

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

**TO: Mayor & Members of Council**  
**FROM: Stefan Szczerbak, Planner**  
**DATE: July 21, 2009**  
**RE: BY-LAW AMENDMENT APPLICATION: Z 10/09 LOB**  
**Applicant: Ticometer Investments Ltd. (Arrowhead Camp)**  
**Agent: Duncan Ross Architects**  
**Part Lot 10, Concession 5, Franklin Ward, on Lake of Bays**  
**Roll No. 010-018-03200**  
**Civic Address: 1111 Ronville Road**

**RECOMMENDATION:**

That Application Z 10/09 LOB (Ticometer Investments Ltd. – Arrowhead Camp) to permit the construction of a new residence, a staff cabin, additions to several existing buildings as well as the relocation of two existing structures be **APPROVED** and that By-law 09-50 be given three readings.

**ANALYSIS:**

**Development Considerations**

On April 28<sup>th</sup> and June 23, 2009, members of Council decided to defer making a decision on this matter to allow the applicant additional time in which to submit a floodplain report in accordance with the applicable Lake of Bays, District of Muskoka and Provincial Policies as portions of the subject lands are considered prone to flooding. A copy of the April 28<sup>th</sup> staff report is attached for information purposes.

In accordance with Section 3.1 of the PPS, Section F.57 of the Muskoka Plan and Sections E.20 and E.22 of the Official Plan, a municipally directed flood plain evaluation was submitted to support this application as portions of the proposed development are located in or near the areas prone to flooding.

The results of this technical review have concluded that:

- a) the conservative floodplain elevation should be reduced from the 317.18 metres GSC to 316.4 metres GSC; and
- b) those proposed buildings located within this floodplain elevation be constructed in such a way that the main floor elevations and entrances to these buildings are constructed above and/or outside of the revised floodplain elevation.

This revised elevation would be confirmed during the building permit design and review stage.

In addition, in response to those concerns raised at the statutory public meeting, with respect to the private site servicing, as confirmed by the Chief Building Inspector and a professional engineer, a change to the existing sewage treatment system is expected due to the proposed construction. However, the sewage works found on this property are under the jurisdiction of the Ministry of Environment (MOE) and a review of the existing Certificate of Approval is likely required. Given that the location of the septic field is found on other lands owned by the applicant (across Ronville Road) and given the size of these lands, there appears to be adequate area to facilitate the expansion of existing

filter beds (if needed). However, it is noted that a Building Permit will not be available until the MOE has reviewed and approved the septic and/or water systems.

Finally, with respect to the lot coverage and gross floor area provisions of the Development Permit By-law, the applicant's consultant has verified that the proposed development is within the maximum by-law provisions.

In view of the foregoing, staff are satisfied that the hazard has been appropriately addressed and this proposal is consistent with the Provincial Policy Statement and generally conforms to both the Muskoka and Lake Of Bays Official Plan.

Respectfully submitted by,



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Stefan Szczerbak, M.Sc, RPP, MCIP  
Planner

**CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS  
BY-LAW 09-50**

BEING A BY-LAW TO AMEND BY-LAW 04-180 KNOWN AS THE DEVELOPMENT PERMIT BY-LAW (Ticometer Investments – Arrowhead Camp)

**WHEREAS** it is deemed expedient to amend By-law 04-180.

**NOW THEREFORE** the Council of the Corporation of the Township of Lake of Bays enacts as follows:

1. Schedule "A" to By-law 04-180 as amended, is hereby further amended by re-designating **Lot 10, Concession 5, Franklin Ward**, now in the Township of Lake of Bays, from the "**Waterfront Resort Commercial (WRC)**" Development Permit Area to the "**Waterfront Resort Commercial with an Exception WRC-F-E205**" Development Permit Area, as shown on the attached Schedule "A".
2. Section 7 of By-law 04-180 be amended by the addition of the following:

**"WRC-F-E205:**

On lands designated "WRC-F-E205", as shown on Schedule "A" attached to By-law 09-50, no person shall use any lot or erect, alter or use any building or structure except in accordance with the Waterfront Resort Commercial (WRC) Development Permit Area designation permitted uses and provisions, amended by the following:

