted that the coverage provisions in the existing by-law appear excessive and could use updating. Stringent site plan control should of course be exercised. Alternatives to subdivision and severance such as detached condominium concepts could conceivably be also employed and encouraged by the Town to help ensure the long term maintenance of the managed forest as common element.

Additionally, the general consensus of our members indicates no concern in the event the proponent wishes to develop the lands under a residential zoning umbrella as a residential family compound generally as presented provided the number of units does not exceed the combined frontage requirements of the current by-law. It is understood such a permission would require relief from restrictions that limit the number of structures permitted on a single lot but again, such permissions are not of concern provided sufficiently detailed plans are provided to ensure conventional waterfront setbacks, site specific limits on coverage, Gross Floor Area (GFA) and building height. In the event the proponent and the town wish to pursue the approval of this project as a residential family compound, it may be appropriate for the matter to be deferred in order to allow for the refinement of plans, confirmation of required GFA, footprints, heights and setbacks and of course amplified sewage servicing details. It is understood there are no immediate plans to initiate construction on this project under any scenario.

Under such an alternative (residentially zoned) scenario, our members understand that such residential uses could be used incidentally, as can any cottage on the lake, for the use of the owners friends, family, business associates or employees or to be casually rented to anyone they choose from time to time. Under this residentially zoned scenario a point has been made that no anticipation of profitability or maximization of utility can drive any future required adjustment in land use control instruments (noting that both the District Plan and the Huntsville Plan are properly very sympathetic to the optimization of commercial uses in recognized commercial zones). As a residentially zoned property, such issues as boat docking, shore parking and boat and taxi service would be anticipated to be at a level customarily attributed to any island waterfront residential use.

To be clear, however, our members are concerned that a commercial zoning/use and commercial recognition of the property not be permitted because of the greater intensity, and character of use that may be associated with such uses.

.../3

Finally, it has been noted that there is a difference between ownership and land use. It is noted that it is completely acceptable for private companies, corporations or trusts to own residentially zoned properties provided they are operated within the ambit of the residential use provisions. The LOBA membership also notes that there are no legal non conforming use rights to commercial or quasi commercial uses that are applicable to this property that would warrant any recognition through the establishment of new commercial uses on this island property.

We trust that you will find the foregoing informative and constructive for continuing discussions regarding this property.

Thank you.

A handwritten signature in blue ink that reads "Ian Beverley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ian Beverley  
President

cc.

Kirstin Maxwell, Manager of Planning, Town of Huntsville

Marie Poirier, MP Planning

Geordie Konrad, The Konrad Group

Carrie Sykes, Clerk, Township of Lake of Bays

Lake of Bays Association Board of Directors

Lake of Bays Association Members (via Newsflash and website)



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-11-17 11:07 AM

To: Crystal Best-Sararas

Subject: Fairview Island

Dear Council members,

I am writing you to express opposition to the Official Planning Amendment proposed for Fairview Island on Lake of Bays to be rezoned from Shoreline Residential Zone Four (SR4) to Institutional Tourist Establishment (CS3). This change of zoning is totally out of character for the area and presents numerous issues from the intensity of use, including access points and sewage treatment, as well as opening the door for further expansion under commercial considerations. I would attend your meeting but am already committed to attend an OMB hearing in Dwight on the same day.

Thank you for your consideration,

Bruce MacLellan

[REDACTED]  
Baysville, ON

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
-----

This email was sent to you by Bruce MacLellan<[REDACTED]> through <http://www.huntsville.ca/>.

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-10-17 10:08 AM

To: Crystal Best-Sararas

Subject: Proposed Rezoning of Fairview Island

Our family has owned our cottage on Lake of Bays for 50 years and we are vehemently opposed to the proposed development of Fairview Island. Could we just for once stop and enjoy the peace and beauty of Muskoka and not allow this land to succumb to development and the almighty dollar??? Mother Nature is wreaking her own havoc. Why do we be good stewards and just say no to further destruction of this beautiful area.

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Claire MacFayden [REDACTED] through <http://www.huntsville.ca/>.

## Jasmine Last

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**From:** Mike Miller [REDACTED]  
**Sent:** September-11-17 1:18 PM  
**To:** Kirstin Maxwell  
**Subject:** Fairview Island - rezoning from residential to commercial

Dear Huntsville Planning Committee and Kirstin Maxwell,

It is shameful, that in this day and age of concern about the environment and responsible stewardship of the Lake of Bays community, a major Lake of Bays island will be converted from low-risk residential to high-risk commercial use.

From a reading of the limited information regarding the redevelopment of Fairview, we are concerned! It seems to us that the redevelopment to commercial use from residential use, in the middle of Lake of Bays, is totally at odds with the values of the District of Lake of Bays, Township of Huntsville and certainly the Lake of Bays Association. In addition, there are many questions and risks associated with a commercial rezoning:

- \* how many individuals will this corporate retreat accommodate
- \* how are guests shuttled to and from the island, where is parking
- \* where do food, beverage and laundry suppliers load/unload .... likely Glenmount Dock
- \* how does all this affect the Sailing Club, Tennis Club, Nithgrove cottagers, etc
- \* who may rent the Fairview facility, what kind of activities will take place
- \* who manages the property and ensures the safety of guests and potential renters
- \* what happens after the prospective owners decide to resell the island
- \* how will all this affect boat traffic and noise, safety of other boaters
- \* the prospective owners can achieve their goals with residential zoning

Given these material uncertainties and risks, we firmly believe that Fairview island must maintain its residential zoning.

