

June 24th, 2019

SENT BY EMAIL: john.norris2@ontario.ca

John Norris
Case Coordinator
Local Planning Appeal Tribunal
655 Bay St. Suite 1500
Toronto ON M5G 1E5

Dear Mr. Norris:

RE: Langmaid's Island Appeals: LPAT Case No. PL180898, LPAT File Nos. PL180898, PL180899, PL180916, PL809812 and PL180811

We are the Solicitors for the Lake of Bays Association and the Lake of Bays Heritage Foundation. We have been jointly retained by the above parties and will represent both their interests. We make this submission, pursuant to Rule 26.19 of the LPAT Rules of Practice and Procedure, to enjoy non-appellant party status in the upcoming LPAT appeal. We have a direct interest in the outcome of the hearing and may assist this Tribunal with their decision.

Background

The Lake of Bays Association ["**LOBA**"] is a non share corporation, incorporated under the Ontario *Corporations Act*, that represents residents living on or around the Lake of Bays. The purpose of the Association is to promote, sustain and enhance a clean and healthy natural environment, a well serviced community and a safe and healthy Lake of Bays. The Association worked closely with the Township of Lake of Bays on development of their Official Plan and Development Permit Bylaw system and has a keen interest in ensuring responsible development on the lake. The Lake of Bays Heritage Foundation ["**LOBHF**"] is a non share corporation and registered charity, incorporated under the Ontario *Corporations Act*, with a mandate to protect and preserve the natural and man-made heritage in the Lake of Bays area. LOBHF owns property around the Lake of Bays for conservation purposes.

Langmaid's Island [the "**Island**"] is a large island located in the south of the Lake of Bays, within the Township of Lake of Bays [the "**Township**"]. Other than some small, antiquated structures, the Island has historically been undeveloped. The Island is the second largest island in the Lake of Bays and is the largest essentially undisturbed island on a lake with no Crown land. The Island hosts a host of significant natural heritage features. The Applicant, the Langmaid's Island Corporation, is attempting to develop Langmaid's Island into a 32 lot subdivision.

To facilitate the redevelopment of Langmaid's Island, Langmaid's Island Corporation sent several applications to the Township, the Town of Huntsville, and the District of Muskoka [the "**District**"]. The Applicant requested an Official Plan Amendment to the Township Official Plan for site specific

policies for the development of 32 lots. The Applicant further requested an amendment to the Township development permit by-law, to allow for residential units on the 32 lots. The Township failed to make a decision on those two applications, and the Applicant appealed. The District also failed to approve the Applicant's plan of subdivision, which the Applicant also appealed. The Applicant also applied for two zoning by-law amendments to allow for two different landing zones in the Town of Huntsville. The Town of Huntsville did not make a decision, and the failure to make a decision was appealed. All of the appeals concern the same project: the development of Langmaid's Island into a 32 unit subdivision.

As per the April 25th notice of a Case Management Conference ["CMC"], all five appeals have been consolidated into the same CMC. As such, this letter will refer to all five appeals as one consolidated matter.

The LOBA and the LOBHF have serious concerns about the consistency of the proposed development with the Provincial Policy Statement ["PPS"] and with conformity to the District Official Plan and the Township Official Plan. We explain the concerns of our clients below.

Nature of LOBA and LOBHF Interest

Our clients have been involved in the discussion of the proposed development and have repeatedly made submissions to local councils about the project. Please see attached, our letter dated November 19, 2018, to Township council, outlining concerns with the proposed project. Our clients presented at the June 2, 2018 Statutory public meeting and have attended other public meetings on the projects, including the November 20, 2019 Council Meeting of the Township.

Individually, and as a group, both the LOBA and LOBHF and their members have frequently raised issues with the proposed development and have corresponded with Town staff. Members of both organizations either own property or reside near the proposed development, and they represent a significant number of Lake of Bays residents. LOBA represents almost 1200 families living permanently or seasonally, on or near the lake and monitors all development proposals on the lake for compliance with the Township Official Plan and Development Permit Bylaw

Most significantly, our clients, at significant cost to their organizations, have retained the services of Dr. Derek Coleman, an ecologist and registered planner. Dr. Coleman's report is attached to this letter. Our clients have also retained Kevin M. Duguay, a registered professional planner. Kevin Duguay's affidavit will be sent at a later date. Dr. Coleman's and Kevin Duguay's evidence is of great importance to this appeal.

We accept the factors described by the Ontario Municipal Board in *Re Town of Oakville* as the appropriate considerations as to whether an organization may have party status in planning appeals.¹ The factors are:

¹ 66 O.M.B.R. 366

- a) Has an appeal already been filed in relation to the policy which is sought to be challenged?*
- b) To what extent is the public interest advanced if party status is granted?*
- c) What prejudice, if any, would be suffered by the municipality or another party to the proceeding?*
- d) Does the person seeking party status have a direct interest in the policy?*
- e) Will granting party status avoid a multiplicity of proceedings?*
- f) What is the historical background of the policy sought to be challenged*

a) Has an appeal already been filed in relation to the policy which is sought to be challenged?

This is the first set of appeals concerning a subdivision on Langmaid's Island. These five appeals, consolidated in one hearing, are the only ongoing planning appeals concerning the Island.

b) To what extent is the public interest advanced if party status is granted?

LOBA and LOBHF represent a great number of local residents. It is in the public interest to ensure that an organization that represents most nearby residents can bring forward its legitimate planning issues to the Tribunal. More strikingly, it is in the public interest to ensure that the Tribunal receives the expert evidence from our client's experts, Dr. Derek Coleman and Kevin Duguay. Our client's experts provide an impartial review of the Applicants planning and environmental studies, and their expert reports are crucial to establishing the consistency of the proposed development to the PPS and conformity to the official plans.

c) What prejudice, if any, would be suffered by the municipality or another party to the proceeding?

As Regulation 102/18, passed under the *Local Planning Appeal Tribunal Act*, limits oral hearings to 75 minutes, there will be little additional time needed to hear the serious planning concerns of our clients.

d) Does the person seeking party status have a direct interest in the policy?

Our client's interest in protecting the natural heritage in and around the Lake of Bays is a direct interest in the policy discussed in the hearing. Moreover, the members of our client's own properties and reside near the proposed development.

e) Will granting party status avoid a multiplicity of proceedings?

The LPAT has already consolidated the five appeals concerning the project into one proceeding. Adding our clients as a party allows all parties with a direct interest in the matter to share their planning concerns in one proceeding.

f) What is the historical background of the policy sought to be challenged

Our Clients have been involved throughout the policy formation process. To further their planning submissions, our clients have diligently pursued party status and have retained expert witnesses.

Our clients have a direct interest in the matter, and have diligently worked through the planning process thus far to make their interest known.

How the LOBA and LOBHF Help in the Appeal

How our Clients will Assist with the Appeal

Our clients raise important planning and policy issues and have retained expert planners and ecologists to aid this Tribunal with its determination on the matter. We recognize that both lower tier municipalities and the District are parties and bring their own planning expertise. However, our client's experts give further evidence to this Tribunal as to the effects of the proposed development on the natural heritage of the Island and the cumulative impact of the development around the Lake of Bays community.

The two expert witnesses retained by our clients can both testify to the impact the proposed development will have on the natural heritage of the area. At the heart of this appeal is whether the proposed development is inconsistent with both Provincial and District natural heritage protections. Dr. Coleman offers expert review of the Environmental Impact Statement of the Applicant and details the natural heritage planning issues with the development. Kevin Duguay offers a detailed planning analysis of the proposed project, and how the proposed development is inconsistent with the PPS and fails to conform with the District and Township Official Plans. The CVs of the experts are attached, demonstrating their expertise in natural heritage and land-use planning.

We intend to argue that the current Township Official Plan policies are consistent with the PPS and conform with the District Official Plan. Furthermore, the Township's development permit by-law is consistent with the PPS, and conforms with both upper and lower tier official plans. More importantly, as detailed below, the proposed changes to the Township Official Plan and the Development Permit By-Law are inconsistent with the PPS and do not conform with upper and lower tier official plans.

Inconsistency with the PPS

We believe that the application is inconsistent with PPS policies 2.1.1, 2.1.2, 2.2.1, and 4.9.

Langmaid's Island is a District Significant Heritage Area. Dr. Coleman's report describes the wealth of the natural heritage at Langmaid's Island, both in terms of its diversity and its quality.² There is a high fauna biodiversity, coupled with a high integrity of natural features. The bird diversity is higher on Langmaid's Island than the average of Muskoka Islands, and Langmaid's Island is a deer wintering ground. Previous District heritage assessment found that Langmaid's Island had degrees of diversity and importance for wildlife, and the Island represents "a high degree of naturalness".³

Aside from the diversity and quality of flora and fauna on the Island, the landscape itself has important natural heritage value. Two large hills rise about 45 meters above the waterline, and a third rises 25 meters above the waterline.⁴ The unique topography of the Island, with several large hills rising out of the water, alone warrants protection as an important natural feature.

While the Island is not an Area of Natural and Scientific Interest, as described in the PPS, it was a candidate Provincially Significant ANSI. As Dr. Coleman notes, regardless if the Island is not an ANSI per the PPS, the municipality can still use the candidate ANSI information to protect the natural heritage features of the island.⁵

Policies 2.1.1 and 2.1.2 state:

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The PPS uses the word "shall" in Policy 2.1.1, indicating how important protecting natural features and areas are in the PPS. Protection of natural features and areas is a requirement of the PPS.

The significant development proposed on the Island, with the addition of 32 residential units, dock work, and all necessary servicing threatens the Island's natural features. Allowing development on Langmaid's Island is inconsistent with PPS policies protecting natural heritage.

Development on the Island also threatens the nearby water quality, through building 32 additional housing units on the Lake, increasing effluent and traffic. PPS policy 2.2.1 states:

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

a) using the watershed as the ecologically meaningful scale for integrated

² Dr. Derek J. Coleman, Environmental Impact Statement and Planning Justification Report Review, Langmaid's Island, November 2018, at pgs 19-20.

³ *Ibid* at pg.17.

⁴ Melissa Markham Staff Report, Township of Lake of Bays, November 20, 2018, at pg. 2, at Tab 76 of the Township of Lake of Bays Appeal Record.

⁵ *Supra*, Note 2 at pg. 11.

and long-term planning, which can be a foundation for considering cumulative impacts of development;

b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;

Allowing significantly more development on the Island, with the inherent water quality impacts development brings, is inconsistent with Policy 2.2.1.

We note that the PPS only establishes minimum protections of natural features, stating:

4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.

Thus, Town and District Policies that protect natural features are not inconsistent with the PPS if they are more stringent than the PPS requires. Given the importance of protecting natural features, the PPS should be read, in its entirety, to not only permit, but to mandate planning instruments to protect natural heritage features. By allowing significant development in an important natural heritage site, the application for a subdivision on Langmaid's Island is inconsistent with the PPS.

Lack of Conformity with District Official Plan

We believe that the application fails to conform with policies F.96, F.97, and F.114 of the District Official Plan.

Langmaid's Island has been classified by the District as a Significant Heritage Area.⁶ The Muskoka Heritage Areas Program maps the whole Island as a Heritage Area, and significantly, describes the protected area as 55 ha in size, which is the extent of the whole Island. The District Official Plan provides detailed policy for Significant Heritage Areas, stating:

F.96 Significant Heritage Areas are generally defined as those areas of Muskoka's landscape that on a local, district, provincial or federal scale, exhibit entities of historic, geologic, archaeologic, scenic or other heritage value (such as biologic).

F.97 Areas possessing or encompassing such values shall generally be protected from incompatible uses or activities.

Allowing a residential subdivision is an incompatible use for a Significant Heritage Area. Significant Heritage Areas exist to protect and preserve places of great value. The development of a 32 lot subdivision completely voids the perseverance of heritage lands.

District Policy F.114 gives additional detail, stating:

⁶ Natural Heritage Evaluation Report, February 1994, at pg. 201, at Tab 19 of the Township of Lake of Bays Appeal Record (excerpt attached to letter).

F.114 Where environmental or heritage areas have been inventoried or approved for protection in local or other policy documentation, special provisions should be established in implementing documents to adequately guarantee the protection of such heritage resources including, among other matters, the utilization of special zoning categories in bylaws. In the interim, and prior to the formal inventory of such resources being completed, encouragement shall be given to the use of interim control by-laws or other mechanisms to protect such resources or character areas.

District Policy Documentation protects Langmaid's Island. If changes to zoning for Langmaid's islands are to be consistent with the District Policy, such policies must guarantee the heritage resource in question. The Applicant's proposed changes do the opposite: the Applicant proposes to radically liberalize development on the Island. This is flatly in nonconformity with the District Official Plan.

Even if parts of the Island are protected by heritage easements, or zoned open space or environmental protection, the whole Island is a heritage area. Protecting part of a natural heritage area, as in the Applicant's proposal to protect 13.99 hectares out of 55 protected hectares, does not adequately protect the natural heritage of the whole Island. The proposed application is not in conformity with the District Official Plan and can not be saved by protecting slightly more than a quarter of the land as open space or environmental protection zones.

Lack of Conformity with Township of Lake of Bays Official Plan

We believe that the application fails to conform with policies C.6, C.46, D.3, D.9, D.10, D.75, D.98, D.99, D.100, E.1, E.2, E.3, E.26 and H.16. There are two main reasons why the proposed development does not conform to the Township Official Plan: the proposed development is not consistent with local character, and the proposed development does not adequately ensure protection for natural heritage values.

Township policies require development to preserve local character. Throughout the Township Official Plan, repeated mentions are made of the necessity of maintaining local character. Policy C.6 states:

The particular character and values of each designation will be preserved and enhanced. The character of a community, waterfront and rural designation or a particular area is the essence, which defines that area and provides a sense of identity. Character is established over time and is rooted in the following:

- *physical setting and landscape characteristics including the unique confluence of water, rocks and trees and scenic landscapes;*
- *historic development patterns;*
- *cultural heritage;*
- *extent and form of development; density, intensity of use and height;*
- *architecture and design;*
- *safe and healthy community;*
- *level of services and infrastructure; and*
- *open space, natural areas and recreational areas and facilities.*

Policy D. 10 states:

Development will be designed to maintain, fit into and use the natural characteristics and features of individual sites. In this regard, the following principles should guide lot design, road design and construction:

- a) built form should not dominate the landscape;*
- b) visual impact should be minimized;*
- c) as much natural vegetation as possible should be maintained and natural vegetative buffers should be retained or restored adjacent to shorelines and roadways*
- d) natural land form and contours should be preserved;*
- e) ridge lines and skylines should be protected;*
- f) natural infiltration, storm water management and construction mitigation techniques should be used;*
- g) the use of environmentally friendly construction materials and design/installation will be strongly encouraged; and*
- h) conservation of the natural heritage system.*

Policy E.26 states:

E.26 New development or use of land will be compatible with:

- a) the type and character of the area in which the use is being proposed; and*
- b) other legal conforming land uses in the vicinity so as to ensure the protection of public investment and the continued operation and expansion of such uses, where feasible and appropriate.*

Policy H.16 specifically details policy for waterfront areas, stating:

The character of the waterfront designation will be maintained by retaining the traditional mix of land uses and the overall low density of development, as well as preserving the natural environment, in particular, water quality, topography and landscape, shorelines with a natural and undeveloped appearance and significant natural areas and habitats.

Through all of these policies, it is clear that the Township Official Plan requires development to not contrast with the local character. Development must promote the character of the area, preserve the natural land form and vegetation. Where development is permitted, it must be of as little impact to the character of surrounding areas, and “retain the traditional mix of land uses”. The Township Official Plan clearly protects natural areas from heavy redevelopment.