- i) Despite any provision, a Shoreline Activity Area will not be identified to prevent any significant removal of shoreline vegetation.
- ii) Despite Section 4.26, for the purpose of this By-law, the floodplain elevation adjacent to Lake of Bays shall be 316.4 metres GSC.
- iii) Despite Section 4.27, for the purpose of this By-law, no basement, cellar or other enclosed area of a building shall be located below the 316.4 metres GSC flood level elevation adjacent to Lake of Bays.
- iv) Despite the contents of Schedule A within the Development Permit By-law No. 04-180, the identified watercourse traversing the subject lands shall be deemed to be a coldwater stream.
- v) Despite Section 4.92, relief from the required 30 metre setback to all new structures from the stream as shown on the attached Schedule "B" to By-law 09-50.
- vi) Substituted Development Permit Area Provisions

**MINIMUM REAR YARD SETBACK**

STANDARD	COUNCIL VARIATION
8.3 metres	None

3. Schedules "A" and "B" hereby forms part of this By-law.
4. All other provisions of By-law 04-180, as amended, shall apply.

**READ a FIRST and SECOND time this 21<sup>st</sup> day of July, 2009.**

\_\_\_\_\_  
Mayor

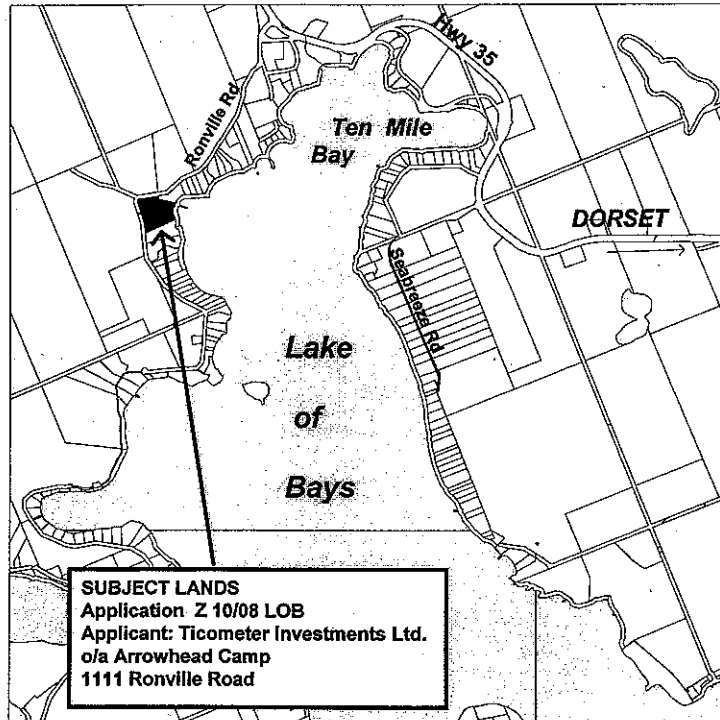
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Deputy Clerk