Thank you for your consideration,

Susan Bowman, Randall and Mike Miller

[REDACTED]  
Lake of Bays

## Jasmine Last

---

**From:** Larry O'Reilly [REDACTED]  
**Sent:** September-09-17 8:51 AM  
**To:** Kirstin Maxwell  
**Subject:** Fairview Island re-development

Dear Kirstin,

I am aware, and supportive, of the planning application before the Town of Huntsville for the re-development of Fairview Island on Lake of Bays. I believe this is very good use of the property and that it will have less impact environmentally and otherwise than other potential uses of this property.

As the owner of two properties on Lake of Bays I would like to voice my support for the application before council.

Sincerely,

Larry T. O'Reilly

## Jasmine Last

---

**From:** Ron Lalonde [REDACTED]  
**Sent:** September-10-17 9:23 PM  
**To:** Kirstin Maxwell  
**Subject:** Fairview Island Zoning Application

Dear Kirstin,

I am aware of the planning application before the Town of Huntsville for the re-development of Fairview Island on Lake of Bays. I further understand that the proposal generally includes six cottages with docks, main facilities building, a service building, two boathouses and two docking areas. The proposed use is an Institutional Tourist Establishment as defined in the Town of Huntsville Zoning By-law and the zoning is proposed to be changed from residential to commercial.

As a resident on Lake of Bays, I fully support the proposal and the rezoning. This proposal will have less impact than some other available options, including the creation of several residential lots (each with its own septic system) developed to the maximum extent as permitted under the Zoning By-law. I appreciate the extent of vegetation that is to be retained in the proposed development, including half the Island being held as a Managed Forest.

I do not see any impact to the quiet use and enjoyment of our property on Lake of Bays, or the natural environment. The development and on-going use would have positive impacts for the local economy and I feel we are quite fortunate to have the Konrad family willing to make such an exciting commitment and investment in our community. So, for all the reasons I have mentioned I would ask the Council for the Town of Huntsville to approve the planning applications necessary to move the proposal forward.

Sincerely,

Ron Lalonde  
[REDACTED]  
[REDACTED]

## Jasmine Last

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**From:** Dan Shilt [REDACTED]  
**Sent:** September-08-17 7:09 PM  
**To:** Kirstin Maxwell  
**Subject:** Fairview Island rezoning request scheduled for Sep 13.

Dear Ms. Maxwell:

My wife and I are residents of [REDACTED] and have been rate payers to the Town of Huntsville since 1996. I personally have been spending a portion of each year at this property since 1951. Our entire family considers this property, Lake of Bays and the Town of Huntsville something VERY special. This is the second addendum to my Aug 24 on the same subject.

The applicants information states that they will not be using the Nithgrove Rd. property as access to the Island for the non-resident visitors. They indicate they plan to use parking at four commercial marinas for which they have letters of agreement to provide parking for the Island's visitors. My knowledge of six marinas on Lake of Bays indicates that current parking is at a PREMIUM, any adding parking spaces will require expansion of their facilities.

Additionally, for short term visitors to the Island, the commute time to and from the facility is the utmost of importance. Use of any of the marinas versus the Nithgrove Rd. access will add a minimum of 45 minutes using Pride of Lake of Bays or Baysville marinas to 90 to 120 minutes using Port Cunningham, Haystack Bay, Old Mill or South Portage marinas. With the exception of South Portage Marina, all of these are located in the Town of Lake of Bays. I seriously question how realistic it is to use the commercial marinas for Island access.

For these and a variety of reasons, most of which have been voiced numerous times by others, we are OPPOSED to the rezoning of Fairview Island. We believe that the current zoning status in conjunction with the Town of Huntsville's comprehensive building permit process gives the potential purchaser numerous opportunities to "improve" their property while maintaining the character of this portion of Lake of Bays which we value so highly.

Thank you for your consideration in this matter.

Please include this correspondence as part of the official record for this Sep 13 rezoning request.

Dan and Audrey Shilt



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-10-17 2:44 PM

To: Crystal Best-Sararas

Subject: Fairview Island

Thank you for this opportunity to voice our concerns about the re-zoning of Fairview Island. After attending the last information meeting held by the Konrads we remain unconvinced of their argument for re-zoning change. We are definitely concerned about the environmental impact of the amount of redevelopment that is planned. Please give careful consideration to the Planning report from Lehman Associates. It illustrates our MANY concerns.

Thank you.

Regards,

Kathleen Troost

[REDACTED]

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Kathleen Troost<[REDACTED]> through <http://www.huntsville.ca/>.

