

**DRAFT PLAN OF SUBDIVISION FILE S2018-1  
(Langmaid's Island)  
CONDITIONS OF APPROVAL  
(Draft March 8, 2024)**

**Part A - Approval**

Draft Plan of Subdivision File S2018-1 (Langmaid's Island) is approved subject to Parts B, C, and D herein.

**Part B - Conditions**

**General Conditions**

1. This approval applies to Draft Plan of Subdivision File S2018-1 (Langmaid's Island) prepared by MHBC, dated December 14th, 2017 and revised dated March 5, 2024, certified by Nick McFadzen, Ontario Land Surveyor, on March [TBD], 2024 showing a total of 32 waterfront residential lots, four conservation blocks and two waterfront landings on lands legally described as: Island A (Langmaid's Island), Geographic Township of McLean, Township of Lake of Bays; Part of Lot 24, Concession 1 and Part of the Original Shoreroad Allowance in front of Lot 24, Concession 1, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, known municipally as 3933 South Portage Road; All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, known municipally as 4215 South Portage Road (the "Plan").
2. Prior to final approval, The District Municipality of Muskoka (the "District") shall be provided with a copy of the final Survey Plan in digital format, together with Lot Area and Frontage Certificate, prepared by an Ontario Land Surveyor and that may be registered with the Land Registry Office and in accordance with The District Municipality of Muskoka Draft and Final Plan of Subdivision/Condominium Description Digital Submission Requirements. The District shall be satisfied the Final Survey Plan and Certificate is substantially consistent with the Draft Plan of Subdivision described in Condition 1.

Note: Completed digital draft plans and final plans of subdivision must be in AutoCAD version 22 (Release 32) or AutoCAD 2018 (AC1032) or newer format and be provided on USB or via e-mail at [gisinfo@muskoka.on.ca](mailto:gisinfo@muskoka.on.ca). One digital copy of the draft plan and one digital copy of the final plan are required. Each disk or e-mail delivered must be labeled identifying the legal property description, contractor's/surveyor's name, file name and date delivered. Files may be compressed using a .zip format.

## Conveyances

3. Prior to final approval, easements as may be required for such matters as utilities, drainage, access to the subject lands, access to adjacent properties or for other purposes shall be relocated and/or granted to the Township of Lake of Bays (the "Township"), Town of Huntsville (the "Town"), Hydro One, Bell Canada, and any other authority or party.
4. Prior to final approval easements will be required for ensuring mainland access for the lots and blocks in the Plan from Block E and Block F in the Plan.
5. Prior to final approval, the District shall be satisfied that Conservation Easements in favour of a Conservation Body as defined in the *Conservation Land Act* will be placed over Block A, Block B, Block C and Block D following final approval of the Plan.
6. Prior to final approval, the District shall be satisfied that Block A and Block B will be conveyed to a Conservation Body as defined by the *Conservation Lands Act* following registration of the Plan.

## Access, Parking and Traffic

7. Prior to final approval, it shall be demonstrated to the satisfaction of the Director of Planning at the Town that adequate mainland parking and docking is available on Block E and/or Block F for each proposed lot on the Island in accordance with the Town's applicable Zoning By-law or Community Planning By-law.
8. Prior to final approval being granted, entrance permits for the waterfront landing properties legally described as Part of Lot 24, Concession 1 and Part of the Original Shore Road Allowance in front of Lot 24, Concession 1, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block E in the Plan, known municipally as 3933 South Portage Road; All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block F in the Plan, known municipally as 4215 South Portage Road, shall be granted and issued by the District for access to South Portage Road (District Road 9) where required.
9. Prior to final approval, Part of Plan of Survey [TBD] prepared by KPK Surveying Inc. and dated December 14, 2023, representing an unequal road widening as necessary to achieve a 23 metre right-of-way across the entire frontage of the waterfront landing property municipally known as 3933 South Portage Road (District Road 9), legally described as Part of Lot 24, Concession 1 and Part of the Original Shoreroad Allowance

in front of Lot 24, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block E in the Plan, shall be dedicated to the District.

10. Prior to final approval being granted, Part 1 of Plan of Survey [TBD] prepared by KPK Surveying Inc. and dated December 8, 2023, representing an unequal road widening to achieve a 26 metre right-of-way across the entire frontage of the waterfront landing property municipally known as 4215 South Portage Road (District Road 9), legally described as All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka, being Block F in the Plan, shall be dedicated to the District.
11. Prior to final approval, Prior to final approval, a Community Planning Permit or other applicable development control by-law shall be issued for each of the waterfront landing properties municipally known as 3393 and 4215 South Portage Road (District Road 4) and legally described as Part of Lot 24, Concession 1 and Part of the Original Shore Road Allowance in front of Lot 24, Concession 1; and All of Lot 7, Registered Plan M-247, Geographic Township of Brunel, Town of Huntsville, District of Muskoka to reflect the final parking and docking design, including but not limited to:
  - i) The provision of an environmental assessment for the subject lands located at 4215 South Portage Road, to address any impacts associated with parking areas, dock drop off area and access driveway within the required vegetated buffer and implementation of any required recommendations: and
  - ii) Parking and traffic flows within the internal designated parking areas.