The proposed project for a residential subdivision vitiates the Township policies on maintaining traditional uses and preserving natural heritage. The traditional use of the Island was always open space, with a small area of built cottages. The District identification of the Island as a Heritage Area testifies to the character of the area, and what the island was traditionally used for. A residential subdivision is a sudden and complete departure from the “traditional mix of land uses”.

As shown in Dr. Coleman's report, the proposed development would have significant visual impact on the Island.⁷ Where the Island now is in an almost undisturbed natural state, a 32 unit subdivision would irreparably alter the character of the Island and surrounding lands. The sense of identity to the Island, as a Heritage Area, would be destroyed. It is not possible to have a 32 unit development conform with an Official Plan that so strongly protects the character of the area and the unique identity of the Island.

The protection of the natural heritage of the Island is further encouraged by the natural heritage policies in the Township Official Plan. Policy D.3 states:

The conservation of the overall natural landscape, tree cover and vegetation will be encouraged in an effort to preserve the natural appearance, character and aesthetics of the area and to protect the natural heritage of the Township.

Policy D.9 further adds:

Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas and panoramas, and landmarks should be conserved. Development should be located and designed to protect these features, and where feasible, dedication or acquisition of such land for the purpose of conservation should be encouraged.

The Island has a wealth of natural vegetation and trees. The Island's two large hills, and one smaller hill, are significant heights of land seen throughout the southern expanse of the Southern part of the Lake of Bays. The Island's vegetation and heights of land add significantly to the character of the lake. Simply put, a 32 unit development does not conform with policies intended to protect these important natural heritage features. The unobstructed landmasses and hills on Island will be dotted with development, and an integral natural feature in the Lake of Bays will be permanently altered.

Dr Coleman's report found that the EIS submitted by the Applicant fails to properly address all environmental concerns with development on the Island.⁸ It is at best premature to consider development on the Island without proper environmental studies and inventorying.

The Township Official Plan also requires a complete hydrogeological report for a proposed subdivision. Policy C.46 states:

A hydrogeological assessment will generally be required by the Township in support of a development approval in order to ensure that an adequate supply of water will be available, there will be no cross contamination, or negative impact on the groundwater supply, and the lot sizes proposed are appropriate. A hydrogeological assessment in accordance with provincial standards will generally be required where:

a) private groundwater and sewage disposal services are proposed for development by plan of subdivision or condominium or multiple lot development or where there is a need to demonstrate that site conditions are suitable for the long-term provision of such services with no negative impacts.

⁷ *Supra*, note 2 at pgs 29-30.

⁸ *Ibid* at pg. 17.

b) for commercial, industrial, institutional or other uses, which would produce an effluent flow of greater than 5,000 litres per day or would be a high water user and require a water taking permit.

As the Applicant is proposing a 32 lot subdivision, a hydrogeological report is necessary to ensure that there are no negative impacts. The Applicant has failed to produce a full hydrogeological assessment. Without a full hydrogeological assessment, the Applicant can not demonstrate that there would be no negative impacts on the local water supply. Again, it is at best premature to consider development without proper studies.

As stated in Dr. Coleman's report, the Island is "constrained by slopes".⁹ Slope mapping of the Island shows that large sections of the Island have slopes over 20%, and frequently slopes exceed 40%.¹⁰ There is little of the Island, as demonstrated on the slope mapping, that is unaffected by steep slopes. Township Official Plan includes policies that specifically protect slopes. Policy E.1 states:

Where development is proposed, the degree of slope and slope stability will be confirmed by the Township through site inspection and/or the review of more detailed information submitted in support of a development proposal. Areas where slopes present a constraint to development may also be identified during site inspections or through the submission or review of additional information.

Policy E.2 states:

Where slopes greater than 20% exist on a property or a portion of a property, natural vegetation will be substantially retained on slopes, before and after construction, particularly those adjacent to a shoreline, on a ridgeline or skyline, in areas where there is minimal soil and vegetative cover, or in areas of unstable slopes or potential erosion

Policy E.3 further adds:

to the requirements of Section E.2 and where slopes greater than 30% exist on a property or a portion of a property, the following principles will be implemented for development:

- a) development on slopes should blend into the natural landscape without substantial site alteration, particularly blasting;*
- b) development will not be permitted on a slope where it is subject to erosion and would represent a potential hazard to life or property;*
- c) natural environmental values will be protected;*
- d) scenic slope faces and cliffs should be preserved;*
- e) visual impact of buildings such as the footprint and height should be minimized;*
- f) lots will have sufficient frontage and area to accommodate the development proposed and should be larger than the minimum lot size permitted;*
- g) access to the property can be properly provided by road or from the water;*

⁹ *Ibid* at pg. 7.

¹⁰ *Ibid* at pg.8.

- h) road access can be located in a manner which is safe, minimizes visual impact, minimizes site alteration and addresses storm water management during and after construction;*
- i) where only water access is proposed, suitable access will be provided for construction equipment, and where feasible, construction/access corridors should be provided;*
- j) a docking location and an access pathway to the dock is available on a shoreline lot; and*
- k) tolerance for engineered solutions which affect the natural landscape may be greater for property within a designated community*

The steep slopes of the Island are, per the Township Official Plan, important heritage aspects of the Island. As demonstrated in Dr. Coleman's report, the proposed 32 unit subdivision significantly obstructs the presence of the slopes.¹¹ The proposed development does not protect natural environmental values, rather the development relegates natural values to small sections of the Island.

The Township Official Plan gives specific guidance on developing Langmaid's Island. Policy D.98 states:

Creation of new lots on Langmaid's Island or substantial development will be discouraged in order to retain this as a natural and undisturbed area and retain its important values. Any further development or site alteration on the island should be focused in the area, which has already been disturbed by development.

This provision speaks for itself. New lots should be discouraged, and to the extent that development is permitted, it is to be located where disturbances have already occurred. The proposed subdivision, per the Applicants plans, occupies the Island in its entirety, and does not restrict development to the previously built area.

Policy D. 99 gives further guidance on developing Langmaid's Island, stating:

Where further development of the island is proposed beyond the existing development site, an impact assessment will be undertaken in order to better identify, locate and evaluate the values of the area, and to ensure that development can occur in a location and manner which will ensure the preservation of these values.

As Dr. Coleman has demonstrated, the Applicant has failed to properly assess the values of the site.¹² At best, it is not possible for the Applicant to demonstrate that the project maintains the natural heritage value of the Island. Policy D.100 further states:

Where it is not feasible to preserve the whole island in its natural state, protection of important areas and features of the island that have been identified through impact assessment will be accomplished by:

- a) dedication or purchase of the land in favour of the Township, or other appropriate organization; or*
- b) establishment of a conservation easement; or*

¹¹ *Ibid* at pgs 29-30.

¹² *Ibid*, at pg.28.

- c) private land stewardship; and*
- d) zoning, together with site plan or other agreements or the Development Permit System*

It is feasible to preserve the whole island in its natural state. Quite simply, the current planning instruments on the Island can be preserved. The Township Official Plan directly states that it is only when preserving the natural state of the Island is not feasible that conservation easement and private land stewardship is relevant. The Applicant's attempt to meet environmental policies through conservation zoning over parts of the Island does not conform with the Township Official Plan. To the extent that development may occur, Township policy requires development to occur only where prior site alteration has occurred.

The proposed development is not consistent with the PPS and does not conform with either District or Township Official plans. The proposed development threatens to permanently alter the natural landscape of the Island, a protected Heritage Area. The Applicant has failed to properly inventory natural heritage features on the Island. The threats to the natural heritage on the Island, and the inconsistency of the proposed development with the surrounding landscape, make this development contrary to planning policy and law in Ontario, the District and the Township.

Conclusion

The LOBA and LOBHF have retained experts, and are prepared to participate fully throughout the appeal process. The serious threat to natural heritage and local character drive the planning concerns of our clients.

Our clients have a demonstrated interest in this appeal, are stakeholders in the appeal's outcome, and are prepared to help this Tribunal to make an informed decision. They have identified issues of inconsistency with the PPS and issues of conformity with both District and Town Official Plans. As such, they meet the test in Rule 26.19 of the LPAT Rules of Practice and Procedure to be added as a non-appellant party.

We thereby request that our clients be added non-appellant parties to this proceeding.

Yours very truly,

A handwritten signature in black ink, appearing to read 'H. G. Elston', with a long horizontal line extending to the right.

H. G. Elston



Local Planning Appeal Tribunal

Certificate of Service

CASE NO. PL180898

When directed or required under the Rules of Practice, such as Rule 26.19, this form may be used as proof of service.

Case Name and No.:	PL180898- Langmaid's Island Appeal			
Service	Type of notice served <input type="checkbox"/> Please specify ▼ Submission for non-appellant party status	Method of delivery <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered Mail <input checked="" type="checkbox"/> Courier (including Priority Post) <input type="checkbox"/> Facsimile copier (FAX) <input type="checkbox"/> Personal delivery <input type="checkbox"/> Other specify ▼		Name of courier, agent or service Purolator
	Date and Time document sent June 21, 2019 2:00pm			
Address where served	Number and Street / R.R. # 37 Main St. East			Suite/Unit #
	City Huntsville	Province ON	Postal Code P1H 1A1	FAX # (if applicable)
Confirmation	Acting on behalf of <input type="checkbox"/> Appellant / Applicant / Proponent <input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Other specify ▼ Non-Appellant Parties: Lake of Bays Association, Lake of Bays Heritage Foundation			
	I state that I served Kirstin Maxwell Manager of Planning		who represents Town of Huntsville	
	Signature of Server K. Maxwell		Position (if applicable) Executive Assistant to Harold Elston	
	Dated at (Location) Collingwood, ON		on (Date) June 21, 2019	

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	Date and Time document sent June 21, 2019 2:00pm			
Address where served	Number and Street / R.R. # 70 Pine St.			Suite/Unit #
	City Bracebridge	Province ON	Postal Code P1L 1N3	FAX # (if applicable)
Confirmation	Acting on behalf of <input type="checkbox"/> Appellant / Applicant / Proponent <input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Other specify ▼ Non-Appellant Parties: Lake of Bays Association, Lake of Bays Heritage Foundation			
	I state that I served Jamie Clow		who represents District Municipality of Muskoka	
	Signature of Server K. [Signature]		Position (if applicable) Executive Assistant to Harold Elston	
	Dated at (Location) Collingwood, ON		on (Date) June 21, 2019	

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	Date and Time document sent June 21, 2019 2:00pm		
Address where served	Number and Street / R.R. # 425 Adelaide st West		Suite/Unit # 10th floor
	City Toronto	Province ON	Postal Code M5V 3C1
Confirmation	Acting on behalf of <input type="checkbox"/> Appellant / Applicant / Proponent <input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Other <i>specify</i> ▼ Non-Appellant Parties: Lake of Bays Association, Lake of Bays Heritage Foundation		
	I state that I served Andy Margaritis Davies Howe LLP	who represents The Appellant	
	Signature of Server 	Position (if applicable) Executive Assistant to Harold Eistor	
	Dated at (Location) Collingwood, ON	on (Date) June 21, 2019	

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	Date and Time document sent June 21, 2019 2:00pm		
Address where served	Number and Street / R.R. # 311 George St. N		Suite/Unit # 103
	City Peterborough	Province ON	Postal Code K9J 3H3
Confirmation	Acting on behalf of <input type="checkbox"/> Appellant / Applicant / Proponent <input type="checkbox"/> Respondent <input checked="" type="checkbox"/> Other specify ▼ Non-Appellant Parties: Lake of Bays Association, Lake of Bays Heritage Foundation		
	I state that I served John Ewart	who represents Township of The Lake of Bays	
	Signature of Server K. Blundell	Position (if applicable) Executive Assistant to Harold Elston	
	Dated at (Location) Collingwood, ON	on (Date) June 21, 2019	

This completed form must be filed with the Tribunal Registrar.

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 P0A 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. Our clients are disappointed that the appeal by LIC has the effect of depriving Council of further public input, but 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

LANGMAID'S ISLAND

UTM Ref. 17TPA498082

McLean Township, Lake of Bays
Status: Recommend Heritage Area

Area: 55 ha

Site Characteristics

This island is situated just off the mainland north of Baysville in Lake of Bays. The narrow island is formed by three large hills which rise up to 50 metres above the elevation of the water (315m ASL). The geology is mainly bedrock-drift complex, with deeper soils on the slopes and lowlands supporting early successional White Birch-Trembling Aspen deciduous forests and late successional Sugar Maple-Yellow Birch-Eastern Hemlock mixed forests. The two highest peaks are of exposed bedrock outcrops with very thin soils supporting semi-open Red Oak-White Pine-White Ash treed woodland barrens. Exposed cliffs on the south side of the island are sparsely vegetated with an open graninoid and low shrub assemblage consisting of some uncommon plant species.

The undeveloped rocky shoreline is mainly coniferous fringe forest dominated by Eastern Hemlock and Eastern White Cedar with some areas of White Spruce, and White Pine on the more exposed slopes. Two long sandy beaches are present in isolated bays along the southern shoreline, while one small marshland occupies a tiny, protected bay along the northern shore at the narrowest point of the island.

Between Langmaid's Island and Joli Point of the mainland is a small rocky island, Seagull Island, which was included as part of this site because of the presence of nesting Canada Geese (considered regionally uncommon) and its function as a Herring Gull loafing area.

Flora and Fauna

Total numbers of species recorded were:

Vascular Plants	134 native; 3 introduced
Birds	28 observed during the breeding season
Mammals	3
Herpetofauna	4
Butterflies	1
Dragonflies	4
Mushrooms	14

Significant Natural Values and Selection Criteria Met

1. **Diversity - (B2)** For an island of its size, Langmaid's Island supports a diversity of habitats, including coniferous fringe forest, early successional deciduous forests, late successional mixed forests, rocky shorelines, sandy beach, marshland, steep rocky ridge exposed cliff faces and semi-open treed barrens.

2. **Quality and Disturbance - (B3)** 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.

The successional sequence following a natural disturbance (70-80 years ago) by fire on the eastern section of the island is of interest to compare with the late successional (120-140 year old) forests on the western section of the island.

The use of this island by Fisher (reported by Towle, 1989) would attest to its quality of forested communities and lack of disturbance. The island was evaluated by Brunton (1991 b) as a regionally significant forest and recommended as a candidate ANSI.

3. Fish and Wildlife Concentrations - (B5) Langmaid's Island supports a deer wintering area as well as potential Lake Trout spawning school. The proximity of the island to the mainland allows for a wildlife migration opportunity for many species.

4. Scenic Landscapes - (C7) Seagull Island was identified as having high scenic value. In addition, the view from the summit of the hills on Longmaid's Island provide a commanding and highly scenic vista of the Lake of Bays.

Ownership and Disturbance

The island is privately owned by one individual who wishes to maintain the island in a natural state. Development of the island is restricted to a cluster of buildings on the small peninsula separating the western and eastern island sections and a limited network of paths. The sandy beaches are frequented by boaters who stop to picnic and swim. While some disturbance to the adjoining forests is occurring, the beaches remain relatively clean.

Natural disturbances to the island show evidence of a fire on the eastern section in the past. There were old burned stumps in the understory of the early successional forest dominated by White Birch with Trembling Aspen and Eastern White Cedar.