**Jasmine Last**

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**From:** Yang, Liping <[REDACTED]> on behalf of Wadsworth, John S Jr.  
**Sent:** September-11-17 12:12 PM  
**To:** Kirstin Maxwell  
**Subject:** Fairview island Planning Application

Dear Kirstin,

I am writing you to indicate my support for the planning application before the Town of Huntsville regarding the re-development of Fairview Island on Lake of Bays. I understand that the proposal generally includes six cottages with docks, main facilities building, a service building, two boathouses and two docking areas. The proposed use is an Institutional Tourist Establishment as defined in the Town of Huntsville Zoning By-law and the zoning is proposed to be changed from residential to commercial.

As a long-time seasonal resident of Lake of Bays and business stakeholder in Port Cunnington Lodge, Bigwin Island and the Port Cunnington Marina, I fully support the proposal and the rezoning. This proposal will have less impact than some other available options, including the creation of several residential lots developed to the maximum extent as permitted under the Zoning By-law.

I do not see any negative impacts to Lake of Bays or the surrounding natural environment, and understand that it is being proposed that half the Island will be held as a Managed Forest. I believe the strong commitment and investment by the Konrad family will be good for our community, and further believe the development and its on-going use will provide many positive impacts for the local economy. I urge staff and the Council for the Town of Huntsville to approve the planning applications necessary to allow the proposed development to move forward.

Sincerely,

Jack Wadsworth

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-12-17 1:13 PM

To: Crystal Best-Sararas

Subject: Rezoning application of Fairview Island on Lake of

Dear Counsel members

I own a seasonal property on Lake of Bays. I plan to retire to that location. Please be advised that I am strongly opposed to the zoning application and find the intended use for Fairview island represented in the application offensive and unacceptable from every perspective. I would strongly encourage you to deny it. thankyou

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Tom Anselmi<[REDACTED]> through <http://www.huntsville.ca/>.

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----

**From:** [REDACTED]

**Date:** 9/12/2017 4:30:25 PM

**Subject:** Fairview Island

To all elected officials and town planners for Huntsville

I am the owner of a cottage for the past 30 years at [REDACTED] in Lake of Bays.

I am OPPOSED to the proposed amendment to the Official Plan of the Town of Huntsville and the amendment to zoning by law 2008-66P to enable the development of an institutional establishment on Fairview Island in Lake of Bays.

I feel it is not a suitable development for our lake. It will have negative impact on the people, property, environment and quality of the lake experience

Bruce Creighton

[REDACTED]

Sent from Bruce Creighton

[REDACTED]

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-06-17 2:35 PM

To: Crystal Best-Sararas

Subject: Opposing re-zoning of Fairview Island

Our family are longtime residents of [REDACTED] and we object to the proposed re-zoning / redevelopment of Fairview Island, and would like to register our opposition at this time.

We are greatly concerned about the negative environmental impact such a development would have on the lake, including increased parking and car/truck/boat traffic in and around Nithgrove Rd (and other parts of the lake), as well as the negative impact that the supply-side services of such a development would have: increased noise, pollution, light, loss of tree canopy, docks, septic, etc. We are not alone in our concerns and ask that you oppose the re-zoning application.

Respectfully yours,

Dr Donald B Montgomery

Tom & Kathryn Cronin (nee Montgomery)

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Origin: <http://www.huntsville.ca/en/townhall/meetyourcouncillors.asp>  
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This email was sent to you by Kathryn Cronin (nee Montgomery) <[REDACTED]> through <http://www.huntsville.ca/>.

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [<mailto:info@esolutionsgroup.ca>] On Behalf Of [REDACTED]  
Sent: September-12-17 1:30 PM  
To: Crystal Best-Sararas  
Subject: Rezoning of Fairview Island, LOB

Please see my letter attached. Thank you.

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Maureen Dinner<[REDACTED]> through <http://www.huntsville.ca/>.



Dear Councillors,

I am writing with great concern about the proposed rezoning of Fairview Island on Lake of Bays. I believe the intended use fits a "Tourist Establishment" of which requires Commercial Zoning not recreational cottaging. They are proposing a revolving group of transient people to inhabit the island year round who come to party and have no real investment in the lake and environment. We are a community of privately owned family cottages and are respectful of each other's proximity and privacy. For many years we have invested in a shared interest in the tranquility and pristine quality of Lake of Bays and hope that will continue for many years.

I believe the proposal by the Konrad's to have helicopter and float plane access and as well as service from multiple marinas to ferry their guests will be disruptive to the lake. Noise, traffic, pollution, fire safety, revolving guests are some of my concerns.

In the interest of all cottagers presently and in the future, I am asking you to vote against this proposed rezoning.

Respectfully,

Maureen Dinner

A solid black rectangular box used to redact the signature of Maureen Dinner.

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-12-17 2:07 PM

To: Crystal Best-Sararas

Subject: Rezoning application-Fairview Island, Lake of Bays

Dear Members of Council:

I am a seasonal cottage/property owner on Lake of Bays and am writing to express my complete opposition to the aforementioned rezoning application for Fairview Island on Lake of Bays. I am opposed to the proposed usage of Fairview Island as described in the Planning Justification Report and oppose the rezoning of Fairview Island. This type of rezoning will set a very dangerous and negative precedent and should not be contemplated or considered. I am unable to attend the meeting in person on September 13th and am therefore, submitting my opposition via email.