#### **Parkland**

12. Prior to final approval, the payment in lieu of parkland requirements of the Township, pursuant to the *Planning Act*, R.S.O. 1990, as amended, shall be satisfied.

#### **Compliance with Development Permit/Zoning By-law**

13. Prior to final approval the District shall receive confirmation from the Township and the Town that all lots and blocks in the Plan comply with the requirements of the applicable Zoning By-law and/or Community Planning Permit By-law.

#### **Infrastructure**

14. Prior to final approval being granted, four copies of a detailed report(s), prepared by a professional engineer in consultation with a qualified biologist, addressing stormwater management and construction mitigation shall be submitted to the District. The report(s) shall be circulated by the District to the Township and the Town for their review and comment.

15. The Subdivision Agreement between the District and the Owner shall require the biologist to verify in writing to the District, that the proposed stormwater management plan incorporates the recommendations contained in the Environmental Impact Studies (Langmaid's Island and Main Land) prepared by Riverstone Environmental Solutions, dated January 2018 and Peer Review prepared by Palmer Environmental Consulting Group dated October 29, 2018, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner.
16. Prior to final plan approval one (1) of the following documents shall also be provided to the satisfaction of the District for any applicable infrastructure works, including but not limited to stormwater management:
  - (i) An Environmental Compliance Approval (ECA) for the project(s) shall be obtained from the Provincial Ministry with jurisdiction, or
  - (ii) Written confirmation from the Provincial Ministry with jurisdiction exempting the project(s) from the requirement to obtain an ECA; or
  - (iii) A written opinion, stamped and signed by a Professional Engineer, that confirms that the project(s) meet the specific exemptions outlined in the applicable legislation/regulations.
17. Prior to final approval written confirmation that sufficient capacity for hauled sewage for each of the residential lots is available shall be submitted to the satisfaction of the District and the Township;

#### **Area Municipal Agreements**

18. Prior to final approval being granted, a subdivision and/or amending agreement with the Township in accordance with Section 51(26) of the *Planning Act*, R.S.O. 1990, as amended, shall be registered on title and shall include provisions outlining the need to satisfy all the requirements, financial and otherwise, of the Township including but not limited to the following:
  - (i) The implementation of the report(s)/plan(s) required in Condition 14 under the supervision and to the satisfaction of a professional engineer;
  - (ii) The provision of securities or other guarantees for implementation of the report(s)/plan(s) referenced in Condition 14, if necessary;
  - (iii) The implementation of the recommendations of the Environmental Impact Studies (Langmaid's Island and Mainland) dated January 2018, Deer Wintering Assessment dated May 2018, Letters of Clarification dated March 23, 2018, and Peer Review Response, dated July 19, 2018, all prepared by Riverstone

Environmental Solutions Inc. and associated Peer Review prepared by Palmer Environmental Consulting Group dated October 29, 2018, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner, and including but not limited to the following:

- a) that construction of in-water works are not to be completed between May 1 and July 15 to avoid potential impacts to fish during the warm-water spawning season; and,
- b) that vegetation removal and tree clearing only occur between October 15 and May 1 to prevent destruction of migratory bird nests and bat roosts or harm to species at risk bat individuals, and to ensure compliance with the Migratory Birds and Endangered Species Acts; or,
- c) time limitations in (a) and/or (b) may be altered subject to additional studies completed by a qualified biologist immediately before construction that confirms the absence of sensitive species.

(iv) Proof of registration and copy of a Conservation Easement in favour of a Conservation Body that ensures ongoing conservation of Blocks A, B, C and D in perpetuity, and the prohibition of public access.

(v) Provisions for access and services, including the long-term ownership and maintenance of the waterfront landing properties; and,

(vi) The implementation of the Boating Impact Assessment prepared by Michalski Nielsen and Associates dated August 2018 and Addendum dated November 1, 2018, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner.

19. Prior to the Township Council's endorsement and execution of the Area Municipal subdivision agreement, a copy shall be forwarded to the District and the Town for review, comment and potential revision, if required, related to District and Town interests.

20. Prior to final approval, the District and the Town shall be in receipt of a registered copy of the Township subdivision agreement.