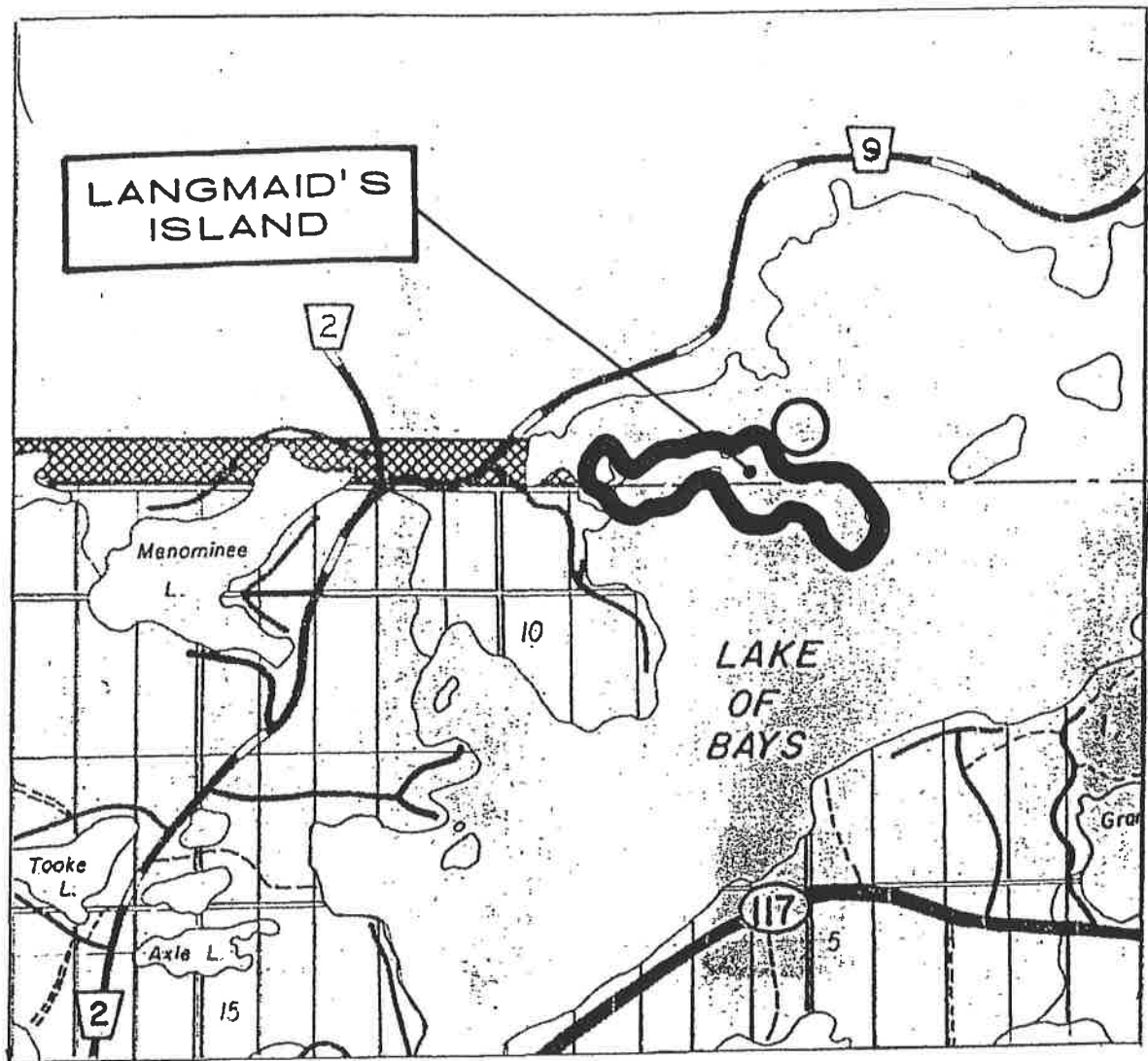
Sensitivity

The sensitivity of this site is related to natural quality of this forested island as wildlife habitat and undisturbed shoreline. Private land stewardship with the landowner should go far to ensure its continued protection. Posting of the island as private conservation area may help to limit unregulated uses.

Major Sources of Information

Bergsma, et al., 1993; Brunton, 1991b; District Municipality of Muskoka, 1985 Sensitive Areas Schedules; OMNR, 1989 Deer Mapping; Reid, & Berney, 1993; Towle, 1989.

LANGMAID'S ISLAND
HERITAGE AREA
TOWNSHIP OF LAKE OF BAYS



Legend

○ Scenic Spot



Scale 1:50,000



Ages
Consultants
Limited

**ENVIRONMENTAL IMPACT STATEMENT and
PLANNING JUSTIFICATION REPORT REVIEW**

Langmaid's Island
Township of Lake of Bays
Town of Huntsville
District of Muskoka

Derek J. Coleman, PhD., R.P.P., M.C.I.P.
Ages Consultants Limited

Review of
Additional
Submissions

November 2018

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Executive Summary,

I have reviewed the additional reports submitted by the Langmaid's Island Corporation and conclude:

1. My review of the inventories of the features and values of Langmaid's Island found that there is not sufficient information to determine environmental impacts.
2. The policies (PPS, District OP, Township) require an assessment impact on the values for which the Island was determined to be important and protected – including diversity, quality and scenic values. I conclude that the Island meets these three criteria. These values are not properly addressed in the EIS or Planning Justification Reports. The amendments to the Planning documents recommended in the Planning Justification report rely on these values not existing. Thus, the amendments are not supported.
3. I note that the PPS not only permits but encourages local municipalities to protect areas of local significance as well as those of Provincial significance. The various arguments put forward by the proponent are based on Langmaid's not meeting Provincial standards of significance. This ignores this Provincial direction and the actions taken by the District and Township.
4. The documents do not provide a description of the development sufficient to analyze impacts. More detail is necessary on a lot by lot basis. As a result, the proposal does not conform to the Township of Lake of Bays documents or District Official Plan nor is it consistent with the Provincial Policy Statement (2014).
5. The proposed implementing by-law and mechanisms (limited zoning, conservation easements, character guidelines) are unlikely to be effective in protecting natural values.

In conclusion, I recommend that the proposal be denied or returned for refinement as indicated.

In this respect, I agree with and support the Lake of Bays Township staff report (November 2018) on the application.

1.0 Introduction

This Report is the second Review and is prepared to assist the Lake of Bays Association and Lake of Bays Heritage Foundation in their review of a series of applications related to a development proposal by the Langmaid's Island Corporation for Langmaid's Island located in Township of Lake of Bays, Muskoka District and two shoreline parcels in the Town of Huntsville. Following a public meeting on the proposal in June 2018, the applicant submitted a series of new documents and modified the development proposed. This second review incorporates comments on the new information and these revisions.

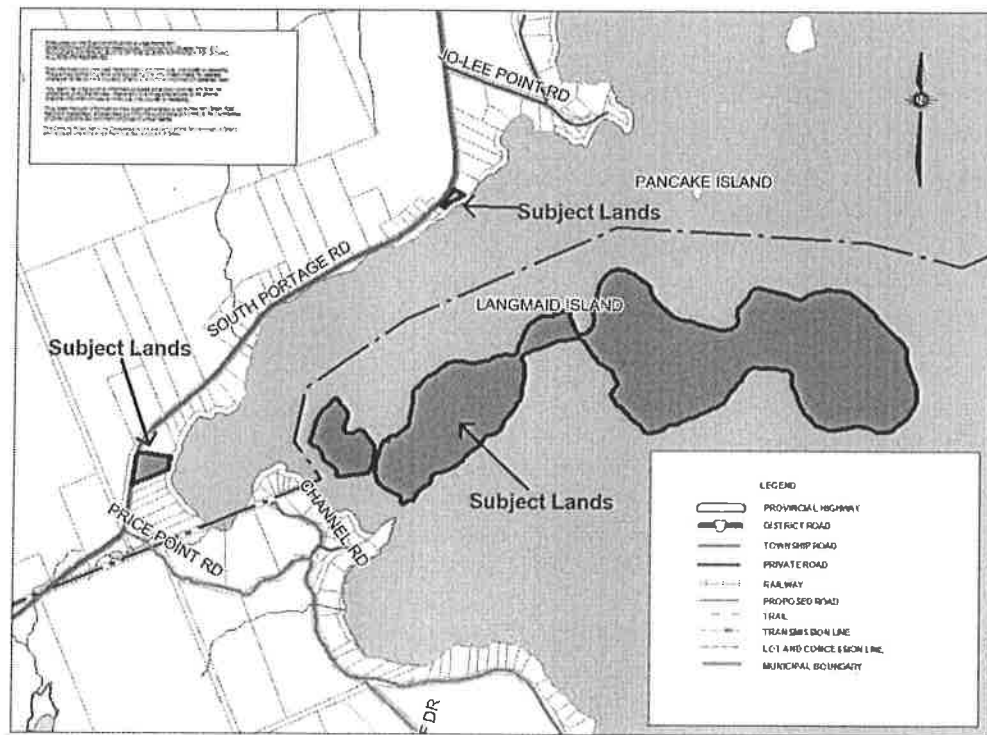
I note that while the thorough Ages Consultants review was provided to the municipalities (Township of Lake of Bays, District of Muskoka, Town of Huntsville), they did not review, comment or reply to the specific issues raised nor was the document posted for the public to obtain nor was it referred to the environmental planning Peer review consultant (Palmer Environmental) retained by them.

The proposal for the Island includes the Island itself and the two mainland properties from which boat access will be obtained as has been previously described.

The location and context for the proposals is shown on the figure below.

The proposal will be implemented through a Plan of Subdivision and amendments to the District and local planning documents (Township of Lake of Bays and Town of Huntsville).

I note that the Island is referred to as either Langmaid's or Langmaid – I will use the first spelling.



The applications are supported by a series of reports that I have reviewed – specifically:

- Planning Justification Reports (3 in total), MHBC Planning Consultants Limited, January 2018.
- Environmental Impact Assessments (3 in total), RiverStone Environmental Solutions Inc, January 2018.
- Functional Servicing Report, Langmaid's Island, C.C. Tatham & Associates Ltd., January 2018.
- Boating Impact Assessment, Langmaid's Island, Michalski- Nielsen Associates Limited, January 2018. Peer Reviews, Anthony Usher Planning Consultant (April, September, October 2018) and BIA Addendums (June and September 2018).
- Heritage Impact Assessment, MHBC, January 2018.

The additional documents that have been submitted and I have reviewed include:

- Michael Melling, Davies Howe LLP, Letter, June 8, 2018.
- Planning Justification Report (Revised August 2018), MHBC Consultants Limited.
- Addendum No. 1, Tatham & Associates, August 2018.
- Additional Details for Late Successional Forest Letter, August 2018, RiverStone Environmental Solutions Inc.
- Deer Wintering Study, May 2018, RiverStone Environmental Solutions Inc.
- Peer Review for Environmental Impact Study, Palmer Environmental Consulting Group, May 2018.
- Response to Peer Review of EIS Documents by PECG, July 2018.
- Final Peer Review, Palmer Environmental Consulting Group, October 2018.

- Summary of Studies, September 2018, RiverStone Environmental Solutions Inc.
- Revised Heritage Impact Assessments (June, September 2018) and Peer reviews by Unterman McPhail Associates (April, September 2018) and Responses (June, September 2018).
- Review of Lot Development Plans, Letter, RiverStone Environmental Solutions Inc., August 2018
- Michael Melling, Davies Howe LLP, Letter November 7, 2018.

I have also reviewed the staff report on the application (November 13, 2018).

There are many documents filed. I will focus my review and comments on ecology and environmental planning.

I note that I viewed the property on June 1, 2018 touring around it by boat for about 2 hours and familiarizing myself with all the features from that vantage point. I am particularly informed by a letter from Mr. Ed Pollen on behalf of his family dated March 19, 2018 and by my conversations, questions and responses from my contacts in the Foundation and Association who are very knowledgeable about the Island from many years of visiting it and by the reports filed by the applicant.

My review will consist of four sections that follow:

- General Concerns and Issues
- Langmaid's Island Features
- Proposal Update
- Conclusions

2.0 General Concerns and Issues

There are four topics that I will discuss of a more general nature where I differ from the interpretations/understanding put forward by the applicant (particularly Riverstone, Tatham and MHBC).

2.1 Langmaid's Island Character

The various documents and plans don't provide an assessment of the overall physical or suitability of Langmaid's Island for cottage development. The approach put forward is that there is sufficient space for the (now) 32 lots and that an engineering solution can be provided to resolve the constraints. This does not recognize that the proposal will require extensive modification of the Island to make it suitable.

I include below the guidance in the Township Official Plan on slopes.

Slopes

Lots with steep slopes often present desirable development sites due to the views and panorama offered. However, if development on a steep slope is not undertaken carefully, it can result in substantial alteration of the natural landscape, visual intrusion due to the prominence and location of development, interruption of the skyline, erosion, slope instability, damage to fish and wildlife habitat and a significant increase in storm water run-off which can negatively impact an adjacent property or waterbody. Along the shoreline, steep slopes often also present constraints with respect to locating water lines, locating shoreline structures and obtaining access from the water or locating an access route for construction.

Designing lots and siting development so that it fits into the natural contours of the land, limiting the extent of alteration to the landscape, retaining a substantial amount of the natural vegetation and implementing storm water management techniques can effectively mitigate these concerns. The terrain in the Township is so varied that individual site analysis and comprehensive design of development is more appropriate for dealing with this matter than attempting to apply one standard approach. A site inspection and site evaluation approach provides the flexibility to respond to the characteristics of individual sites.

E.1 Schedule D1 provides an indication of the presence of slopes greater than 20%. Where development is proposed, the degree of slope and slope stability will be confirmed by the Township through site inspection and/or the review of more detailed information submitted in support of a development proposal. Areas where slopes present a constraint to development may also be identified during site inspections or through the submission or review of additional information.

E.2 Where slopes greater than 20% exist on a property or a portion of a property, natural vegetation will be substantially retained on slopes, before and after construction, particularly

those adjacent to a shoreline, on a ridgeline or skyline, in areas where there is minimal soil and vegetative cover, or in areas of unstable slopes or potential erosion.