With best regards,

Sharon Mey  
[REDACTED]

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Sharon Mey [REDACTED] through <http://www.huntsville.ca/>.

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-06-17 2:35 PM

To: Crystal Best-Sararas

Subject: Opposing re-zoning of Fairview Island

Our family are longtime residents of [REDACTED] and we object to the proposed re-zoning / redevelopment of Fairview Island, and would like to register our opposition at this time.

We are greatly concerned about the negative environmental impact such a development would have on the lake, including increased parking and car/truck/boat traffic in and around Nithgrove Rd (and other parts of the lake), as well as the negative impact that the supply-side services of such a development would have: increased noise, pollution, light, loss of tree canopy, docks, septic, etc. We are not alone in our concerns and ask that you oppose the re-zoning application.

Respectfully yours,

Dr Donald B Montgomery

Tom & Kathryn Cronin (nee Montgomery)

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Origin: <http://www.huntsville.ca/en/townhall/meetyourcouncillors.asp>  
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This email was sent to you by Kathryn Cronin (nee Montgomery) [REDACTED] through  
<http://www.huntsville.ca/>.

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-12-17 6:07 PM

To: Crystal Best-Sararas

Subject: Fairview Island rezoning

Thank you for not allowing the rezoning of Fairview Island. Our family have been on the Lake of Bays 70 years. Nothing positive will come out of this type of redevelopment for the Lake of Bays. Those issuing such a proposal are welcome to go elsewhere.

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Patricia Anselmi [REDACTED] through <http://www.huntsville.ca/>.

-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-13-17 6:36 AM

To: Crystal Best-Sararas

Subject: Rezoning of Fairview Island, Lake of Bays

We vehemently oppose the application for rezoning Fairview Island into an Adult Camp. All previous ventures have had disastrous results to the fundamental nature of a cottage lake. PLEASE VOTE NO TO THIS PROPOSAL.

Lee Herberman

Barbara Rodgers

[REDACTED]  
Lake of Bays

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Lee Herberman [REDACTED] > through <http://www.huntsville.ca/>.



-----Original Message-----

From: [info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca) [mailto:[info@esolutionsgroup.ca](mailto:info@esolutionsgroup.ca)] On Behalf Of [REDACTED]

Sent: September-13-17 6:04 AM

To: Crystal Best-Sararas

Subject: Fairview Island Re-zoning

As a tax payer and active member of the Lake of Bays community I want to express my serious concern about the Konrad's application to rezone Fairview Island for commercial use. If they love and respect LOB as much as they claim, why the proposal to create a potentially dense, high traffic commercial venture in the middle of the lake? Yikes!!

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Origin: <http://www.huntsville.ca/en/townHall/MeetYourCouncillors.asp>  
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This email was sent to you by Peri Wiseman [REDACTED] through <http://www.huntsville.ca/>.

## Kirstin Maxwell

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**From:** HEINZ LOSBERG [REDACTED]  
**Sent:** Wednesday, September 13, 2017 9:10 AM  
**To:** Kirstin Maxwell  
**Subject:** Fw: Fairview Island Application for Changes to Zoning

Good morning Kirstin

Just a quick note to please include our comments as this matter goes to the planning meeting on Wednesday Sept 13th. We would like to voice our objection over the request from the potential buyers of Fairview to have the zoning changed from "Shoreline Residential Zone Four (SR4) to Institutional Tourist Establishment (CS3). Our understanding is that the potential buyers can build the proposed buildings within the residential planning guidelines so why the need for the change

to a commercial zoning? We don't object to future owners building their dream spot on Lake of Bays we are just not sure why you would need a parcel of land zoned commercially to do it?

Best regards

Heinz & Wendy Losberg  
[REDACTED]

Lake of Bays

SIMON MILES [REDACTED]

Seasonal resident at [REDACTED] Lake of Bays, Town of  
Huntsville

7 September 2017

Ms. Kirstin Maxwell  
Planning Manager  
Town of Huntsville  
Town Hall  
37 Main St. East  
Huntsville P1H 1A1

Dear Ms. Maxwell,

**Re: Proposed Rezoning of Fairview Island, Lake of Bays, from residential to commercial**

I am a seasonal resident of [REDACTED] and  
about  $\frac{3}{4}$  mile west of Fairview Island.

This letter, which represents an updated version of my letter of 6 June 2017 on the same subject, is being sent to you for your consideration and that of the Mayor and Councillors. I would be grateful if you would include it in your package to be sent to the members of the Council's Planning Committee in preparation for the Committee's meeting of 13 September. I would also like to request that you forward it to other members of Council not on that committee. As you will see from the covering e-mail for this letter, I am copying several other parties including the councillors and the planner of the Township of Lake of Bays and representatives of Lake of Bays Association and the Lake of Bays Heritage Foundation.