**READ a THIRD time and finally passed this 21<sup>st</sup> day of July, 2009.**

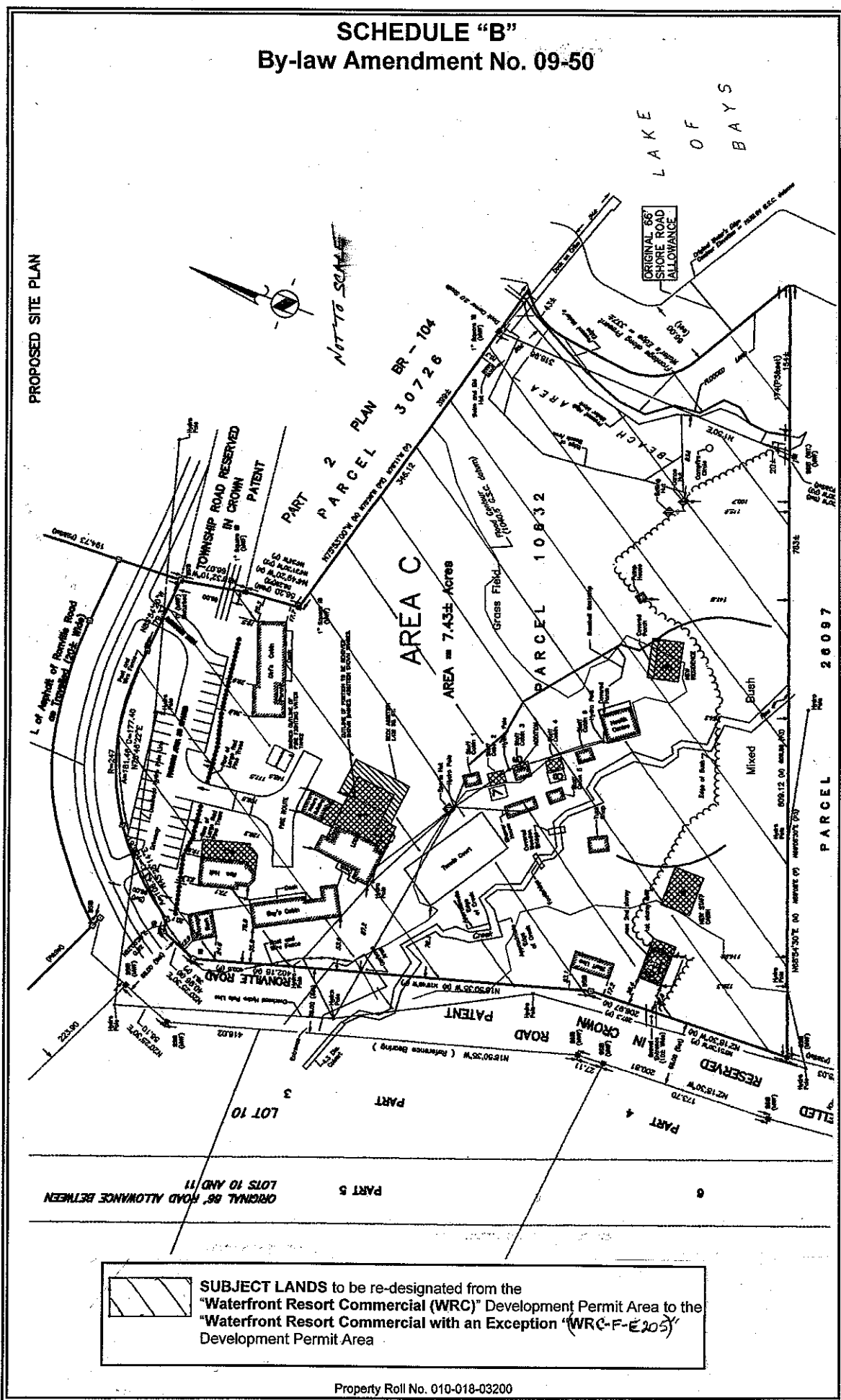
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Mayor

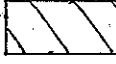
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Deputy Clerk

**SCHEDULE "A"**  
**By-law Amendment No. 09-50**



**SCHEDULE "B"**  
**By-law Amendment No. 09-50**



 SUBJECT LANDS to be re-designated from the "Waterfront Resort Commercial (WRC)" Development Permit Area to the "Waterfront Resort Commercial with an Exception (WRC-F-E205)" Development Permit Area

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS



REPORT

COPY

TO: Mayor & Members of Council  
FROM: Stefan Szczerbak, Planner  
DATE: April 28, 2009  
RE: **BY-LAW AMENDMENT APPLICATION: Z 10/09 LOB**  
Applicant: Ticometer Investments Ltd. (Camp Arrowhead)  
Agent: Duncan Ross Architect  
Part Lot 10, Concession 5, Franklin Ward, on Lake of Bays  
Roll No. 010-018-03200  
Civic Address: 1111 Ronville Road

**RECOMMENDATION:**

That Application **Z 10/09 LOB (Ticometer Investments Ltd. – Camp Arrowhead)** to permit the construction of a new residence, a staff cabin, additions to several existing buildings as well as the relocation of two existing structures, be **DEFERRED** to the June 23<sup>rd</sup>, 2009 meeting to provide the applicant with additional time to submit a Floodplain report in accordance with Sections E.20 and E.22 of the Township Official Plan.