E.3 In addition to the requirements of Section E.2 and where slopes greater than 30% exist on a property or a portion of a property, the following principles will be implemented for development:

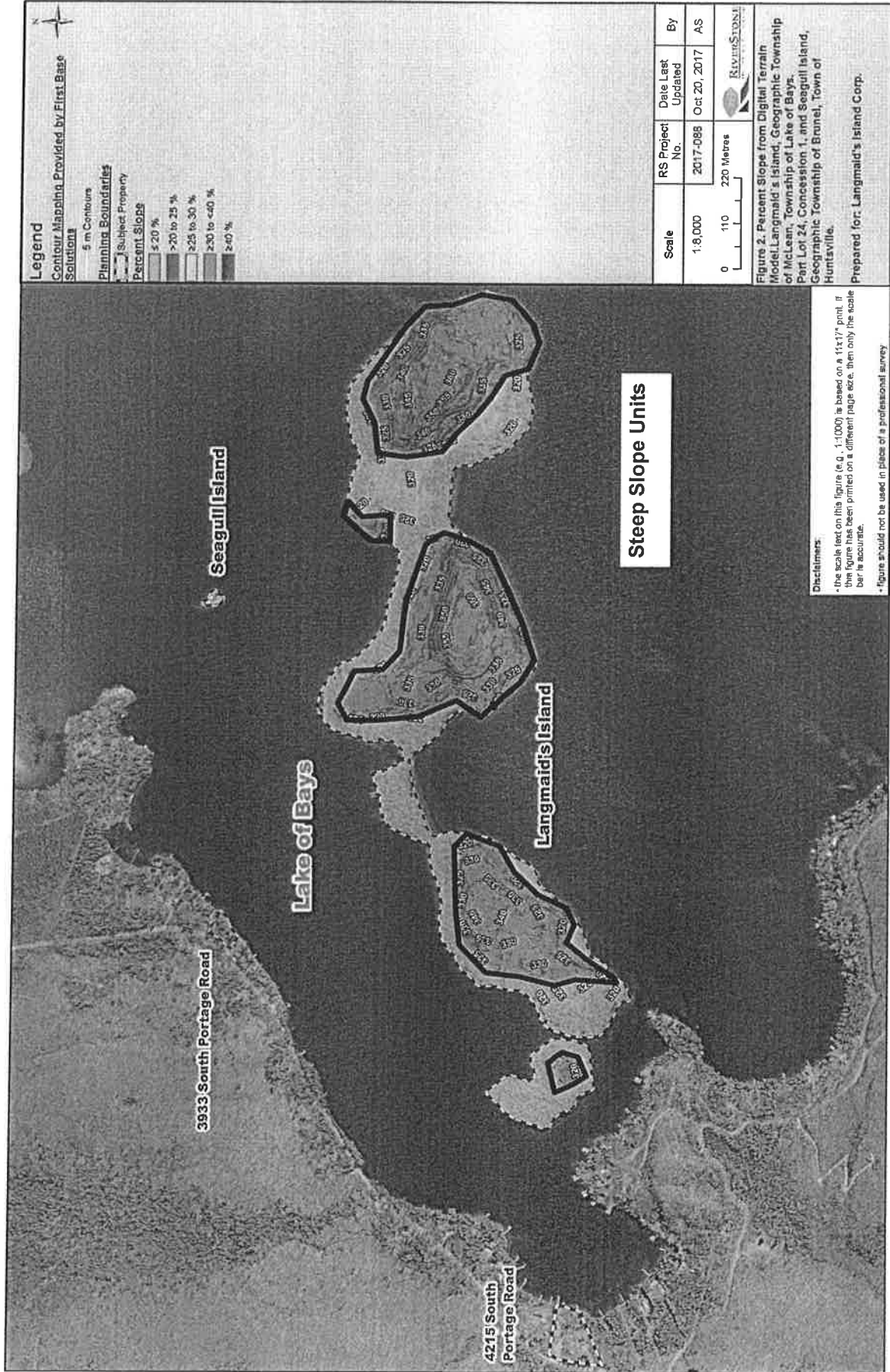
- a) development on slopes should blend into the natural landscape without substantial site alteration, particularly blasting;*
- b) development will not be permitted on a slope where it is subject to erosion and would represent a potential hazard to life or property;*
- c) natural environmental values will be protected;*
- d) scenic slope faces and cliffs should be preserved;*
- e) visual impact of buildings such as the footprint and height should be minimized;*
- f) lots will have sufficient frontage and area to accommodate the development proposed and should be larger than the minimum lot size permitted;*
- g) access to the property can be properly provided by road or from the water;*
- h) road access can be located in a manner which is safe, minimizes visual impact, minimizes site alteration and addresses storm water management during and after construction;*
- i) where only water access is proposed, suitable access will be provided for construction equipment, and where feasible, construction/access corridors should be provided;*
- j) a docking location and an access pathway to the dock is available on a shoreline lot; and*
- k) tolerance for engineered solutions which affect the natural landscape may*

I have prepared two figures on the following pages from the information provided in the various reports to illustrate the physical limitations on the Island, relying on my education and experience.

The first figure shows an interpretation of the limitations that slope presents to development. In the Island analysis (Riverstone, Tatham) a very narrow view of the slope limitations is presented by identifying and considering only those slopes greater than 30 % as a constraint. The analysis is further biased by breaking the Island up into very small slope units or "facets" of perhaps 1 to 2 metres in length. In reality, the slope gradient constraint should be considered over longer run (i.e. 15-20 metres) as these are the practical limitations for a development. In the first figure – Steep Slope Units – I have grouped the RiverStone facets into larger units to illustrate where there is a severe limitation without substantial modification of the topography.

I have also measured the slope over various transects on the Island to further analyze the slope limitation. There are only very few locations on the Island from the peaks to the water where the slope over a distance is less than 20%. See the policy E.2 above and later comments on the lack of controls after construction.

The point I make is that, except for the two saddles between the three peaks on the Island, the Island is constrained by slopes. The policies above were written for an individual lot. Should a development be contemplated where most of the 32 lots are so constrained? Further in this review, I will comment on whether the submissions satisfy the policies above.



The third figure is prepared to illustrate the limitations that shallow soil depths pose to cottage development. The Tatham report includes a plan showing where soil depths were either dug with a test pit (4 locations) probed with a hand tool (66+/- locations) but it is difficult to interpret other than to say there are no locations where there are natural soil depths that would permit installation of the wastewater treatment system without importation of fill materials.

The figure on the following page developed from the RiverStone EIS shows the extent of "barren rock" or "very shallow" soils on the Island.

The Island is constrained by both steep slopes and shallow soils. This raises the question whether development should even be contemplated.

2.2 ANSI Interpretation

The RiverStone Response to Peer Review (July 2018) contains the following section:

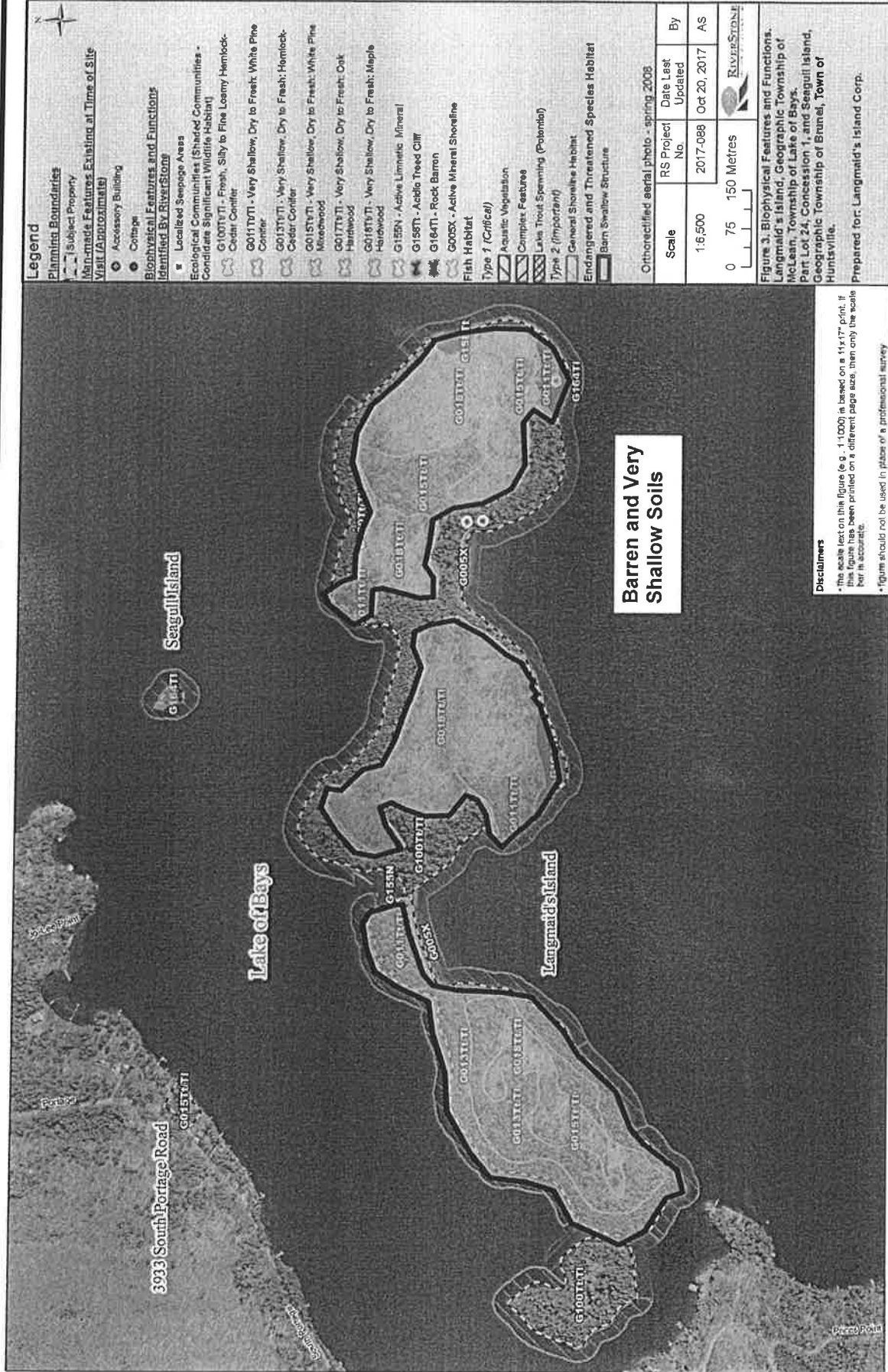
In order to understand the requirements, criteria, and protection afforded to an ANSI, we spoke with Ms. Jaclyn Brown, District Planner for the MNRF (Parry Sound). The MNRF is responsible for identifying ANSI's. Ms. Brown forwarded a Draft Report by Brunton (1991) that recommended the Island be considered a candidate ANSI. This recommendation is found in a document that was apparently never completed and is now 27 years old. It was never accepted by MNRF, and therefore the Island has never been classified as a candidate or actual ANSI. Based on the work completed as part of the EIS and this letter, RiverStone believes that the description in Section D.96c) of the Township Official Plan is misleading in suggesting that ANSI classification has merit.

I believe that this is an understatement of the way that the ANSI program was intended to work. The intent was to identify those areas which were Provincially Significant and to provide appropriate protection and management to them. The first step was to complete an inventory of resources of an MNR District (Bracebridge in this case) and to assign a preliminary evaluation as to whether it was of Provincial, Regional or local significance. The Brunton Report on ANSIs (1991) recommended the Island as a Regionally Significant Candidate ANSI. Then, formally, certain of the areas were taken forward as "nominated" or "candidate" ANSIs and were evaluated by a review committee. Those candidate ANSIs had their rating confirmed or not as Provincially or Regionally significant.

Langmaid's Island, although recommended as a Candidate Regional ANSI was not evaluated or confirmed. There can be several reasons why this did not occur, including other sites in the District that are within Parks are already protected or that the Ministry did not wish to intrude on private lands, but left that to the Planning Act documents.

The Natural Heritage Reference Manual (MNRF, 2010) contains the following guidance.

MNR ranks ANSIs as being provincially, regionally or locally significant. To date, more than 500 of these areas have been identified across the province. For the purposes of policies 2.1.4(e) and 2.1.6 of the PPS, significant ANSIs include only ANSIs identified as provincially significant. Although ANSIs identified as regionally or locally significant



are not included in the PPS definition, information about such ANSIs can still support the development of natural heritage systems under policy 2.1.2 (see section 3) or identification of significant wildlife habitat under policy 2.1.4 (see section 9). Recognizing the importance of regionally or locally significant ANSIs, some municipalities have provided protection through their official plan policies.

Provincial-level ANSIs that MNR has identified and recommended for protection but that have not been formally confirmed through a confirmation procedure are referred to as "candidate ANSIs." For the purposes of the PPS, an ANSI is not considered provincially significant until it has been confirmed. Additional candidate ANSIs may be identified at any time, and it is recommended that planning authorities consult the most recent information on the status of ANSIs (see appendix B). Planning authorities may choose to protect candidate ANSIs as locally or regionally significant natural heritage features and areas as per the PPS definition for "significant" (see section 4.3).

I agree that Langmaid's Island is not a Provincially Significant ANSI. However, as the explanation above indicates, a municipality can use the ANSI information to protect areas of local significance and this is what was contemplated and occurred with Langmaid's Island. Thus, I conclude that the Section D.96c referenced by RiverStone is not misleading as they stated. The area was considered as candidate ANSI but never confirmed at the Provincial level. The Township of Lake of Bays properly moved to protect it as a local feature.

2.3 Regionally Significant Forest

In a similar interpretation, I disagree with the RiverStone denigration of the forest on the Island in their Response to Peer review:

First, the description of the Island as a regionally-significant forest is somewhat misleading. There is no current classification of forests at the Municipal, District or Provincial level that recognises regional significance. This was confirmed by both the District and MNRF. In addition, the PPS does not recognize any forest on the Canadian Shield or north of the Shield as significant (i.e. Significant Woodland). Given that there is no classification system to create regionally-significant forests in this jurisdiction, there are no policies or laws that stipulate criteria or require protection.

This comment takes the description out of context. The Reid and Bergsma (1994) report that used the descriptor was 2 years before the first PPS in 1996 where forests were identified as features to be considered for protection and the definitions started to evolve to define specifically the criteria to identify the features. At the time of the report, they viewed Langmaid's Island as a "regionally significant forest" and that description stands the test of time. In my May 2018 Review, I showed that Langmaid's is the second largest island in Lake of Bays and the only one with the same degree of undisturbed integrity. I include again the figure from my May report on the following page.

[illegible]

Page 12 of 33

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

In both the sections noted above, a municipality can exceed the provincial standard (and is encouraged to do so) particularly for locally significant features.

Thus, with respect to the treatment of the ANSI and significant woodland descriptions of Langmaid's Island, I find that the descriptions used in the Lake of Bays Official Plan Section D.96c are supported by the PPS and are appropriate as locally significant features.

3.0 Environmental Impact Criteria

The approach taken to assessing the impact of the subdivision proposal has changed over the last months from their January to August reporting.

In the January 2018 EIS, the approach was that an inventory of the Island identified the individual significant features and established criteria that protected them. As I pointed out in my May 2018 review they missed both the integration of the individual features into an overall ecosystem view and did not show or assess the extent of the changes and impacts the proposal would cause on the Island.

The later documents, particularly the July 2018 Response to Peer Review and September 2018 Summary of Studies Letter, take a different approach by putting forward a case that the Island did not meet the criteria for identification and protection as a Muskoka Heritage Area. Thus, impact is not a consideration to them. The RiverStone reports do not constitute an environmental impact report.

I disagree with the both approach and the analysis presented. I will review the four criteria for identification of Langmaid's as a Muskoka Heritage Area that they comment on.

In my review, I have been assisted by the detailed file on the Island that has been maintained at the District and contains more information and comment than the summary in Reid and Bergsma.

3.1 Wildlife and Fish

RiverStone has completed many studies on the resources of the Island and I accept their descriptions as competent studies. There is some difference, however, in interpretation of the results in relation to policy.

I do accept the RiverStone conclusions on:

- Bat Maternal Colonies for non-SAR Bat species.
- Bald Eagle and Osprey nesting, Foraging, Perching Habitat.
- The protection of Seeps/Springs

- The presence/absence of Deer Yarding Areas
- Rare vegetation communities

with two comments/reservations.

I accept that the Island is not a "deer wintering area", in the sense of a Provincially significant feature, but I do not ignore use of the Island by deer as a value in its overall ecological composition.

RiverStone appears to accept the public comment that deer use the Island in winter. From the public perspective, this is an important value of the Island. RiverStone has not adequately addressed this value and how it will be impacted by the tree clearing/thinning and presence of the cottages/cottagers/dogs/traffic/etc.

Secondly, I did note in my initial read of the EIS that documentation was incomplete without lists of plants and birds that were observed. Palmer Environmental Group requested the plant list and received it. No Breeding bird list has been provided.