I shall use this letter as the basis of my oral presentation to the Committee on 13 September.

Although this letter represents an update to respond to the updated Justification Report of August 2017, prepared by the proponent's planner, Ms. Poirier, my position remains the unchanged. I respectfully request that you do **not** grant the request for a rezoning of Fairview Island.

The reason my position is the same is because the proposal is essentially the same as that put forward in the April version of the Justification Report. Although there is less reliance in the Justification Report on the argument that Fairview Island should revert to its supposed historic use as a camp, that argument, albeit based on a spurious claim, is still implicit in the Justification Report. I shall address this later.

Essentially, my argument for no change in zoning boils down to one of **fairness**. As I understand it, the role of the Planning Committee, in this instance, is to judge whether this request for a change to the zoning and to the Official Plan, if granted, would result in the current members of the local community around Fairview Island feeling that they have been treated fairly.

I cannot see any grounds for such a change in zoning from a residential to a commercial use for an institutional tourist establishment being regarded as fair for the local community around Fairview.

We have **the Huntsville Official Plan** to bring a sense of **stability** to our neighbourhoods. Any change can be made, in fairness, only where there **is** an agreement, **after** much consultation with the public, that there **has** to be change. In such instances, the Official Plan provides a clear understanding of the rules to be followed in bringing about that change. **Section 13.11.2, for example, identifies the criteria to be satisfied by a request for a site-specific proposal.**

In my view, **none** of those seven criteria are met by this proposal. In short, the proposed development:

- . is not in conformity with the overall intent of the Official Plan, which in this instance is to retain the residential character of this part of the lake,
- . is not suitable for the site, given the terrain, and given the value of the island as natural habitat currently without pathways for golf carts cutting across it,
- . is not introducing a use compatible with surrounding land uses,
- . is not a development for which there is an obvious need,
- . is not going to enhance the assessed values of surrounding properties, indeed it is likely to lower them, with financial implications for the Town and the taxpayers throughout the Town,
- . is not exhibiting regard for the District of Muskoka Plan, which also calls for development to be compatible with surrounding uses, etc.

Turning to **the District of Muskoka Official Plan**, there are a number of ways in which the proposal does not satisfy the Plan. Particularly relevant is **Section C29.c** which indicates that new resorts are encouraged to locate in appropriate locations providing a list of nine issues can be addressed satisfactorily. In my view, **none** of those nine issues are satisfactorily addressed.

The key point though is that our current Huntsville Official Plan has this entire area around Fairview zoned for residential occupancy. **The proposed use is completely incompatible with that residential character of the community.** And with the foreseeable evolution of information and communications technologies it is easy to imagine that a commercially zoned Fairview would become the operational centre for an IT company such as the one owned by the proponent. Whether the transportation to and from the island is solely by boat or also by helicopter and float plane (as I surmise will be requested again in the future), that traffic could well be intense and impose inordinate noise on neighbours within at least a one-mile radius, and possibly a two-miles radius, in both the Town of Huntsville and the Township of Lake of Bays.

However, there is a more fundamental issue of **trust in the planning process** to be considered when a change to the Official Plan is contemplated, and it relates to my point about fairness. I am sure that I speak for all of my neighbours around Fairview when I say that we have made major investments in our houses or cottages – both financial and emotional investments. In my instance, I bought Crown Island when I was very young - before I bought a house. Then, and now, the island represents a very major investment for me. I invested here because I felt I could **trust** the Town to respect that this lake was to be primarily a lake for local residents and cottagers, and that it would indeed be a place where one could commune with nature. I have accepted that more of the cottagers have decided to live here year round. Fair enough, providing the need to control the nature and growth of the added burden on the natural ecosystems is reflected in the zoning and official plans of both Huntsville and the District of Muskoka.

What I cannot accept, simply because it is without justification and so very unfair for all of us in this community around Fairview, is that we should have an institutional camp - what amounts to a commercial operation - plonked down in our midst. If granted, this change would amount to a betrayal of the social contract struck between residents and the government of the Town. That strikes me as **immoral**. To bring this home very clearly, just imagine if the Town decided to allow a factory or an entertainment centre right next to your home.

Moving on from the immorality of any such rezoning, let me turn to examine, in more detail, the lack of justification for this project. That justification one expects to find in the Planning Justification Report.

The proponent's planner, Marie Poirier, tries to persuade you and me with an argument that goes like this.

*The island was developed as an institutional camp in the 1940s. The rezoning to residential was questionable. The Town, which is encouraging tourist developments, should allow this property to re-assume its traditional role.*

This argument is based on a spurious claim. For the record, I offer some corrections.

Firstly, the property was **not** bought from the Crown by the camp. It was sold by the Crown to Mr. Bastedo, of Baysville, around 1911. Indeed, it was known as Bastedo's Island and used as a summer residence. He had it for many years before it was bought by David Billings Peck, who bought Burnt Island in 1915. Mr. Peck acquired both Fairview and the next island, Roothog, for his sons. Cameron Peck was given Fairview and used it as a summer residence. Cameron Peck then made the island available for use by the Inter-Varsity Christian Fellowship, in the mid-forties. Ownership transferred, through purchase, to the IVCF in 1952, and to IVCF Canada in 1966 (for \$1). From 1945 to 1966, when it failed, it was managed by a branch of IVCF and known as Campus in the Woods. In 1972, the island was purchased by its current owners, the Langford family, as a single family seasonal residence.