21. Prior to final approval, an agreement and/or amending agreement with the Town for each of the waterfront landing properties in accordance with Section 51(26) of the Planning Act, R.S.O. 1990, as amended, shall be registered on title and shall include provisions outlining the need to satisfy all the requirements, financial and otherwise, of the Town, including but not limited to the following:

- (i) The implementation of the Stormwater Management and Construction Mitigation Plans prepared by C.C. Tatham and Associated Limited, dated January 24, 2018 and revised March 23, 2018, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner;
  - (ii) The implementation of the report(s)/plan(s) required in Condition 14 under the supervision and to the satisfaction of a professional engineer;
  - (iii) The provision of securities or other guarantees for implementation of the report(s)/plan(s) referenced in Condition 14, if necessary;
  - (iv) The implementation of the Boating Impact Assessment prepared by Michalski Nielsen and Associates dated August 2018 and Addendum dated November 1, 2018, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner; and
  - (v) Provisions for access and services, including the long-term ownership and maintenance of the waterfront landing properties.
22. Prior to the Town Council's endorsement and execution of the area municipal agreement, a copy shall be forwarded to the District and the Township for review, comment and potential revision, if required, related to District and Township interests.
23. Prior to final approval, the District and the Township shall be in receipt of a registered copy of the Town subdivision agreement.

**District Municipal Subdivision Agreement**

24. Prior to final approval being granted a subdivision, servicing and/or amending agreement with the District, in accordance with Section 51(26) of the Planning Act, R.S.O. 1990, as amended, shall be registered on title and shall state that all the requirements, financial and otherwise, of the District shall be satisfied, including but not limited to the following:
- i) Entrance requirements; and
  - ii) Availability and provision of municipal services including garbage collection and paramedic vehicles.
  - iii) The biologist to verify in writing to the District, that the proposed construction mitigation and stormwater management plan incorporates the recommendations contained in the Environmental Impact Studies (Langmaid's Island and Mainland)

prepared by Riverstone Environmental Solutions, dated January 2018 and Peer Review prepared by Palmer Environmental Consulting Group dated October 29, 2018, together with revisions or addenda thereto, if any, as agreed to by the District, the Township, the Town and the Owner.

- iv) The Owner has entered into an Agreement with a Conservation Body as defined by the *Conservation Land Act* regarding the management of Blocks A, B, C and D the lands, including but not limited to providing access to the conservation body to the lands.
- v) Upon the completion of any purchase and sale of a lot within the Plan, the purchaser shall be provided with a Stewardship Manual prepared by a qualified ecologist and approved by the District.
- vi) Construction debris and garbage is to be disposed of at the appropriate transfer station and not stored on Blocks E and F.

#### **Clearance Letters**

- 25. Prior to final approval, the Township shall advise the District, in writing, that Conditions 3, 4, 5, 12, 13, 14, 17, 18, 19, 20, 22 and 23 have been complied with to their satisfaction with a brief and concise statement detailing how each condition has been satisfied.
- 26. Prior to final approval, the Town shall advise the District, in writing, that Conditions 3, 4, 11, 13, 14, 20, 21, 22 and 23 have been complied with to their satisfaction with a brief and concise statement detailing how each condition has been satisfied.
- 27. Prior to final approval, the District shall be satisfied that Conditions 1, 2, 3, 4, 5, 6, 8, 9, 10, 13, 15, 16, 17, 19, 20, 22, 23, 24 and 25 have been complied with to their satisfaction.
- 28. Prior to final approval, Bell Canada shall advise the District, in writing, that Condition 3 have been complied with to their satisfaction with a brief and concise statement detailing how this condition has been satisfied.

#### **Final Approval**

- 29. The final Plan must be in registrable form together with all necessary instruments or plans describing an interest in the land.
- 30. Prior to final approval, the Commissioner of Community and Planning Services Development or their designate shall be satisfied that the conditions of approval have been satisfied and the final plans are in conformity with the draft Plan.

**Part C - Lapsing Provision**

In the event that these conditions of draft approval fail to be fulfilled on or before (five years from approval date), the approval herein granted shall be deemed to have lapsed pursuant to the *Planning Act*, R.S.O 1990, as amended.

Extensions to draft approval may be considered provided that existing technical reports are still applicable or updates are provided and the provisions of By-law 2008-22, as amended, including the performance and planning based criteria, are met. No draft approval shall be extended beyond ten (10) years from the original date of approval.

It is the responsibility of the applicant and/or their agent to apply for any required extensions of draft approval at least three (3) months prior to the lapsing date noted above. The District will forward one courtesy notice prior to the lapsing date. This notification is a best efforts courtesy only and the District does not assume any responsibility for notification of lapsing of approval. No further notices will be forwarded and in the event that the appropriate application and related fee are not received, the approval herein granted shall be deemed to have lapsed.

**Part D - Timing of Works**

Any site alteration or the installation of any works that may be the subject of any agreements required by these conditions shall not be permitted prior to the execution of such agreements. Where any such works are undertaken in violation of this clause, approval of this plan may be withdrawn as authorized under Section 51(44) of the *Planning Act*, R.S.O.1990, as amended