The provided plant list does present a question of its value. The EIS (January 2018) lists 10 visits to the property in 2017 and there have been more in 2018. They list 88 vascular plant species for the Island. The Reid and Bergsma report identified 134 total plant species with only three visits. The EIS appears low in terms of recorded observations of plants.

3.2 Diversity

The Criterion in the Muskoka Heritage Area Report is:

Criterion B-2: Diversity

The area exhibits high diversity of native flora and fauna, either at the species or community level.

The summary description of the Island in the District file is:

Habitat Diversity/Importance for Wildlife

Even for its size, Langmaids Island has a surprisingly high diversity of habitat. This includes coniferous fringe, hardwood forest, mixed forest, rocky shoreline, sandy beach, marshland and topography ranging up to over 150 feet (45 m) above lake level. With this variety of habitats, the proximity of the mainland, and the undisturbed state of the island, this represents a high degree of importance for wildlife. Rating: 5 points.

Species Diversity

The following vertebrate species were recorded at Langmaids Island: fisher, beaver, snowshoe hare, red squirrel, common loon, common raven, common crow, ruffed grouse, spotted sandpiper, belted kingfisher, blue jay, eastern pewee, veery, black—capped chickadee, white—breasted nuthatch, yellow—rumped warbler, song sparrow, American toad and mink frog.'

Noteworthy here is the evidence of fisher (droppings were found) a species that relies heavily on expanses of mature forest. This animal likely includes the island within its foraging circuit, and may even den in its undisturbed habitat. Rating: 5 points.

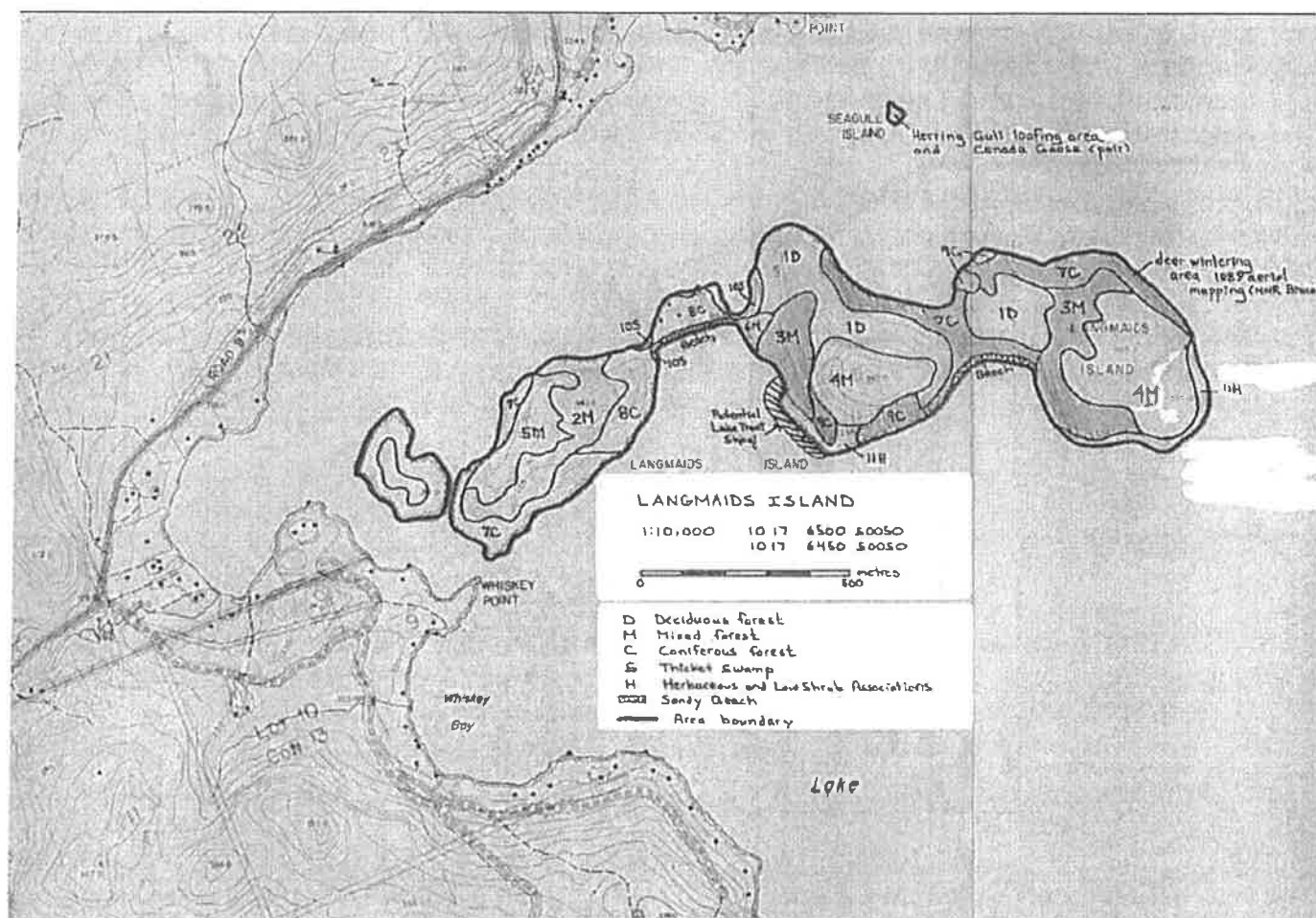
The initial point I make is that the diversity assessment included both floral and faunal assessments and Langmaid's scored its highest rating points on vegetation communities and on fauna found on the Island.

I find that in such assessments one of the best indicators that we have is the breeding bird use of the areas that best reflect the quality of the environments involved. In the Langmaid's case, it is to be noted that this bird use includes many woodland songbirds.

Community Diversity

The District file on Langmaid's contained a vegetation community map of the Island that I include on the next page.

It is most interesting because it illustrates the degree of effort that was expended on examining the resources of the Island and, also, because of its general similarity to the ELC figure included in the RiverStone EIS. The MHA inventory distinguishes fourteen different communities on the Island, while the RiverStone EIS notes only ten.



A summary of the community diversity of the Island is taken from the District file:

The two larger sections of the island are undeveloped and represent a high degree of naturalness. This is notable in light of the scarcity of undeveloped habitat around Lake of Bays. These sections support a diversity of habitat types including coniferous fringe, hardwood forest, mixed forest, rocky pine-clad shoreline, sandy beach shoreline and marshland. Topography ranges to over 45m above the lake the summit of these hills is a commanding and very beautiful view of the lake.

The diversity of habitat and wildlife that the island supports is a reflection of the island's topography, soils and climate.

The highlighting is mine and will be referred to.

The RiverStone Response to Peer Review attempts to diminish the community diversity on the Island by concluding that there only two areas of shallow marsh that are only a fringe and are limited in extent.

The NHA file contains the following description on the marshes:

Some of the sheltered inlets along the edge of the island support marshes edged with Winterberry, Leatherleaf, Willows and Serviceberries. These marshes are good spots to watch for robust blue-and-white Belted Kingfishers, which often perch in nearby trees to watch for small fish. Marshes are home also to Mallards, Spotted Sandpiper and Song Sparrows, as well as Beaver. They may provide protected nesting sites for Common Loon which fish in the adjacent open waters.

The NHA assessment describes the marshes as edging the Island so they were cognizant of the limited extent and this was factored into their assessment.

The RiverStone argument also ignores the area they identify as "aquatic vegetation" which contributes to the diversity of habitat and species on Langmaid's as noted in the District file.

The diversity of habitats is reflected in the diversity of species that I cover next.

Consequently, I conclude that Langmaid's Island did and still meets the criterion for Community Diversity.

Species Diversity

The species diversity criterion includes both flora and fauna factors.

I have taken the data from the Reid and Bergsma Report and produced the following table to gain a better appreciation of the character of the Island. It is the same information as that report but contains additional analyses. Particularly, the last two columns show # of plant and birds species per 10 ha of area. This is for the MHAs less than 1000 ha in size as per Reid and Bergsma.

The results which are summarized in the Table show:

	# bird species/10 ha	# native plant species/10 ha
Langmaid's Island	5.09	24.36
MHA Areas Average (<1000ha)	2.86	33.72

These measures show that the Island demonstrates a much higher diversity of fauna (breeding birds) than the average of the sites studied. RiverStone reported the same # of bird species (28) as Reid and Bergsma, confirming the earlier result. The floral criterion used by Reid and Bergsma employed a regression analysis, concluding that the Island was below average for the MHA site in Muskoka. My simpler average approach reached the same conclusion.

The rationale in the District file contains the following:

Langmaid's Island provides the Lake of Bays with an excellent example of an island with a high degree of naturalness and undeveloped shoreline. The high diversity of habitats relative to its

A		B	C	D	E	F	G	H
NATURAL HERITAGE AREA		SIZE (Ha)	# Native Plants	# Introduced Plants	% Introduced Plants	# Bird Species	# Bird Species per 10 ha	# Native Plants per 10 ha
1	NATURAL HERITAGE AREA							
2	COASTAL BARRENS							
3	Pine Islands	50	10	0	0.00%	4	0.80	2.00
4	Moreaus Bay	445	169	2	1.17%	22	0.49	3.78
5	Longulssa Bay	421	218	5	2.24%	26	0.62	5.12
6	Gibson River	495	129	3	2.27%	20	0.40	2.59
7	Bone Island	573	219	12	5.19%	35	0.61	3.74
8								
9	SEVERN CORRIDOR							
10	Potato Island	241	171	19	10.00%	36	1.49	7.10
11	Severn Outlier	11	46	20	30.30%			41.82
12	Lost Channel	905	462	40	7.97%	58	0.64	5.10
13	Nelpage Lake	525	339	22	6.09%	71	1.35	6.46
14	Lower Swift Slope	7	261	36	12.12%			372.86
15	Lion's Head	4	159	11	6.47%			397.50
16	Moose Lake	105	225	15	6.25%	47	4.48	21.43
17	McLean Bay	65	143	8	5.30%			22.00
18	Ellison Bay	75	167	20	10.70%			22.27
19	Cliphams Wood	8	176	20	10.20%	22	27.50	220.00
20								
21	GIBSON							
22	Lower Moon River	570	136	5	3.55%	10	0.18	2.39
23	Gray Rapids	300	149	2	1.32%	21	0.70	4.97
24	Concession Lake	485	204	21	9.33%	29	0.60	4.21
25	Bala Bog	425	318	47	12.88%	47	1.11	7.48
26	Loon Lake	550	303	38	11.14%	60	1.09	5.51
27	Morrison Lake	425	455	58	11.31%	65	1.53	10.71
28								
29	MUSKOKA LAKES							
30	Bruce Lake Marshes	174	392	57	12.69%	46	2.64	22.53
31	Clark's Pond	259	335	49	12.76%	73	2.82	12.93
32	Eilean Gowan Isl.	107	254	28	9.93%	33	3.08	23.74
33	Well's Creek	158	191	9	4.50%	31	1.96	12.09
34	Scarcliffe Bay	11	135	11	7.53%	36	32.73	122.73
35								
36	VICTORIA HIGHLANDS							
37	Jevin's Lake	188	267	38	12.46%	45	2.39	14.20
38	S. Three Mile Lake	338	253	16	5.95%	11	0.33	7.49
39	Riley lake Barrens	384	243	26	9.67%	53	1.38	6.33
40	Lewisham Wetland	640	203	15	6.88%	73	1.14	3.17
41								
42	ALGONQUIN BEACHES							
43	S.Muskoka Canton	49	298	39	11.57%	40	8.16	60.82
44	Sharpe's Creek	60	349	65	15.70%	71	11.83	58.17
45	Cooper's Pond	570	252	20	7.35%	87	1.53	4.42
46	Beaumont Bay	220	304	40	11.63%	47	2.14	13.82
47	East River Delta	297	295	29	8.95%	72	2.42	9.93
48	Novar Peat Forest	347	286	23	7.44%	77	2.22	8.24
49								

	A	B	C	D	E	F	G	H
50	MAGNETEWA							
51	Axe Lake Peatland	607	174	12	6.45%	44	0.72	2.87
52								
53	LAKE OF BAYS							
54	Spring Creek	402	222	2	0.89%	37	0.92	5.52
55	Shack Creek	500	170	0	0.00%	48	0.96	3.40
56	Fawn lake	400	161	2	1.23%	50	1.25	4.03
57	Langmaid's Island	55	134	3	2.19%	28	5.09	24.36
58	Britannia Esker	130	129	4	3.01%	33	2.54	9.92
59	Lower Oxtongue River	172	181	8	4.23%	68	3.95	10.52
60								
61	OXTONGUE							
62	Dwight Peat Forest	115	93	0	0.00%	17	1.48	8.09
63								
64	NATURAL HERITAGE AREAS	12868			6.85%		2.85	33.72

total area, the wildlife migration opportunity from the mainland, and the quality of its communities make Langmaids an interesting and very special part of Muskoka's natural heritage.

I agree Langmaid's Island meets the criterion for diversity (specifically community and breeding birds), even considering it is below the line on floral diversity.

3.3 Quality

There is some similarity between the quality and diversity criteria

Criterion B-3: Quality and Disturbance

The area contains biotic communities of unusually high quality or showing little recent disturbance.

I note for later reference that this criterion included two characteristics – high quality and recent disturbance.

High Quality

The RiverStone submissions seem to contradict themselves on the point of quality of the Island. The following is taken from the RiverStone January 2018 EIS (highlighting is mine):

The quality and lack of disturbance of the habitats is unquestionable. The vast majority of the Subject Property has been left in a natural state by the previous owners, who have had very little to do with the Subject Property for many decades. The only evidence of disturbance is the result of non-owners, such as various items left on the beach shoreline and inland, vandalism to the existing buildings, as well as the remains of several small fires. Otherwise there is little evidence of disturbance, with natural features remaining intact across the Subject Property.

The later submissions (Response to Peer Review) argue that the Island is not high quality as it never reached the candidate ANSI status or was not a regionally significant forest – both points I dealt with earlier and differ on with Riverstone.

Riverstone's argument does not refute the highlighted section of their January Report as noted above.

The Reid and Bergsma report described the Island as having a late successional forest (120-140 years) on the western portion of the Island.

The RiverStone Late Forest Succession Letter (July 2018) puts forward two arguments on quality. First, coring of various trees (particularly Hemlock (12 of 19 trees sampled)), revealed:

The Eastern Hemlock ranged in age from 62 to 229 years old, with an average age of 120 years. Based on the DBH measurements for Eastern Hemlocks which were not cored, it is

expected that several of would be aged at over 120 years as well, with DBH's over approximately 50 cm.

First, on a community level, Eastern Hemlock is a late successional species as it is shade tolerant and is sensitive to site disturbances, particularly exposure to sun and wind. Thus, the community sampled is, by definition, late successional.

Secondly, the core sampling to determine age of the hemlocks supports the Reid and Bergsma conclusion.

RiverStone introduces an argument in the Forest Succession Letter that the community is not Provincially Significant Wildlife Habitat under the PPS as it is less than 30 ha. This is misleading because the reasons for designation are not those of the Island's Provincial significance. It is protected at the District and local levels of significance.

Finally, a measure that is frequently referred to is the percent of native/non-native species present as a disturbed area will frequently show more non-native (aggressive) species invading. The Reid and Bergsma report calculates this breakdown and I have checked it and produced an average for areas under 1000 ha:

Langmaid's Island 2.19% introduced plants

MHS Average 6.85% introduced plants

Both Langmaid's and the average for the MHA areas are good in terms of indicating lack of disturbance. Langmaid's shows a better than average condition, indicating higher quality.