In short, the camp was **not** the dominant use of the island since it was sold by the Crown. Of the 106 years since that transaction, the island was used as a camp for, at most, **21 years**. For some 79 years the island has been residential.

And the argument that the island should become a camp again, because it has been demonstrated as being able to support a camp, is **flawed**, especially when one considers that the previous camp proved to be unsustainable.

Secondly, given the admission by the IVCF that it did not think it could ever get permission to construct the buildings it did (illegally), it is **not** clear that Fairview Island was ever legally regarded a camp. Certainly, there is no reason to question the legality of the zoning, by the Town, of the island as shoreline residential (SR4) when the Langfords were using it as a residential property. This zoning was in 1974. It was the first time the island, and indeed the Town, was subject to zoning.

Thus, again, the argument that the island should be redeveloped in line with its former use as a camp **holds no water**.

Thirdly, the proponent also argues that since the Town is encouraging tourist developments this island should be rezoned. The Town may well be encouraging of tourist developments. There is nothing wrong with that. Providing, of course, that such developments are encouraged in places where current residents and businesses find such changes in land use compatible with the surrounding uses. This is what the Huntsville Official Plan and the District Official Plan call for. A camp on Fairview would not meet the criterion of compatibility or any of the other criteria of the Town and the District official plans that I have referred to earlier. The public uprising against this proposal is surely evidence enough that the residents in this completely residential neighbourhood do **not** want this tourist camp on Fairview because it fails to satisfy the two official plans in so many ways. In a word though, it would be **incompatible**.

Fourthly, the proponent argues that this development would be much more attractive to local residents than what could be developed under the current residential zoning, as single family cottages. Although not mentioned in the Planning Justification Report, at a meeting of Ms. Poirier, the proponent and representatives of the Lake of Bays Association, there was mention of some twenty lots being allowed on this 21-acre island under the current residential zoning. Yet the Town's Official Plan states that every island lot has to be a minimum of 2.5 acres and have a minimum of 200 front feet of shoreline. That makes 8 lots, not 20 lots, using area as the criterion and 7 lots using front footage. **If one has to satisfy both criteria then a maximum of only 7 residential lots would be allowed.**

In his public letter of 8 May 2017 inviting us to attend an open house to learn more, the proponent suggested that, although his proposal calls for all the docks and buildings and helicopter pad and float plane landing shown, he has no immediate plans to use the helicopter pad or float plane facility. Indeed, I note that the August Justification Report has no mention of a helipad. He also makes out that he is not creating a commercial

venture. This hardly fits with what is said in the Planning Justification Reports of April and August 2017. He must surely realize, that there is nothing in the rezoning that would prevent him, or a future owner, from applying for permission to build a helicopter pad and float plane landing or from renting out the space to others.

**In short, the proposal's justification is replete with false and misleading statements and false assumptions.**

In addition to my concerns about the unfairness of the Town approving such a proposal, based on the inability of the proposal to satisfy the official plans of Huntsville and the District, and the absence of any real justification for the project due to the Planning Justification Report's reliance on false assumptions, I should also like to turn briefly to **look at some of the negative environmental and social impacts of the proposed project.**

The factors of concern are as follows.

**1. The scale of the proposed development.** This underpins many of the other concerns with regard to potential negative impact. There is an assumption in the Planning Justification Report that, even though there is no legal right to redevelop the buildings used for the camp that was in operation from 1945 to 1966, it is perfectly acceptable to use the number of buildings that once existed in the IVCF camp as a precedent for what should be permitted today. That line of argument certainly smacks of an assumed right to redevelop what existed before. The argument leads to a proposal for a development that will mean 50 or more people being on the island at any one time. And that, in turn, leads to several potentially negative impacts that I shall touch upon here.

**2. Loss of forest cover.** The island currently enjoys a Forest Management Agreement for 13 acres of what until now were thought to be 20 acres (but which the latest survey suggests may be 21 acres). This was allowed after deductions for the four cabins and the boathouse and powerhouse. It is important to note that these were the only useable buildings identified, when the current owners were calculating the acreage of forest available for a Forest Management Agreement and to qualify for tax relief. The proponent maintains that he will retain the Forest Management Agreement and thus protect the forest canopy. He implies that it will be at the level of 14 acres. Clearly, with the greater number of proposed buildings (12 are listed on p. 3 and 4) and other structures (such as septic beds), plus extensive pathways to take electrically powered golf carts, the Ministry of Natural Resources and Forestry will not be able to grant a MFA for anything like the same level of protection. Beyond the greatly reduced number of acres that could qualify for protection under an FMA, there is the real damage done to effective habitat for wildlife with those pathways crisscrossing the island and lit up at night. One needs contiguous habitat for animal species and this is being cut up into tiny parcels. And animals need darkness. Again, there is an attempt to **mislead us**. Specifically, this damage to forest cover will not satisfy the requirements of the Huntsville Official Plan sections 8.2.5 and 8.2.7 that speak to the

importance of retaining the character of the lake, and sections 8.2.12 and 8.2.14 that speak to the promotion of compatibility with the natural environment.