**ORIGIN:**

An application has been received from Ticometer Investments Ltd. (Arrowhead Camp) to re-designate the subject lands. The property is located within the "**Waterfront Resort Commercial (WRC)**" Development Permit Area of By-law No. 04-180, and is developed with 24 buildings that comprise a summer children's camp known as Arrowhead Camp. The applicant wishes to:

- 1) remove and rebuild a portion of the dining hall and include an attached deck;
- 2) construct a 1010 ft<sup>2</sup> addition to the recreation hall;
- 3) construct a new residence with a footprint of 1000 ft<sup>2</sup> plus a 240 ft<sup>2</sup> attached deck;
- 4) construct a new 1200 ft<sup>2</sup> staff cabin;
- 5) construct a 100 ft<sup>2</sup> addition to an existing staff cabin # 3;
- 6) construct a 241 ft<sup>2</sup> addition to the L.I.T. cabin (a second storey of 1015 ft<sup>2</sup> is also proposed);
- 7) relocate staff cabin # 2;
- 8) relocate staff cabin # 4; and
- 9) general expansion space of 2000 ft<sup>2</sup>.

As portions of the proposed construction would infringe into the 30 metre (100 ft) setback and identified floodplain elevation associated with the coldwater stream flowing through the property, and that one of the additions to the L.I.T. cabin (# 6) would infringe into the rear yard setback, an amendment to By-law 04-180 is necessary in order to permit the proposed construction.

Accordingly, the purpose and effect of this by-law amendment will be to re-designate the property from the **Waterfront Resort Commercial "(WRC)"** Development Permit Area to the **Waterfront Resort Commercial with an Exception "WR-E205"** Development Permit Area. The effect of the "**WR-E205**" Development Permit Area will be to seek relief from the requirements of By-law No. 04-180 as follows:

- i) Section 5.2.3 (Rear Yard), decrease from the required 10 metres (32.8 ft) to 8.4 metres (27.6 ft) for cabin # 6;
- ii) Section 4.92, that the stream be identified in the by-law as a coldwater stream; and
- iii) Section 4.92, reduce the setback from a coldwater stream from 30 metres (98.4 ft).

**BACKGROUND:**

<b>Previous Files:</b>	<ul style="list-style-type: none"> <li>• Township road allowance which bisected subject lands is in final stages of being transferred to applicant (Clerk's Dep't file ORA 07-73, By-law 09-37)</li> </ul>
<b>Natural Constraints:</b>	<ul style="list-style-type: none"> <li>• Type "1" fish habitat along southerly third of shoreline, Type "2" fish habitat on remainder</li> <li>• Coldwater stream flows through property</li> <li>• Deer wintering habitat on majority of property</li> </ul>
<b>Lake Phosphorus Sensitivity:</b>	<ul style="list-style-type: none"> <li>• Moderately Sensitivity to phosphorus.</li> </ul>
<b>LOB Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront.</li> </ul>
<b>District Official Plan:</b>	<ul style="list-style-type: none"> <li>• Waterfront.</li> </ul>
<b>LOB By-law 04-180:</b>	<ul style="list-style-type: none"> <li>• Waterfront Resort Commercial "(WRC)" Development Permit Area.</li> </ul>
<b>OSRA Status:</b>	<ul style="list-style-type: none"> <li>• Flooded.</li> </ul>

**Site Characteristics:**

The subject lands contain the existing Arrowhead Children's Camp and associated structures. The lands slope generally in a easterly direction from Ronville Road towards the water's edge.

The southerly portion of the property, included in the vicinity of the existing creek, is generally comprised of existing natural vegetation, while the central and northerly portions of the lands are open and comprised of lawn area. Currently there are approximately twelve structures either located entirely or partially within a 30 metre setback/buffer area associated with the creek.