3.4 Scenic Landscapes

Criterion C-7: Scenic Landscapes

The area contains sites or landscapes with patterns of form, line, colour, or texture that together present outstanding scenic value.

This is the fourth criterion that qualified Langmaid's Island as a Muskoka Heritage Area. Reid and Bergsma utilized the earlier Berney and Reid (1992) report – this is the same Reid in both reports – as input but made final recommendations.

The Scenic Evaluation Report developed criteria to identify sites worthy of protection through public inputs (highlighting is mine) and invited nominations:

1. *The view or feature must be visible from a public road, waterway, trail, or lands.*
2. *The view or feature must not be negatively affected by visual intrusions that significantly detract from the view or feature.*
3. *A minimum of one of the following criteria must be fulfilled:*

- i. The view or feature has a well-known reputation or significant public exposure (e.g. High Falls).*
- ii. The View or feature attracts public attention for at least a portion of the year (e.g. Utterson ice wall).*
- iii. The view or feature contains running water or a water body visible from a road (e.g. White's Falls).*
- iv. The View or feature contains contrasting elements, colours, or topography (e.g. Lake Muskoka shoreline).*
- v. The view or feature exhibits harmony between cultural and natural elements (e.g. Bracebridge Falls).*
- vi. The view or feature has a high potential for educational or interpretive activity (e.g. Skeleton Lake crater).*
- vii. The view or feature provides a high degree of visual contrast within an urban setting (e.g. Muskoka canyon).*
- viii. The view or feature is visually unique or highly distinctive within Muskoka (e.g. Big Chute)*

Seagull Island was nominated and is listed in the report as meeting the criterion. The description in Reid and Bergsma includes the view from the hills on Langmaid's Island – see previous text. RiverStone argues that the Island does meet the Scenic Landscape criterion as it is separate from Seagull Island and that the views are from the hills and not to the hills.

I will comment.

First, the process followed in Berney and Reid asked the public to nominate scenic areas. Seagull Island was nominated and may have included Langmaid's. It is not clear.

The conclusion from the RiverStone Response document is:

Under the Lake of Bays sub-category of Lakes and Shores, Seagull Island was noted as meeting the criteria, and recommended as a scenic area. There is no mention of Langmaid's Island in any of the discussion or in the Report at all.

The underlining is Riverstone's. The Berney and Reid report produced only a list and does not contain a description of any of the areas so that the extent and features are not fully documented. While literally correct, the RiverStone conclusion is an overstatement as it implies that Langmaid's was not included.

This statement above is contradicted by the District file on Langmaid's:

Topography ranges to over 45m above the lake, the summit of these hills is a commanding and very beautiful view of the lake.

and by the MHA Reid and Bergsma description:

4. Scenic Landscapes - (C7) Seagull Island was identified as having high scenic value. In

addition, the views from the summit of the hills on Langmaid's Island provide a commanding and highly scenic vista of the Lake of Bays.

Further, the conclusion from RiverStone is stated:

Further, a map is included in the Report that clearly identifies the location of each scenic area. It clearly shows Seagull Island as the scenic area, not Langmaid's Island.

The original map from the Berney and Reid study is shown below:



I draw a different conclusion than RiverStone on the above. The symbol is centred on Seagull Island but certainly overlaps with the Langmaid's. This inclusion matches the text descriptions on file as I have shown.

Finally, the Reid and Bergsma report used the Berney and Reid Report as input as well as other factors including three visits to the island. The final result is that they indicate Langmaid's as meeting the scenic criterion. RiverStone ignores the end result relying only on the Berney and Reid report.

I also note that the public nominated five areas in the Lake of Bays that are listed in Berney and Reid, but Reid and Bergsma only included Seagull Island in their MHAs. They also added an additional site – the Lower Oxtongue River – as meeting the C7 criterion which was not a nominated site. This illustrates that they exercised considerable judgement and that includes adding Langmaid's Island under C7.

In addition to the above, I have also toured around the Island and gained an appreciation of its character and scenic value and conclude that it meets the criteria as a Muskoka Scenic Area used by Berney and Reid:

1. The view or feature must be visible from a public road, waterway, trail, or lands.

Langmaid's Island is clearly visible from the lake around it where there is busy boating traffic.

1. A minimum of one of the following criteria must be fulfilled:

i. The view or feature has a well-known reputation or significant public exposure (e.g. High Falls).

The consultation and reaction to the development proposal shows how well known the Island is and that the degree of public concern/exposure is high

iv. The View or feature contains contrasting elements, colours, or topography (e.g. Lake Muskoka shoreline).

The view from the water (see photo later) shows a high degree of these contrasting elements.

For these reasons, I conclude that Langmaid's Island meets the scenic area criterion under the MHA Evaluation and as expressed in the Reid and Bergsma report.

As a conclusion to this section of my review, I have reviewed the additional submissions from the Langmaid's Island Corporation and the Palmer peer review documents and conclude that the Island satisfies three Criteria (Diversity, Quality, Scenic) as a Muskoka Heritage Area.

The policies on natural heritage features in the Lake of Bays OP also requires comment. Specifically:

D 70.

*Additional areas or sites may be identified during development applications, or through other inventories or evaluations. The general policies for natural heritage will apply until specific policy for a new heritage area or site is prepared. Schedule C1 will be updated by amendment to this plan, to show any new natural heritage areas or sites.
New Areas and Sites.*

D.71

The features and values, which contribute to the importance of natural heritage areas and sites, will be preserved and these areas will be protected from incompatible uses or activities. Nothing in the policies for natural heritage is intended to limit the ability of existing agricultural uses to continue.

First, Natural Heritage Sites receive protection as well as Natural Heritage Areas. Sites meet one criterion and Areas two or more. Thus, even if the rating of Langmaid's is reduced, it might still meet the protection provisions of the OP by meeting only one criterion.

Secondly, the policy on additions during development applications allows for new information that might not have been previously apparent. RiverStone has added additional information and comment on the designation/protection of Langmaid's. I have done the same and answered the RiverStone criticisms. I recommend maintaining the existing policies.

4.0 The Development Proposal

In my May 2018 Review, I indicated concerns that the various reports did not adequately address the impacts of the proposal, particularly since:

- the proposed subdivision did not show the extent of disturbances
- the analysis did not study all the impacts
- the implementation will not protect the features

I will review these topics in relation to additional filings.

4.1 Subdivision Proposal

The plan of subdivision has been revised downward from 36 to 32 lots and removing additional cottages from two of the lots, but these are minor changes in terms of the entire footprint of the proposal. In my first review, I indicated that there was no accurate picture of the extent of what was being proposed. This is still the case.

The Tatham FSR Report (January 2018) has been updated by an Appendix #1 (August 2018) that includes individual general layouts for each lot. This is an improvement in defining the proposal but there are three difficulties with the information shown.

First, the lot plans are very difficult to read as the lines on the plans are very faint and there is no overall disturbance envelope shown.

Second, there are various disturbances that are not shown:

- The Tatham illustrations assumes a 4000 ft² cottage but the WR designation permits 510 m² (5490 ft²) within 60 metres of the water. There is no limit beyond that distance. The Tatham FSR notes that "this is not necessarily what would be constructed. Most lots can accommodate larger homes and septic treatment beds." This may be physically possible, but it could create far greater ecological and visual impacts.
- The three bunkies that are permitted in the development permit proposal.
- The areas and depths of blasting and rock work. Utilities will be underground and below the frost depth.
- The quantities of fill that will need to be brought in
- Removal of trees necessary to obtain clear transmission from satellites. As satellite angles are low to the horizon it is possible that no service could be obtained without placing the receiving dish on top of the hills.

Thirdly, the Tatham report introduces several assumptions that are not currently supported by the submissions:

- The wastewater disposal system is sized based on 180 days of occupancy. There is no means shown of enforcing that limitation on residents. I note that on all of the lots, except for

possibly three, pumping of the wastewater uphill to the disposal area will be required – introducing cost and risk factors.

- The disposal systems will be tertiary treatment. The filter bed mantle will not require the cutting of trees on some lots. Tile beds will be replaced by removing the old beds and re-building on top or by snaking the tiles between trees. There is no means indicated to enforce these requirements. I note that the proposals/assumptions by Tatham have not yet received an engineering review.
- Tree clearing will be limited to the area shown around the building plus 6 metres and the access roads and trails. However, the Tatham report itself includes the following requirements under fire hazard:
 - Prune tree branches to a height of 1m to 3m;
 - Remove evergreen trees to within 10 m of the house
 - Tree thinned (crowns don't touch) for at least within 30 m of house
 - Thin pine trees and remove dead wood to within 60 m of house
 - Remove brush, mow and water lawns
 - Reduce combustible material near to the home by chipping small branches and trees and composting lighter vegetation

These requirements have not been included in the assessment of impacts.

- The sleep cabins will be clustered.

In my May Review, I included a plan showing the overall development proposal for the Island. None of the submissions by the Island Corporation has included this essential information.

On the following page, I have updated the plan to reflect the minor changes (lots, blocks) and includes a representation of the extent of potential disturbance.

In my opinion, this proposal will destroy the natural heritage values of the Island.

- Legend**
- Proposed Lot
 - Ground Topography (metres above mean sea level)
 - Road
 - Waterbody
 - Shoreline - 20 metre Setback
 - Potential Disturbed Area
 - Proposed Buildings
 - Footpath/Access
 - Boathouse
 - Dock
 - Dwelling
 - Sleep Cabin
 - Tile Field

0 100 200 metres
1:7,000 (As original document A3 of 11/17)

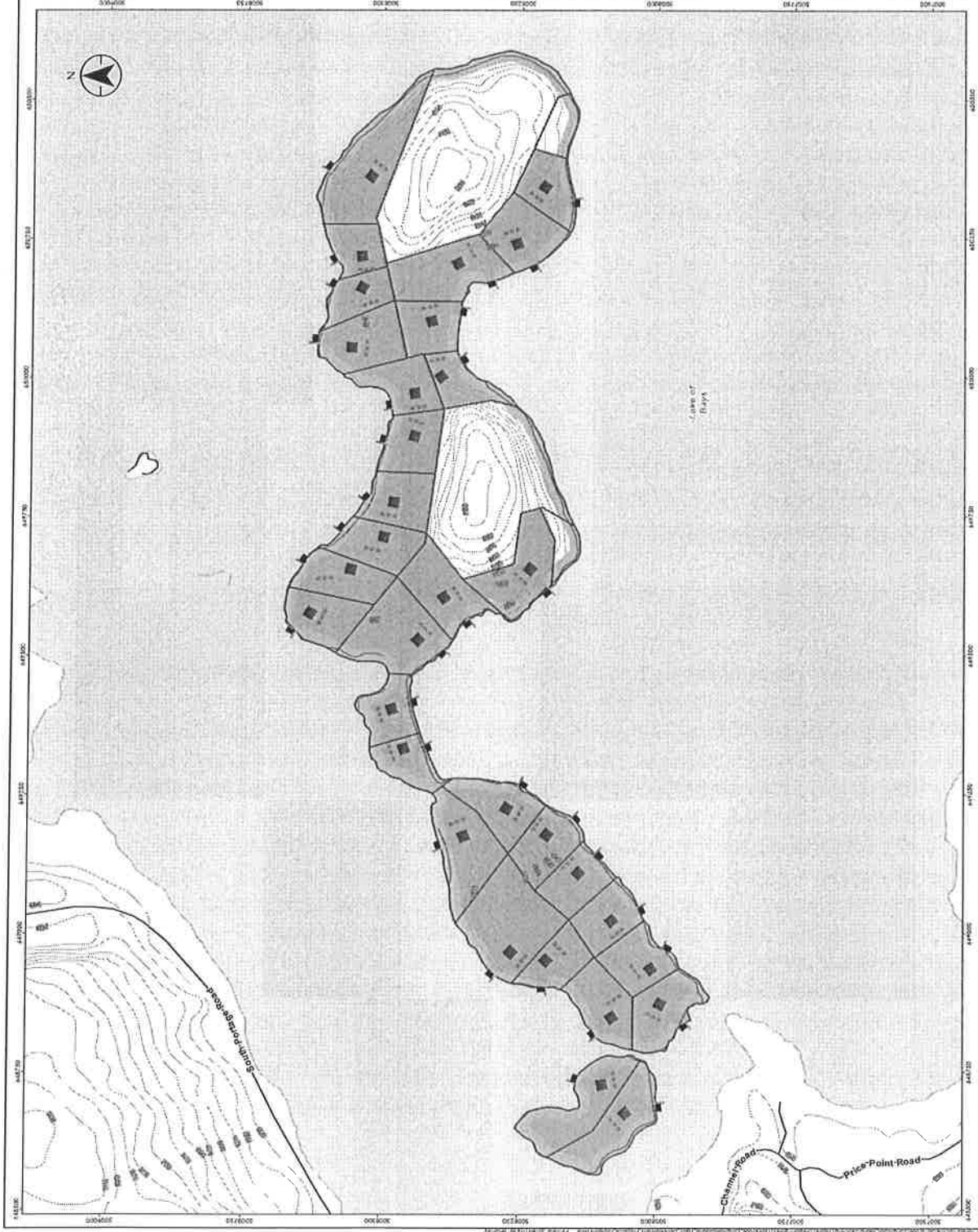
- Notes**
1. Coordinate System: NAD 1983 UTM Zone 17N
 2. All buildings are shown as footprints only. No internal details are shown.
 3. Orthophotography: Imagery date unknown



Project Location:
Township of
Lake of the Boys
Langsmaids Island

Client/Project:
LANGSMAIDS ISLAND

Figure No.
2.0
Title
Development Proposal



4.2 Potential Impacts

The earlier Section 3 of this report found weaknesses in the RiverStone EIS as they did not analyze impacts on the diversity and quality of Langmaid's Island. Rather, they try to step around the issues by arguing the Island does not meet the criteria to be a Heritage Area. While I disagree, there are other policies in the Lake of Bays Official Plan that protect environmental features even if the RiverStone EIS position is accepted. The following require attention.

D.2

Conservation of the natural environment will take precedence over development when the two are in conflict and mitigation measures are unable to protect environmentally sensitive or significant natural heritage features and functions.

D.3

The conservation of the overall natural landscape, tree cover and vegetation will be encouraged in an effort to preserve the natural appearance, character and aesthetics of the area and to protect the natural heritage of the Township.

D.7

Important scenic sites as well as the scenic character of road, pedestrian, river and boating routes should be preserved and development should occur in a manner that maintains those scenic values.

D.9

Natural landscape features such as watercourses, significant heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas and panoramas, and landmarks should be conserved. Development should be located and designed to protect these features, and where feasible, dedication or acquisition of such land for the purpose of conservation should be encouraged.

D.10

Development will be designed to maintain, fit into and use the natural characteristics and features of individual sites. In this regard, the following principles should guide lot design, road design and construction:

- a) built form should not dominate the landscape;*
- b) visual impact should be minimized;*
- c) as much natural vegetation as possible should be maintained and natural vegetative buffers should be retained or restored adjacent to shorelines and roadways*
- d) natural land form and contours should be preserved;*
- e) ridge lines and skylines should be protected;*
- f) natural infiltration, storm water management and construction mitigation techniques should be used;*
- g) the use of environmentally friendly construction materials and design/installation will be strongly encouraged; and*
- h) conservation of the natural heritage system.*

D.11

The height of buildings and structures should generally be low profile in nature and respect the character and height of the surrounding natural and built environment, including slope, tree cover, setbacks and architecture. Generally, the height of buildings and structures should not exceed the height of the tree canopy or break the skyline horizon.