3. **Loss of fish habitat.** There are spots where there are type 1 fish habitat around the island. The proponent argues that the docks are at least 30 metres away from this known habitat. This fails to recognize that the increased boat and seadoo traffic that will be generated by 50 plus people, or even half that number, will create a lot more disturbance. The fact that there are 6 docks of 15 metres length and extensive docks associated with an accessory building (another large cottage), with the facilities building, with two major boat houses (and maybe one day with the helicopter pad and float plane landing), suggests that the fish habitat is being treated without regard for the sustainability of the habitat. This would seem to run counter to Huntsville's Official Plan sections 8.2.12 and 8.2.14.

4. **Water pollution from inadequate sewage treatment and disposal.** This has not been addressed adequately. This pollution is likely to threaten water quality. The latest update letter by Duke engineering, of 21 June 2017, implies that we should just trust their judgement, even though the facilities have not been planned yet. This is not good enough.

5. **An enormous increase in boat usage from the current level.** This is going to have ramifications in a large part of this area of the lake in both the Town of Huntsville and the Township of Lake of Bays. I can imagine that my island will see a further increase of folks who mindlessly want to take "a quick spin around that island over there" without giving a moment's thought to the disturbance they bring to the life of those on that island over there.

6. **The increased noise.** The potential for disturbance of our relatively peaceful lake environment over calm water over  $\frac{3}{4}$  mile or much more is very real. Fortunately, the majority of evenings at the lake are not disturbed by neighbours partying. But sound carries far over calm water. On Crown Island I can occasionally hear partying on the beach on the other side of Langmaid and that is with Langmaid between us. On one occasion a graduation party on the north shore of Whitehouse Bay was so loud I could hear the words being sung and that went on till well past midnight. The proponent is planning to have lots of people up at the island at any one time. We can conservatively count sleeping space for 52 and it could well be more. These people are coming for a good time and that means parties. And we have to recognize that most of them will be transients with no commitment to the lake and its community. During the day we can expect more boats (and, possibly, later, helicopters and float planes). It may well become insufferable. There is a noise by-law for the Town but enforcing it on an island is not easy for the Town.

7. **Night sky light pollution.** Currently we are very fortunate in this part of the lake to enjoy dark night skies. But a commercial enterprise, with its communal buildings and pathways having to be well lit, will necessarily ruin the enjoyment of the night sky. Again, the requirements of Huntsville's Official Plan section 8.2.7, which aims to



protect the local character of the lake and retain views and panoramas (even at night), will not be satisfied.

8. **The introduction of visual clutter.** The proposal calls for the introduction, on the shoreline, of six very long docks (of 15m.), a second large boat house, and a service dock, in addition to existing docks and a large boat house. They do not appear to be in keeping with Huntsville's Official Plan section 8.2.10 that calls for limited impact on the natural and aesthetic environment.

In planning terms, these potential impacts have to be examined and the requirements of the official plans of both Huntsville and the District have to be met. In my view, **the requirements of the Huntsville and District of Muskoka official plans are not being met with the current proposal.**

Finally, I wish to touch upon **access to the island.** The current owners use a private access point they own on Nithgrove Road in the Township of Lake of Bays. I understand this has parking for two cars. They also own and use another nearby back lot on Nithgrove Road for parking for up to 10 cars. There are two issues relating to access raised by the proposal: access during construction, and access for use of the island if developed as proposed. The August version of the Planning Justification Report states (on p.12) that access and parking for, and access by the transitory public will not be permitted. But that does nothing to reassure neighbours of the Nithgrove lot that the flow of people as private guests will be manageable. There is a specific reference to the Nithgrove lot on p.4 and there it is stated that only residential users will embark from this point. But this leaves wide open how one determines whether a specific visitor is arriving as a guest of a resident or as a commercial guest. This is not something that Huntsville is likely to be able to police.

My particular concern with respect to access is with the use of the Huntsville government dock on South Portage Road. It is just west of where I have my boat house and mainland private access point. That dock is well used by local residents for swimming and boating. Unfortunately, it is also being used by barges for construction on properties that are more easily accessed by water. We do not need more barge traffic there. For on-going use I understand Huntsville does not allow overnight parking.

However, I am equally concerned that the government docks and other access points in other parts of the lake near Fairview will also be under greater pressure if the Fairview development were to proceed as proposed. In short, **the question of access needs more attention** by both the Town of Huntsville and the Township of Lake of Bays.

Thus, for all these reasons, I respectfully request that the applications for a rezoning and an amendment to Huntsville's Official Plan be denied.

Yours sincerely,

(Signed)

Simon Miles

cc.

