

November 19, 2018

**SENT BY EMAIL: csykes@LakeofBays.on.ca**

Mayor Young and Members of Council  
Township of Lake of Bays  
1012 Dwight Beach Road  
Dwight, ON POA 1H0

Dear Mayor Young and Members of Council:

**Re: *Submission on behalf of Lake of Bays Association (“LOBA”) and Lake of Bays Heritage Foundation (“LOBHF”) - Langmaid’s Island Corp. (“LIC”) – Official Plan Amendment OPA 01/18 LOB, Development Permit By-law Amendment Z 01/18 LOB, Subdivision File No.: S2018 – 1 Langmaid’s Island (District of Muskoka), Huntsville Zoning By-law Amendment Z/11/2018/THE & Z/12/2018/HTE (Town of Huntsville) – Township File Nos.: OPA 01/18 LOB and Z 01/18 LOB***

We act for LOBA and LOBHF, in these matters, and write to you today to express our support for the recommendations of your Director of Planning, Melissa Markham, in her comprehensive and compelling report to you, dated November 20, 2018. We would respectfully encourage Council to adopt those recommendations and deny these applications to develop Langmaid’s Island Muskoka Heritage Area.

It had been our intention to appear before you at the Public Meeting scheduled for November 20, 2018, to make these submissions and to present to you the report entitled *Environmental Impact Statement and Planning Justification Report Review*, prepared by Derek J. Coleman, PhD., R.P.P., M.C.I.P., of Ages Consultants, dated November 2018. With the cancellation of the Public Meeting, I have attached a copy of Dr. Coleman’s report.

As you will note, Dr. Coleman has reached the same conclusions as your Director of Planning: that considering the resulting environmental impacts, land use and heritage incompatibility, and negative character/visual impacts, the applications should be refused. The applications fail to satisfy the tests of the *Planning Act*, the *Provincial Policy Statement*, the *District of Muskoka Official Plan*, and, importantly, the *Township of Lake of Bays Official Plan*.

My clients heartily endorse Ms. Markham’s analysis, particularly her comments at page 20 of her report:

*While the Township Official Plan recognizes the importance of fostering a sound economy, development should maintain the integrity of the natural environment and landscape; preserve aesthetic and scenic areas and complement the character and heritage of the Township.*

*In this case, the proposed development will not comply with these principles of development. The development of the island and the waterfront landings, and the interaction between these lands would be in conflict with the character of this area. The development would not preserve the topography and landscape and shorelines with a natural and undeveloped appearance. The intrusion of the development into the vista and panorama viewed from the land would be in conflict with the intent of the Township Official Plan as they apply to the preservation of waterfront character.*

# ELSTON WATT

Barristers & Solicitors\*

*Staff is of the opinion that the development of the Langmaid's Island Muskoka Heritage Area is not good planning and is not appropriate for the development of the subject property.*

*The proposed development does not conform to the Township of Lake of Bays Official Plan. The proposed development does not retain the island as a natural and undisturbed area, is not compatible with the identified values for Langmaid's Island, and does not propose access that is compatible with the surrounding properties, and does not preserve the character of the area.*

I would also like to address three complaints of Dr. Coleman's work made by the applicant's solicitor, Michael Melling, in his letters to you of June 8, 2018, and November 7, 2018. First, it is incorrect to characterize Dr. Coleman's report as "secret" or intended to surprise Mr. Melling's client. Apart from Dr. Coleman's attempts to reach the applicant's planner, they have had Dr. Coleman's review since June 2, 2018, without note or comment in any of the many documents and reports they have produced since that date. Second, the approach Dr. Coleman adopted, as a peer reviewer, is the standard and accepted approach to the review of studies and their conclusions. Dr. Coleman did visit the island and his observations and conclusions did not exceed the limitations this visit, and his expertise imposed. Third, with respect, Mr. Melling does not understand the Ministry's ANSI process. The intent of the ANSI program was to identify areas of "provincial" significance. Langmaid's Island did not meet the provincial standard, however, that process and the subsequently introduced *Provincial Policy Statement* and *Natural Heritage Reference Manual* (MNRF, 2010) encourage municipalities to protect the environmental areas that did not meet the provincial standard, through their local planning documents. The Township and the District Official Plans are fully consistent with the provincial direction in acting to protect Langmaid's Island at a District and Township level.

I have attached a copy of Dr. Coleman's *curriculum vitae*, for your consideration.

Finally, my clients' have also asked me to convey to Council that you have the full support of both LOBA and LOBHF and that, subject to a resolution of their respective Boards, they intend to participate alongside the Township as full parties in any appeals of these applications to the Local Planning Appeal Tribunal.

Thank you for your consideration of this request.

Yours very truly,

**ELSTON WATT**

Per:



Harold G. Elston

c.c. Mayor and Members of Council, Town of Huntsville  
Melissa Markham, Director of Planning  
Michelle Percival, Chief Administrative Officer  
Carrie Sykes, Director of Corporate Services/Clerk  
John Ewart, Solicitor  
Melissa Halford, District of Muskoka  
Kirstin Maxwell, Town of Huntsville