The MHBC Planning Justification Report contains only brief comment on these policies and the EIS does not demonstrate how they are met as is asserted.

The one area I wish to comment on further is the visual impact of the proposal and the policies above that protect views from waterways. I have prepared an illustration to demonstrate the issues with Langmaid's Island. The figure on the next page shows the area of the Island at Lots 23, 24, 25 and 26 with the Block B shaded. I placed the locations for the cottages and boathouses on the photo to demonstrate the challenges that development on the Island poses:

- The shoreline is rocky, rises rapidly and is generally the lowest quality of shoreline for cottage development
- The locations have very little tree screening even with 23 m shoreline setbacks, additional plantings will be very limited by the rock
- Access to the cottage is very difficult
- Substantial fill materials will need to be placed and stabilized
- The boathouses are a significant distraction to the view of the Island and can't be screened

The Langmaid's Corporation submissions contain no similar analysis and should have if they wish to justify their proposal. There is no analysis of how the views from the hills will be changed by addition of the buildings and by the uncontrolled possible tree cutting.

There should be a complete lot by lot analysis before approvals are given in principle of the extent of works, potential ecological impacts and their visibility from the water.



Conceptual Cottage Site



Conceptual Boathouse Site



Lots 23-26
Illustration

4.3 Implementation

The revised plan of subdivision does bring some minor improvements with a reduced number of lots and increased protected blocks.

However, for the reasons enumerated in this review, it does not meet the existing policies nor justify the changes that are suggested in the Planning Justification Report (August 2018).

There are several weaknesses in the Planning Report recommendations that, in my opinion, will render the implementation ineffective.

1. The protected areas (Blocks A and B) are retained in private ownership with a conservation easement to be granted to an unnamed organization. In my experience, conservation easements as a development control mechanism are ineffective and not employed elsewhere in this way. The receiving organization is asked to police the Blocks itself and enforcement is potentially difficult as it would probably go through the Courts and not proceed under the Planning Act or other legislation. A condominium corporation/association (holding ownership) does not have the public interest as a principle of its existence.

The most effective way to achieve protection is through dedication of the lands and physically defining the limits of the ground.

2. The monitoring of the conservation easement is proposed for an annual visit for a period of five years. This is not of sufficient frequency or length of time as the objective is to preserve the values in perpetuity.
3. Character Guidelines are proposed as an addition to the Lake of Bays Development Permit By-law. I find the approach as insufficient. First, the Guidelines are just that – a Guideline. There needs to be a firm commitment on a lot by lot basis to specific conditions. A general statement with no supporting studies is not acceptable. Secondly, the implementation is proposed to be by an architect. The issues are more environmentally complex than that. Finally, the limitations are relaxed once the cottage is occupied and the owner is free to alter the environment except where they require another development permit. Particularly, there is no limitation on cutting trees. This does not ensure long term preservation and protection of the environment.

5.0 Review Conclusions

In summary, I have reviewed the additional reports submitted and conclude:

1. My review of the inventories of the features and values of Langmaid's Island found that there is not sufficient information to determine environmental impacts.
2. The policies (PPS, District OP, Township) require an assessment impact on the values for which the Island was determined to be important and protected – including diversity, quality and scenic values. I conclude that the Island meets these three criteria. These values are not properly addressed in the EIS or Planning Justification Reports. The amendments to the Planning documents recommended in the Planning Justification report rely on these values not existing. Thus, the amendments are not supported.
3. I note that the PPS not only permits but encourages local municipalities to protect areas of local significance as well as those of Provincial significance. The various arguments put forward by the proponent are based on Langmaid's not meeting Provincial standards of significance. This ignores this Provincial direction and the actions taken by the District and Township.
4. The documents do not provide a description of the development sufficient to analyze impacts. More detail is necessary on a lot by lot basis. As a result, the proposal does not conform to the Township of Lake of Bays documents or District Official Plan nor is it consistent with the Provincial Policy Statement (2014).
5. The proposed implementing by-law and mechanisms (limited zoning, conservation easements, character guidelines) are unlikely to be effective in protecting natural values.

In conclusion, I recommend that the proposal be denied or returned for refinement as indicated. In this respect, I agree with and support the Lake of Bays Township staff report (November 2018) on the application.

A handwritten signature in black ink, appearing to read 'D.J. Coleman', with a horizontal line underneath.

Derek J. Coleman, PhD., MCIP, RPP

Appendices

District File on Langmaid's Island



Derek J. Coleman
President/Principal Environmental Planner/Ecologist

SUMMARY

B.Sc.F., Faculty of Forestry, University of Toronto, 1966
M.Sc., Centre for Resources Development, University of Guelph, 1968
PhD., Regional and Resource Planning, University of Waterloo, 1974

1968-69 Research Associate, Agricultural Economics, University of Guelph
1972-88 President and/or Senior Environmental Planner, Ecologistics Limited
1988-96 Branch and Division Manager, Gore and Storrie and Vice-President CH2M Gore and Storrie
1996- President and Principal Consultant, Ages Consultants Limited, Environment + Planning
Working association with ESG International (now Stantec Consulting)

Registered Professional Planner, R.P.P., OPPI (MCIP)
Registered Professional Forester, R.P.F., OPFA (retired)

Related Experience

Dr. Coleman has 52 years of experience in environmental, ecological and rural planning, primarily in Ontario, and he has completed projects in 7 other provinces and for the Federal Government. He has successfully completed eight individual Environmental Assessments and numerous Class EAs and was a member of the MEA-MOEE Liaison Committee who developed the current municipal class documents. He works extensively in the area of ecological planning and policy development for municipalities and the private sector. He is the author of numerous papers and speaks frequently at conferences. Dr. Coleman has appeared as an expert witness before various tribunals on more than 225 occasions. He has prepared 30 site operating and rehabilitation plans under the Aggregate Resources Act. He was a charter member of the Waterloo Region EEAC Committee and sat on the Cambridge CEAC for 10 years where he was the Chair from 2007 to 2012. In October 2018, he was recognized by the Grand River Conservation Authority with a "Watershed Award" for his contributions to protecting and enhancing the environment of the Grand River, particularly Cambridge.

Representative Projects (from approximately 1,000)

Municipal Environmental Planning

- Holland Landing Secondary Plan, 1995

- Natural Features Study, Town of Markham, 1991-1993
- Peel Environmental Planning Policy Study, 1993 and Mapping Project, 1994
- North Urban Area (OPA 129), Richmond Hill, 1988-1993 and Hearing, 1994-1995
- Ballantree-Musselman Lake Secondary Plan, 1991-1992
- Markham Urban Expansion Study, 1990-1992
- Prince Edward County Official Plan Update, 1989-1990
- Windsor, South Cameron Study, 1995
- Subwatershed Assessment, Essex Region Conservation Authority, 1996
- Nepean Area 5/6 Secondary Plan, 1996
- OPA 198 Oakville, for Halton Region, 2003
- North Leslie Secondary Plan Area 2002-2012
- and various other municipal projects

Environmental Assessments (Individual)

- Main Treatment Plant, Regional Municipality of Toronto, 1990-98
- Unitec Disposals Inc. (Sarnia), 1988-1993
- Port of Thunder Bay, IEE, 1985-1989
- and five other Individual Environmental Assessments

Water Resources Projects

- Tributaries H2 and H4 Metrus (Brampton), 2002-2005
- Sheldon Creek (Metrus), Oakville, 2000-2005
- Monarch Homes, Jockvale. Stormwater Management, 1997-1999
- Nepean Pond #2, 1997-8
- Cumulative Effects Assessment of Storm Outfalls on the Trent-Severn Waterway, 1997
- Sawmill Creek Constructed Wetland, Ottawa-Carleton, 1996-97
- Devils Creek Watershed Enhancement Project, Cambridge, 1996-97
- Don Valley Brickworks Stormwater Pond, 1996
- Gloucester Pond #1, 1995-96
- Merivale Pond Storm Facility, Nepean, 1995 & 1999
- Mohawk Lake, Brantford, 1994-95

Land Development

- Langmaid's Island Proposal (LoBA and LoBF), 2018
- Farsight Investments (Ballantrae Subdivision), 2015-2018
- Kalexia, North Leslie (2016-2018)
- Corm Street, Innisfil, 2018
- Times Group, North Leslie, 2016-18
- High Park Village, 2016-18
- Humber Hospital Redevelopment, 2015-16
- Daniels Corporation, High Park, 2012-2018
- Sylvestre Property, East Gwillimbury, 2012-2013.
- Belmont Properties, Richmond Hill, 2011-2013
- Lindvest Properties, Heart Lake Road, 2013-2016
- Osmington, Northwest Brampton, 2008-2018
- Adjala South Estates, 2009-2018
- Heart Lake Road Tertiary Plan (Brampton), 2006-2008

- L and M Gardens (Stouffville), 2007-2012
- Argot and Mantella Properties (Vaughan), 2005-2011
- Big Bay Point, Innisfil 2006-2007
- Kinrara Farms, Newmarket, 2005-2007
- Kerrowood Estates (Vaughan), 2005-2007
- Aurora Golf Course Community (Lebovic), 2003-2018
- North Leslie Secondary Plan Area and MESP, 2002-2012
- Box Grove MESP, 2002-3
- Credit Manor Heights, Brampton, 2002, 2007-2008
- New Province Homes, Oakville 2000-2005
- Southeast Stouffville Secondary Plan/FSP/Monitoring, 2001-2006
- Steeple Hill, Bolton, 2001-2002
- Manning Property, Vaughan, 2000-2002
- Weston Highlands FSP, Vaughan, 2000-2002
- Castle Glen, Town of the Blue Mountains, 1999-2007
- Appleby Line Holdings, Wasaga Beach 1999-2002
- Bond Lake Estates, Richmond Hill, 1997-2002
- Carter Bay, Manitoulin, 1997-8
- Bolton North Hill Secondary Plan, 1996-97
- Conservatory Group, Carruther's Creek Ajax, 1996-97
- Mini-Lakes Park, Puslinch, 1996-97
- Holland Landing Secondary Plan, 1995-96
- Georgetown Estates, 1997
- Luty Subdivision, 1996-7
- Nugget Construction, Ajax, 1997- 2002
- Bolton Policy Area B, 1997
- Jockvale Community (Monarch Homes), 1997- 2002, 2006
- Hilltop Lane (Bolton), 1997-1998
- and numerous other smaller development properties and individual lots, particularly in the last few years on the Oak Ridges Moraine and in the Greenbelt Plan area.

Expropriations

- Paciorka, Windsor, 2017-18.

Waste Management Master Plans and Landfills

- Kingston-Kingston Township, 1988-1992
- Huron County, 1988-1996
- Welland-Wainfleet, 1990-1992
- Laidlaw (Durham Landfill), 1989-1992
- Steetley Quarry Landfill, Review for Hamilton-Wentworth, 1993-1994

Class Environmental Assessments

- Credit Valley Sewer, Peel Region, 2001-2003
- Wabanaki Drive Extension (Kitchener), 1999
- Southeast Cambridge Servicing Study, 1997-99
- Devils Creek Trail, Cambridge, 1997
- Kent Street Sewer, Cambridge, 1996-97

- Sewer System Master Plan, City of Toronto, 1991-1992
- Halton Urban Structure Review, 1991-1994
- Devils Creek Servicing Study, City of Cambridge, 1991-96
- Ernestown Township Servicing Study, 1990-1995
- Lakeview Wastewater Plant Expansion, 1988-1989
- Wastewater Master Plan, Waterloo Region, 1991-1995
- Little Current Water Facility, 1994-1995
- Lemieux Landslide Stabilization, 1991-1994
- and 60 other Class EA project approvals

Mining and Mineral Aggregates

- Kemptville Quarry, Cruickshank Construction, 1994-2006
- Kirkham Graphite Mine, Stewart Lake Resources, 1990-91
- Campbell Quarry, Beamish Construction, 1987-90
- Capital Paving Pit (Puslinch Township), 1986-90
- and 25 other pits or quarries

Pipelines and Transmission Lines

- Centra Gas, Lake Superior Power Monitoring Study, 1993-95
- Windsor South Line, Union Gas Limited, 1992-94
- Fergus, Nanticoke and Sarnia Extensions, Union Gas, 1990-95
- Grimsby Water Supply, Niagara Region, 1988-90
- Ontario Hydro Southwestern, Haldimand-Norfolk Region, 1984
- Northern and Central Gas, Sault Ste. Marie to Elliot Lake, 1982-1984
- and 8 other facilities

Archaeological Master Plan Policies

- Richmond Hill, 1988-1989
- East Gwillimbury, Township, 1991
- Howland Township and Sheguiandah and Sucker Creek First Nations, 1992-1993

Highways and Roads

- Bathurst Street, York Region, 2000
- Hamilton Mountain North-South East-West Freeway, 1978-84
- Highway 407, Brampton, 1978
- Outer Ottawa Ring Road, 1974-75
- Highway 407, Markham to Orono, 1975-77
- Peterborough Bypass, 1972-74
- Woodstock Bypass, 1973-75
- Calgary and Edmonton Ring Roads, 1973-74
- Lakeside Park, Kitchener, 1973-76

Recreation and Parks

- Bethesda Park, Stouffville (2009)
- Point Pelee National Park Master Plan, 1978-79

- St. Lawrence Islands National Park Environmental Framework, 1980

Education

Ph.D., Regional and Resource Planning, University of Waterloo, 1974

Dissertation: An Ecological Input to Regional Planning

M.Sc., Centre for Resources Development, University of Guelph, 1968

Thesis: An Economic Framework for Multiple Use Forest Management

B.Sc.F., Faculty of Forestry, University of Toronto, 1966

Professional Registration

Member Canadian Institute of Planners, Ontario Professional Planners Institute (R.P.P.) (1976-current)

Registered Professional Forester (Ontario), Retired, (R.P.F., #970)

Memberships in Organizations

Ontario Professional Foresters Association, Board of Examiners (1979-1994), Chairman (1987-1994),
Ontario Professional Foresters Foundation (1996-2002)

Canadian Institute of Forestry, Councillor, Southern Ontario Section (1976-1978),
Chairman, Land Use Planning Working Group (1976-1984)

Ontario Society of Environmental Management, Director (1976-1980) and Secretary-Treasurer

Soil and Water Conservation Society, Councillor (1978-1980)

Forests Ontario (1990-2018)

Forest History Society of Ontario (2008-2018)

Prior Experience

* 1989-1996: CH2M Gore and Storrie: Manager of the Environmental Planning Services Division and Waterloo Regional Office for Gore and Storrie and Director. Vice-President with the merged CH2M Gore and Storrie. Responsible for a staff of up to 18 in the environmental disciplines.

* 1972- 1989: Ecologistics Limited: President and/or Senior Environmental Planner, responsible for establishing the firm and for the development of its capabilities in environmental planning.

* 1970-1972: University of Waterloo: principal researcher on a study into ecology as it might be applied to regional planning undertaken with funding by the Canadian Council on Urban and Regional Research.

* 1968-1969: University of Guelph: research associate and co-author of a study of rural land use trends and the economic potentials of resource uses (agriculture, forestry, recreation) in the Georgian Bay Economic Region of Ontario.

* 1964-1966: Conservation Authorities Branch: summer employment on field surveys of the Raisin, Lakehead, Kettle, and Cataraqui watersheds and as an intern to the Grand River Conservation Authority.

Publications

Dr. Coleman has published more than 20 articles in conference proceedings or professional journals on a wide variety of topics.