Town of Huntsville Mayor and Councillors through Kirstin Maxwell

Township of Lake of Bays Mayor Bob Young, and Councillors Baker, Lacroix, Tapley, Ross, Peppard and Glover

Township of Lake of Bays Planner, Melissa Markham

Lake of Bays Association President Ian Beverley, and Co-chairs of the Planning & Development Committee, Barry Morrison and Brian Simpson

Lake of Bays Heritage Foundation President Judith Mills

SIMON MILES

[mon-miles@sympatico.ca](mailto:mon-miles@sympatico.ca)

Seasonal resident at [REDACTED] Lake of Bays, Town of  
Huntsville

6 February 2018

Ms. Kirstin Maxwell  
Planning Manager  
Town of Huntsville  
Town Hall  
37 Main St. East  
Huntsville P1H 1A1

Dear Ms. Maxwell,

**Re: Proposed Rezoning of Fairview Island, Lake of Bays, from residential to  
commercial: Supplementary Comments to my letter of 7 September 2017**

I understand that the above application for the rezoning of Fairview Island will be considered by the Planning Committee at its meeting of 14 February.

I have read the 3 documents submitted by the proponent, Mr. Konrad, in October 2017, in response to the request by the Planning Committee for additional information on the proposal. The 3 documents to which I refer are: the character and compatibility analysis; the clarification of use document; and, the draft zoning by-law.

I wish to submit a few supplementary comments to be considered alongside my letter of 7 September 2017.

I wish to convey to the Committee that none of the above documents changes my understanding of the proposed development of Fairview, nor my conclusions.

**Thus, I respectfully reiterate my request that the applications for a rezoning and  
an amendment to Huntsville's Official Plan be denied.**

Although the 3 documents attempt to convey that the neighbours would be better off with a commercial establishment on Fairview than the conventional development of the island as single-family cottages, I am still left with the clear impression of a very large number of young people (estimated at over 50) on the island intent on having a very good time and thus generating a lot of noise and other interferences with the peace of the local setting.

There also remains the concern that, once zoned commercial, the island can be sold for other uses which will be equally incompatible with the community.

There are also **errors** in the details provided in the 3 documents. One of significance is that if the island were to be developed for residential lots, the maximum number of lots would not be the eight claimed by Mr. Konrad, but 7, since the criterion of front footage has to be satisfied in addition to the criterion of lot area.

The documents also continue to attempt to **mislead** us in their portrayal of the future of the island. For example, they imply, by reference to the continuation of the Forest Management Agreement, that the forest cover would be little changed. But as my letter of 7 September argues, both the area of that forest cover and its value as habitat would be reduced in a very significant way by the proposed uses.

The documents also raise **new questions**. For example, if the lot coverage in the proposed development is only 3.6%, then why does the proponent seek, in the draft zoning by-law, a 5% coverage? That may not seem like much of a difference, but an increase of 1.4% on 3.6% is very significant when translated into square footage of buildings. Indeed, we would be allowing another 38% of ground area coverage and presumably the same in terms of usable floor area.

There are other misleading statements in this additional information. Suffice it to say that I trust these examples should enable the Committee to appreciate why my position remains unchanged and why I respectfully request that the applications be denied.

Yours sincerely,

(Signed)

Simon Miles

cc.

Town of Huntsville Mayor and Councillors through Kirstin Maxwell  
Township of Lake of Bays Mayor Bob Young, and Councillors Baker, Lacroix, Tapley, Ross, Peppard and Glover  
Township of Lake of Bays Planner, Melissa Markham  
Lake of Bays Association President Ian Beverley, and Co-chairs of the Planning & Development Committee, Barry Morrison and Brian Simpson  
Lake of Bays Heritage Foundation President Judith Mills





## LAKE OF BAYS HERITAGE FOUNDATION

P.O. Box 81, Baysville, Ontario P0B 1A0  
[www.lakeofbaysheritage.ca](http://www.lakeofbaysheritage.ca)

February 5, 2018

Ms. Kirstin Maxwell,  
Planning Manager,  
Town of Huntsville,  
Town Hall,  
37 Main St. East,  
Huntsville,  
Ontario, P1H 1A1

Dear Ms. Maxwell,

### **Re: The Proposed Redevelopment of Fairview Island**

Further to our letter of September 6<sup>th</sup>, and on behalf of the Directors of the Lake of Bays Heritage Foundation, I want to confirm that, following our review of the additional information submitted by Mr. Konrad in October, our concerns regarding the development of Fairview Island remain unchanged. As a registered Land Trust supporting a community engaged in the protection of its natural, built and cultural legacy, we are particularly concerned about the issues raised at three public meetings:

- The requested zoning change to commercial use – this being the main point of concern, as much of what the proponent wants to do could be done with the current residential zoning and, more importantly, the opening of the island to commercial development could lead to any number of unknown types of development in the future;
- Supervision of the property when owners are not present;
- The future of the Managed Forest Agreement;
- The treatment of sewage and protection of lake water quality;
- The protection of fish habitat;
- The prevention of night sky light pollution.

Judith Mills,

President  
Lake of Bays Heritage Foundation