**Surrounding Uses:**

The surrounding lands are generally developed with low density residential uses located both in the waterfront and rural designations. Two larger rural properties are also owned and utilized by Arrowhead Camp.

**ANALYSIS:**

**Proposal**

**Official Plan Policy Considerations:**

The Muskoka and Township Official Plans provide the following policy direction when considering development on existing tourist commercial lands. Section C.22 of the Muskoka Official Plan (MOP) and Sections F.5 & H.63 of the Township Official Plan (LOBOP) encourage the expansion and redevelopment of waterfront commercial facilities. In this regard, both Official Plans (Section C.25 MOP & Section H.62 LOBOP) envision that such development and re-development must have regard for the

natural environment and the character of the waterfront. To ensure that this is the case, the intent of the Township Official Plan is that all waterfront commercial development will be subject to the Development Permit System and incorporate all relevant items previously included with site plan control agreements.

### **Site Servicing**

Section C.48 of the LOBOP requires that all development have a sufficient supply of potable water and a suitable system. As confirmed by the Chief Building Inspector, a change to the existing sewage treatment system is expected due to the proposed construction. However, it is noted that the sewage works found on this property is under the jurisdiction of the Ministry of Environment (MOE) and a review of the existing Certificate of Approval is likely required. Given the size of the property, there appears to be adequate area to facilitate the expansion of existing filter beds (if needed), however, it is noted that a Building Permit will not be available until the MOE has reviewed and approved the septic and/or water systems.

With respect to the applicable emergency services (fire protection and emergency access), emergency access routes both appear to conform to the applicable Ontario Building Code standards and this has been verified by the Township's Chief Building Official and Fire Chief.

### *Stormwater Management*

Section D.28 of the LOBOP requires a stormwater management and construction mitigation plan to be prepared for all commercial developments. Sediment and erosion control measures are proposed during the construction of those structures located adjacent to the coldwater stream. Monitoring of these measures will be the responsibility of the contractor.

### **Natural Constraints**

#### *Fisheries*

Upon consideration of those portions of the redevelopment plan associated with the creek located on the subject lands (namely the relocation of Staff Cabin Nos. 2 and 4, an addition to Staff Cabin 3, and the new residence) the Environmental Evaluation Report (March 10, 2009) by Michalski Nielson Associates Ltd. has identified this stream as a coldwater stream. Therefore, the direction of the Official Plan (section D.102) requires a 30 metre setback from an identified coldwater stream, unless a fish habitat assessment demonstrates that a lesser setback would not have a negative impact on the identified habitat. In addition, this policy direction requires a minimum 15 metre natural vegetative buffer located adjacent to these features.

However, upon attending the site, review of the re-development proposal, and review of the Evaluation Report, it is generally concluded that while considering the location of the existing development, the locations of proposed development would not adversely impact the existing fisheries habitat and that several recommendations be implemented which include some additional buffer plantings be located in the required 15 metre vegetated buffer to prevent the potential for negative impacts to this feature from the proposed development.

#### *Flood Prone Lands*

A portion of the subject lands are considered flood prone, as portions are at or below the flood elevation of 317.18 metres GSC adjacent to Lake of Bays as specified in Section 4.26 of By-law 04-180. The lands are therefore subject to Section 3.1 of the Provincial Policy Statement (PPS), Section F.48 of the Muskoka Official Plan and Sections E.19 of the Township Official Plan.

Therefore, in accordance with Section 3.1 of the PPS, Section F.57 of the Muskoka Plan and Sections E.20 and E.22 of the Official Plan, a site evaluation (technical report) is required when new development is proposed within an area prone to flooding. The report must include the following:

- a) the hazard can be safely addressed;
- b) existing hazards would be not be aggravated and new hazards would not be created;
- c) no negative environmental impacts would result; and
- d) safe access can be provided during times of flooding.

As the applicant has not submitted a technical report, it is recommended that a decision on this file be deferred to permit additional time to obtain the required Flood Plain Report.