- Co-author and editor, "La Cloche Country. Its History, Art and People", La Cloche Country Art Show, 2009, 154 p.
- Co-Author, "From the Heart of the Whitefish River", Lang Lake Cottagers Association, 2008, 220 p.
- Co-author, "A Natural History of Cambridge, Ontario." History on the Grand Symposium, 2007, 15p.
- "Regenerating the Natural Landscape", Joint Canadian Institute of Planners/ American Professional Planners Conference, Toronto, 1995.
- "Environmentally Appropriate Methods of Sewer Construction ", North American Society for Trenchless Technology, Toronto, 1995, 13p.
- Co-Author, "An Ecosystem Approach to Environmental Assessment of a Wastewater Facility". International Association for Impact Assessment, Quebec, 1994.
- "From Eco-inventory to Eco-Policy", Proceedings OSEM Conference on Land Use Planning for Ecosystems, 1994, 11p.
- Co-author, "Landscapes Past to Landscapes Future: Planning for Archaeological Resources". In Great Lakes Archaeology and Paleoecology: Exploring the Interdisciplinary Initiatives for the Nineties. University of Waterloo. 1994, pp.61-80.
- "Sensitive Planning for Environmentally Significant Areas". In Land Development in Ontario. The Canadian Institute, 1992, 61 p.
- "Greening a Local Municipality". In The Greening of Land Use Planning. The Canadian Institute, 1992, 22 p.
- Co-author, "The Impacts of Waste Facilities on the Farming Community and Remediation Measures". Proceedings of a Conference on Hazardous Materials/Wastes: Social Aspects of Facility Planning and Management, 1990.
- Co-author, "Planning for solutions to Water Quality Problems in Small Southern Ontario Basins and Reservoirs". In River Basin Management: Canadian Experiences. 1981.
- "Protecting Trees on Development Sites". A.P.W.A., Technical Seminar, Toronto, 1980.

- "Environmental Impact Assessment Methodologies: A Critical Review". In M. Plewes and J.B.R. Whitney (eds). Environmental Impact Assessment in Canada: Processes and Approaches. University of Toronto, 1977, pp.35-60.

Additional Information

Dr. Coleman has the approval of the Minister of Natural Resources to prepare plans and reports under the Aggregate Resources Act. He has also prepared a Forest Management Plan under MFTIP program.

He has acted extensively as an expert witness before various administrative tribunals (Ontario Municipal Board, Environmental Assessment Board, Ontario Energy Board and Ontario Drainage Tribunal).

He has guest lectured at York University, the University of Toronto, the University of Waterloo and taught a course in Quantitative Methods in the School of Landscape Architecture at the University of Guelph. He has served as an external examiner for graduate theses and dissertations and as a reviewer for the Canada Council.

He was a founding member of the Waterloo Region EEAC and for 10 years sat on and chaired the Cambridge CEAC. He has represented the Consulting Engineers of Ontario on the MOEE/MEA Liaison Committee which developed the Municipal Class EA document and the Association of Consulting Engineers of Canada on a committee drafting regulations under the Canadian Environmental Assessment Act.

He was a member of the advisory committee to the Ministry of Natural Resources who reviewed the Technical Papers relating to implementation of the Oak Ridges Moraine Conservation Plan.

In September 2008, Dr. Coleman was honoured with an "Arbour Award" from the University of Toronto for his volunteer contributions to the Faculty of Forestry.

He manages the Ages Foundation which provides funding to groups and organizations in the Cambridge-Guelph area with an emphasis on education, environment and animal welfare. The fitness centre in the new School of Architecture building in Cambridge is named after Dr. Coleman and his wife in recognition of their contributions in bringing the School to Cambridge and assistance to its students.

Dr. Coleman currently sits on the Planning Student Trust Fund Board for the Canadian Institute of Planners.

Dr. Coleman competes in masters level athletics and has been a Provincial and Canadian Champion in Track and Field events.

In 2018, he was recognized by the Grand River Conservation Authority with a "Watershed Award" for his contributions to protecting and enhancing the environment of the Grand River, particularly Cambridge.



Kevin M. Duguay
Community
Planning and
Consulting Inc.



RESUME

PERSONAL DATA

Kevin M. Duguay, MCIP, RPP
560 Romaine Street
PETERBOROUGH, Ontario K9J 2E3
kevin@kmdplanning.com (705) 749 - 6710

EDUCATION

Bachelor of Environmental Studies
Urban and Regional Planning (1981)
University of Waterloo

MEMBERSHIPS

Full Member, Canadian Institute of Planners (MCIP)
Registered Professional Planner Ontario Professional
Planners Institute (RPP)
Rotary Club of Peterborough (Since 1998)
Member, Greater Peterborough Chamber of Commerce

EMPLOYMENT BACKGROUND

**December 2005
to present**

**President
KEVIN M. DUGUAY
COMMUNITY PLANNING AND CONSULTING INC.**

My company was established in direct response to a growing demand for professional planning services in Central East Area Ontario. Professional services include a full range of community planning services, community accessibility planning, design and solutions and strategic planning. Clients include both private and public sectors. Completed and current projects encompass a range of urban and rural land use initiatives, residential and retail developments, accessibility audits, adaptive re-use projects, long range planning, community planning presentations and work with area non-profit organizations. I am regularly called upon by area and provincial organizations and groups to help with accessibility planning projects-initiatives.

I also taught the Urban and Regional Planning Course (3rd Year) Sir Sandford Fleming College-Frost Campus (Lindsay), winter term, from 2009 to 2013.

Summary (partial) of Planning Services

Project- Community	Details
Ontario Municipal Board Hearings	Provided expert testimony at a range of Ontario Municipal Board Hearings, both urban and rural matters. Also part of Settlement and Mediation sessions.
Condominium Conversions	Land use approvals, including detailed housing analysis, for properties in Peterborough and Central East Ontario.
Residential Intensification	Land Use and development approvals for a range of residential intensification projects throughout Central East Ontario. Design inception to construction and occupancy.
Planning Studies	Prepared several Planning -Land use studies for development proponents (private and public sector) - Central East Ontario urban and rural (waterfront-resort based) projects.
Industrial Conversions	Land use and site plan approvals for a range of former industrial facility for residential, public and commercial uses.
Adaptive Re-use Projects	Adaptive re-use of former school, church, public and industrial sites for residential-commercial land uses. Approved, built and operating.
Medical Clinics, Peterborough and area	Land use and site plan approvals for major expansion and site redevelopment of new and existing medical clinics.
Commercial	Land use/development and site approvals for a range of area commercial properties, both new and existing.

Other projects include: In-fill residential subdivisions Land Use Approvals – urban and rural Land Severances- urban and rural Minor variances- urban and rural Restaurant expansions - outdoor patios Presentations- University, Realtor and other Professional Development and Seminars World Town Planning Day Leader Two community strategic planning projects Commercial property designs Mixed use project designs	
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Summary (partial) of Accessibility Planning-Design Projects

Town of Whitby Accessibility Audit Project Whitby, Ontario Summer 2006	Project Leader, developing audit tool, staff training, reporting -recommendations.
Town of Whitby Staff Training Accessibility Planning-Design Fall 2006 and 2007	Workshop leader, trained staff on general principles of accessibility planning and the use of Town Guidelines-audit tools.
City of Oshawa Staff Training Winter 2006	Developed and led one day staff training event, key City staff, including use of audit tools, best practices and resource manual.
City of Oshawa City Council Accessibility Customer Service Training Winter 2007	Workshop leader, trained City Council and senior staff on general principles of accessibility customer service.
Retail Accessibility Project Lindsay Fall 2006	Led workshop and training for Camber of Commerce and Lindsay DBIA, developed retail accessibility audit tool.
City of Kawartha Lakes Community Accessibility Strategy Fall 2007 –on-going	Project leader/consultant. Developing a 5 year community accessibility strategy and related resources.
Scooter Storage Room Project, PHC Peterborough Fall- Winter 2006	Project leader, developing- designing prototype indoor scooter storage room for PHC multi-unit apartment buildings.
City of Burlington Staff Training Accessibility Planning Spring 2007	Workshop leader, trained staff on general principles of accessibility planning and design.
City of Burlington Accessibility Strategy Workshop Winter 2007	Workshop leader. Staff and CAAC members developed a 3 year accessibility strategy plan, objectives-outcomes.

County of Peterborough Township of Smith-Ennismore-Lakefield Retail Accessibility Outreach Program June 2007	Developed Making Your Business Accessible Audit tool, training program and information brochure.
Recent Presentations- Workshops 1. University of Waterloo- Planning School 2. City of Oshawa, Spring 2006 Forum 3. IHM Spring 2007 Conference 4. Belleville – Employment Workshop 5. Lindsay Chamber of Commerce Workshop 6. AMCTO Accessibility Planning - Standards Workshops- Thunder Bay & Brantford	

**June 2005
to December 2005**

**Senior Planner,
MHBC PLANNING (Kitchener)**

Joined MHBC Planning at their Kitchener office, and worked on a range of community planning projects (Kitchener, Stratford, Brantford, Ingersoll, Pickering, and Waterloo). Had responsibility to prepare and submit several proposals in response to a wide range of RFP opportunities. Provided planning consulting services to a range of clients and continued with previous community accessibility planning projects, conducting a range of presentations/workshops to private and public-sector groups.

**April 1989
to June 2005**

**Land Use Planner
CITY OF PETERBOROUGH**

This senior position within the City of Peterborough Planning and Development Services was responsible for land use planning approvals (Official Plan and Zoning By-law Amendments). Responsibilities included report writing, presentations, project and staff management, Ontario Municipal Board Hearings and a thorough working knowledge of all relevant planning legislation, policies and related regulations. Expected competencies included effective leadership and facilitation skills, an ability to respond to diverse situations, and exceptional people skills (staff, public and council).

Appointments and engagements arising from this position included presentations to federal, provincial and community-based groups and agencies, membership on several provincial organizations/committees. Served as the City's lead staff member addressing community accessibility, including the preparation of the City's 1992, 1995 and 2002 Accessibility Guidelines and both the 2003/04 and 2005 City Access Plan.

Highlights of Municipal Projects

Accessibility Planning, developed 1992, 1995 and 2002 Access Guidelines and the City's 2003/04 and 2005 Access Plans (various formats and related resource material) as part of creating a Barrier Free Community. Presented at over 40 forums at international, national,

provincial (OPPI, OHA, OBOA, OLA, AMCTO, PRO) and community levels. I was also appointed by the Province of Ontario to serve on two provincial accessibility advisory committees.

Land Use Planning, successfully administered over 400 land use approval applications, including residential conversions, major retail developments, and City initiated projects, all contributing to the growth, vitality and sustainability of the community. In 1997 administered/coordinated a comprehensive update of the City's Zoning By-law.

Home Based Business, administered and managed a comprehensive update of the Zoning By-law Regulations and related municipal policies pertaining to home based businesses.

1992 CMHC Open House Project, project Chair, the duties encompassed overseeing a week- long display of a model accessible dwelling in Peterborough, volunteer training and two community information forums.

International Planning Experience, Selected by CIDA and the Canadian Urban Institute to serve as the consulting planner for the 2003 Treasure Beach, Jamaica, Sustainable Community Planning Project. Continued with the second phase of the project in 2004 and 2009. The Project was successfully completed in the summer of 2014.

Professional Development,

- Served as the OPPI Peterborough and Area Planners Group Chair from 1992-2003;
- Staff member of the City's Corporate Organizational Committee, 2004/05;
- Lead Staff member of Open House Events, City of Peterborough Community Information Forum (2002);
- Conducted planning presentations to Chamber of Commerce, DBIA, Homebuilders, Real Estate Association, Trent University, Brock University, Sir Sandford Fleming College, Secondary and Elementary Schools, area communities;
- Member, Peterborough Regional Health Centre, Standards Committee and Way-finding project team; and
- Member, SSFC Ecosystems Management Curriculum Advisory Committee.

**October 1985
to January 1989**

**Parks and Recreation Director
TOWN OF FERGUS, ONTARIO**

This senior management position encompassed the administration, supervision and management of a full range of all community leisure, culture, recreation, and park and community facilities. A staff roster of 40 employees, full time and part time, reported to the Director. Major projects included the community centre expansion (\$ 1.2 million project, including fund-raising, grant administration, capital planning), long range capital planning, staff wage and compensation policy, community development and several important facility upgrades and/or redevelopment initiatives. Served on several community boards and committees and also participated in many federal and provincial professional activities.

**April 1984
to October 1985**

**Parks and Recreation Director
TOWN OF CLINTON, ONTARIO**

Duties and responsibilities were similar to above position. This was the first-ever Recreation Director for the Town. Major accomplishments included Recreation Policies and Procedures, the organization and establishment of the Recreation Offices, several new community-based capital projects, community performing arts program, recreation programming and special events and long-range capital planning. Managed and supervised a staff roster of 30 employees, full time and part time. I also served on several local and provincial recreational committees, as well as several community-based associations and agencies.

**August 1982
to April 1984**

**Recreation Co-ordinator
TOWNSHIP OF SHREIBER, ONTARIO**

Duties and responsibilities were similar to the above positions. Managed and supervised a staff roster of 25 full time and part time employees. Major accomplishments included Winter Carnival and other community festivals/events, Township Heritage Book, Community Centre renovation project, new community-based sport, Departmental policies, procedures, employee training, and certification. Coached the Schreiber North Stars Junior 'B' Hockey Team – 2002/03.

OTHER WORK EXPERIENCE

ANSON HOUSE, Peterborough. Retained by Anson House during 1994-2003 to facilitate long – range planning, policy and procedure and strategic planning projects. In June 2003 prepared a Transitional Plan for the organization, addressing their transition from a Long-Term Care provider to a supportive housing provider, and all attendant organizational implications.

Strategic Planning. Facilitated several Strategic Planning forums for non-profit organizations including, City of Brantford (Accessibility Planning) Kawartha Participation Projects (1993 and 2006-2009), and Ontario Water Polo (1990 and 1991).

Recreation Facility Planning. Retained by Architectural firms as a consultant for various community recreation and sport facility projects.

Accessibility Planning. Presented to over 60 Ontario communities and several provincial professional organizations, Chambers of Commerce and Business Organizations on accessibility planning obligations and projects, including:

- Annual Access Plans;
- Community workshops;
- Organizational Development, structures, policy and procedures;
- Site- Building Audits, Way-finding, urban design solutions; and

- Staff Training, customer service training programs.

Workshops – Presentations. Conducted presentations and lead workshops for the following:

- Elementary Schools, including a community-wide 2004, 2011-2015 World Town Planning Day forum (20 -36 area students per event);
- Secondary Schools, Grade 9 and 12 Geography Classes (2000 to present);
- Trent University, Year Three Urban Geography Class, including participating in the evaluation of year end assignments - group presentations;
- Brock University, Year Three Urban Geography Annual Fall Field Trip (Peterborough), including presentations, student liaison (1999 to 2009);
- Sir Sanford Fleming College, Ecosystems Management, Recreation Leadership, Continuing Education Classes on a variety of community planning and development topics;
- Home Builders & Real Estate Boards, Planning Reform–legislation;
- Peterborough Regional Health Centre, Community Accessibility Planning;
- Design Exchange, full day workshop- Creating an Universally Accessible Community, April 2006;
- Peterborough Realtors Association - Professional Development Seminars -land severances, Community Planning 101;
- Area Chambers of Commerce, Banks-Financial Institutions - Community Planning workshops; and
- Area Service Clubs and non-profit organizations.