



Date: 22 March 2018

To: Melissa Markham, Director of Planning, Township of Lake of Bays
Melissa Halford, Manager of Planning, District of Muskoka

From: Lake of Bays Association Board of Directors

CC: Lake of Bays Association members (via Newsflash)
Lake of Bays Heritage Foundation
Kirstin Maxwell, Manager of Planning, Town of Huntsville

Re: OPA 01/18 LOB & Z 01/18 LOB (Langmaids Island)

The Lake of Bays Association (LOBA) Planning Committee has reviewed the Planning Justification Report and related impact assessments pertaining to the proposed development of Langmaid's Island. The material is substantial and will require a more thorough analysis. Contained herein are our *preliminary* comments – LOBA will submit more detailed comments when a statutory public meeting is scheduled.

Langmaid's Island is one of the largest undisturbed properties on Lake of Bays and its designation as a **Muskoka Heritage Area** in the Lake of Bays and District of Muskoka Official Plans ensures significant restrictions on any development. A decision to re-designate Langmaid's Island for waterfront residential development carries tremendous responsibility and it is critical that all decision makers understand the intent of the Lake of Bays and District Official Plans as they pertain to this property and the core values that the Muskoka Heritage Area designation represents. Given the district-wide environmental implications of removing a Muskoka Heritage Area designation, and the fact that Muskoka lacks a conservation authority, consideration should be given to having the Ministry of Natural Resources and Forestry (MNRF) and the Muskoka Watershed Council (MWC) provide input in all matters. The MNRF is named in the District OP (F.113) as the reviewing agency for development applications related to Muskoka Heritage Areas. The MWC develops and implements science-based programs to research, assess, monitor and evaluate the health of Muskoka's watersheds. Without due diligence, approval of this application sends a clear message that a Muskoka Heritage Area designation does not ensure a legacy of protected lands for conservation.

Our over-riding concern is;

Protection of Natural Heritage Values – The Riverstone Environmental Impact Study (EIS) focuses on identification of provincially significant environmental features *but does not adequately address all of the Natural Heritage Values for which this property was designated.* The description of biotic criteria met in the selection of Langmaid’s Island as a Natural Heritage Area cites “the island contains biotic communities showing *little recent disturbance.*” In particular, it supports long stretches of *undeveloped shoreline* and natural beaches on a lake otherwise heavily developed for recreational property. Further it states, “the sensitivity of this site is related to *the natural quality of this forested island as wildlife habitat and undisturbed shoreline.* “ The Heritage Area recommendation also states that the island was evaluated by D.F. Brunton (1991) as a regionally significant forest and recommended it as a candidate for ANSI (Area of Natural Scientific Interest) (see www.muskokawaterweb.ca/water-101/stewardship/heritage-area/selectioncriteria). Peer reviews of impact studies and staff analysis/reports need to identify ALL of the heritage values of Langmaid’s Island, so that the community is satisfied that any decisions on this development proposal respects the original intent of the heritage designation and reflects the values of the Lake of Bays Official Plan and local community.

Specific concerns/comments re lot creation as proposed are;

1. Land Conservation

The development proposal does not provide adequate permanent protection of the areas identified as Environmental Protection and Open Space. The proposed plan allows for these “protected” areas to be held as part of many privately-owned lots, each with a “restricted covenant” held in favour of an Association comprised of all the same property owners. These owners could at any time vote to remove or change conditions of the covenant. The plan does not provide for contiguous conserved land. Fragmentation will challenge species that are dependent on large open spaces. Access for third party monitoring of the conserved lands needs to be determined as does enforcement principles. LOBA and the Lake of Bays Heritage Foundation (LBHF) have suggested to Langmaids Island Corp. that a portion of the island be put into permanent and genuine conservation protection but that has been rejected by the developer in the proposed plan. This is a missed opportunity for both the developer and the township and indicates that economics rather than environmental protection is the priority of this application.

2. Langmaid’s Island as a Special Policy Area (Lake of Bays OP)

The Langmaid’s Island development proposal is the largest application for subdivision on Lake of Bays since the Bigwin Island development in the 1990’s. Bigwin Island is identified in the Lake of Bays Official Plan as a *Special Policy Area* for which there are site-specific enhanced

development standards and restrictions – an approach that has proven effective in ensuring low impact development on Bigwin. Should any new lot creation be considered for Langmaid’s Island, more stringent development standards than those applied to regular waterfront residential development must be applied to mitigate and minimize the impact on the island’s heritage values.

These site-specific development standards for Langmaid’s Island should include, but not be limited to;

- i. **Restricted Density** – 36 lots on an island in close proximity to mainland exceeds what the lake and neighbourhood can tolerate and fails to adequately minimize negative impacts on natural heritage values.
- ii. **Minimum development setback of 30 metres** – 20 metre setback is proposed.
- iii. Heightened monitoring of shoreline vegetation removal and replanting, such as the vegetation inventory approach used on Bigwin.
- iv. Heightened monitoring for adherence to the Construction Management Plan and recommendations in the Riverstone EIS.
- v. Maximum of one seasonal residence per lot – two seasonal residences are proposed on the two largest lots.
- vi. Maximum of one Shoreline Activity Area per lot – lots 13 & 14 on the proposed plan show two shoreline activity areas for each lot.
- vii. Maximum slope for construction corridors – Functional Servicing Report provides conceptual layout for eight lots with development constraints. Some of these lots appear to have construction corridors with steep slopes. All of these lots provide only minimum setbacks from development constraints and “protected” areas. Configuration of these lots should be reconsidered.

3. **Development Constraints – Narrow Waterbody Policy Area**

The narrows between the westerly shore of the island and the mainland is designated as a *Narrow Waterbody Policy Area* in the Lake of Bays Official Plan.

Concerns include;

- i. Shuttle traffic in the narrows has the potential for negative impacts on shoreline erosion and Type 1 Fish Habitat; and safety concerns for residents and other boaters using the narrows. The *Boating Impact Study* cites 60% of shuttle traffic projected to be in the narrows. Shuttle route should not include the narrows.
- ii. Location of Shoreline Activity Areas on lots 1 and 3 present safety concerns and contributes to congestion in an already restricted area.
- iii. Any construction on lots with frontage on the narrows will have a negative impact on privacy of existing residents and aesthetics of this narrow water body. Configuration of lots 1, 2 and 3 should be reconsidered so that there is no construction in the narrows.

4. **Impact on Neighbours/Residents**

LOBA will encourage residents to submit comments directly to the Township and District, however, it is our understanding that there is concern by residents regarding increased car and boat traffic, management of garbage on the mainland parking area, and disruption from construction over a prolonged period (several cottages being built each year over what could potentially be at least 10 years).

The Applications for the two mainland access properties have not yet been deemed complete, and therefore we have not provided comments to the Town of Huntsville. However, given that the application for a Plan of Subdivision and the applications for the mainland access points are directly related, **it is our recommendation that the statutory public meeting(s) be held concurrently with all three jurisdictions; the District of Muskoka, The Township of Lake of Bays and the Town of Huntsville.**

Thank you for this opportunity to provide preliminary comments and we hope you will take them into consideration in your approach to reviewing the development application for Langmaid's Island.