However, as it relates to the overall proposed construction as indicated in this application, the following review related to the applicable By-law provisions has been conducted:

### **DEVELOPMENT PERMIT BY-LAW CONSIDERATIONS**

#### *Lot Coverage*

Upon review of the applicable lot coverage calculations which were provided to the Township from the applicant's agent, it would appear that this proposal will not exceed any of the lot coverage standards found in Section 5.2.3 of the by-law.

#### *Parking*

Upon review of the parking requirements for the "Institutional Tourist Establishment" use in the Waterfront Tourist Commercial (WRC) Development Permit Area in By-law No. 04-180, the subject lands would be required to provide a total of 170 parking spaces based on the floor area calculations. Section 4.50 of the Development Permit By-law only requires parking for the proposed expansions to be provided and any parking deficiencies that existed on the lot as of the passing of this by-law are not required to be addressed. Therefore, it is noted that the plan shows 30 parking spaces and there is room to accommodate 6 additional spaces.

Currently, as the existing use of this property is a children's camp and as the plan has formalized 30 parking spaces, with extra room to accommodate 6 additional spaces, staff feel that the proposed parking area is adequate for both the existing use and also for the proposed construction as described in this application.

#### *Rear Yard Setback*

When considering the reduced setback to Ronville Road, a site inspection of the property has revealed that the area between the road and the proposed works to the L.I.T Cabin is well vegetated, and this should help to mitigate any visual impact of the garage from the road. There would not be any visual impacts of the cabin when viewing the property from the water.

### **CONCLUSIONS**

In view of the foregoing, as the applicant has not safely addressed the floodplain hazard associated with the creek, it is therefore recommended that a decision on this application be deferred in accordance with the PPS, Muskoka Official Plan and Lake of Bays Official Plan.

In addition, respecting the preparation of a technical report, Section J.10 of the Township Official Plan directs that the report will: a) be prepared independently at the direction of the Township, on behalf of, and at the expense of, the proponent, unless otherwise agreed by the Township; or b) where submitted by the proponent, subject to a peer review directed by the Township, and at the expense of the proponent, unless otherwise agreed to by the Township.

Respectfully submitted by,



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Stefan Szczerbak, M.Sc, RPP, MCIP  
Planner

July 14/09

MEMO TO:

Mr. Stefan Szczerbak  
Manager of Planning Services  
Township of Lake of Bays  
1012 Dwight Beach Road  
Dwight, ON  
POA 1H0

RE: Flood Plain Report - Arrowhead Camp, Lake of Bays  
Flood Plain Encroachment

In a telephone discussion with Mr. Duncan Ross of Duncan Ross Architect on July 9/09 in regard to the above-noted flood plain report of June 17/09 for Arrowhead Camp, he suggested a possible solution to the problem with approximately two of the proposed new buildings that may encroach to a minor extent into the flood plain of the creek.

It is proposed by Mr. Ross that new buildings that may be partially located in the flood plain be raised on engineered piers so that the floors are above the flood level.

If one or two new buildings partially encroaching into the flood plain are placed on piers, this should not significantly affect the flood flow or flood levels in the creek and its flood plain. The buildings will be on the edge of the flood plain where both the flood flow velocity and flood depth will be low and should not create a significant impact on the flood plain.

If the Township agrees to the partial encroachment into the flood plain of up to two new buildings, the new buildings will require flood-proofing as follows:

1. All building opening to be above the flood level;
2. Services including heating, electrical, water supply system and the top of sealed water wells to be above the flood level;
3. Sewage disposal systems to be located out of the flood plain.

If it is determined that these proposed new buildings at the location shown on the plan of the property will be completely in the flood plain, then they should be moved back to be mainly out of the flood plain or preferably completely out of it.

Flood Plain Report - Arrowhead Camp, Lake of Bays  
Flood Plain Encroachment (cont'd.)

Fill should not be placed in the flood plain as it would affect the flood levels.

The location of the flood level should be marked on the ground at the two buildings in question.

Please call if there are questions.

W. J. McMullen  
Haliburton, ON  
Tel.: 705 789-9766  
Email: [wmcmullen@sympatico.ca](mailto:wmcmullen@sympatico.ca)