

March 5, 2007

Kelly Stronks, Planning Technician  
Township of Lake of Bays  
1012 Dwight Beach Road  
Dwight, ON P0A 1H0

Dear Ms. Stronks,

**Re: Don Case Consent Application**

This letter is further to your request for additional information regarding the request to appear as a delegation for our client Don Case on March 13, 2007.

It is my understanding that there is concern regarding how the Consent Application conforms to the Provincial Policy Statement (PPS) and the Township of Lake of Bays Official Plan (OP), specifically regarding new lot creation.

Our client's proposal seeks to create six new lots, two being backlots within the Waterfront Designation and four being Rural Residential Lots within the Rural Designation, all to be serviced with individual private water and sewage systems.

Section 1.1.4.1 of the PPS states that limited residential development is permitted within the Rural Designation of Townships in Ontario and also promotes development that is "compatible with the rural landscape and can be sustained by rural service levels". Section 1.6.4.4 of the PPS states that no more than five lots shall be created where private individual services are to be used and municipal services are unavailable, unless the proposed use of the lots are solely for those uses permitted in Section 1.1.4.1. Being that only four of the six proposed lots are within the Rural Designation, the proposed lots meet the intentions of the PPS and do not exceed the maximum number of five lots as described in section 1.6.4.4. Furthermore, due to the large size of the proposed lots, and the large proposed frontages, these lots are in character with the rural landscapes of the Township and Muskoka, and as demonstrated in the past are sustainable through rural service levels. It can be concluded that the PPS promotes such development.

Concern has been raised by the Township during the pre-consultation of this proposal that a Plan of Subdivision is required for the creation of the proposed six lots. This concern is in reference to section J.44 of the Lake of Bays OP, specifically part (a) that states a plan of

subdivision should be used for the division of land where "more than 4 lots including the retained parcel would result." This part of section J.44 only makes up a small part of the criteria that are stated in the section. Firstly, the wording of the section states that "a plan of subdivision or condominium description should be used for the division of land where...", which offers the Township flexibility when interpreting this section. Other than part (a), the proposed creation of Mr. Case's six lots does not meet the criteria for the requirement of a plan of subdivision for this proposal. Section J.44 in its entirety states that "A plan of subdivision or condominium description should be used for the division of land where: a) more than 4 lots including the retained parcel would result; b) numerous or comprehensive easements or rights of way are required; c) comprehensive municipal agreements are required; d) a public road, an extension to a public road, or a connection between existing roads is required; e) the provision of municipal water and sewer services is required; f) a hydrogeological assessment is required ... g) studies to determine the impact of the development on the environment or the community are required; or h) the property is a large tract of land and there is a need for an appropriate layout, which does not impair the potential for future development of the property." The proposal does not require the creation of any rights of way, or easements to implement the proposed lots, nor is there a need for any municipal agreements. No public road is proposed, or extensions of public roads; all of the proposed lots have frontage on existing roads. The lots will not be serviced by municipal water or sewer services, as both are not available to the subject lands. A hydrogeological assessment is not required, as all proposed lots are over 2.5 acres in size (District OP Section D.33 and H.26). The Lake of Bays OP does not indicate that the subjects lands are of any Natural Significance, ie. Wetlands or Heritage Areas, so no additional studies should be required to demonstrate the impact of the development on any of the environment. Furthermore, there is no future development potential of these lands and an internal road system is not feasible for this development, therefore, an "appropriate layout" for the development of these lands does not apply to this proposal. In conclusion, the division of land through the plan of subdivision process is not required as stated in Section J.44 of the Lake of Bays OP.

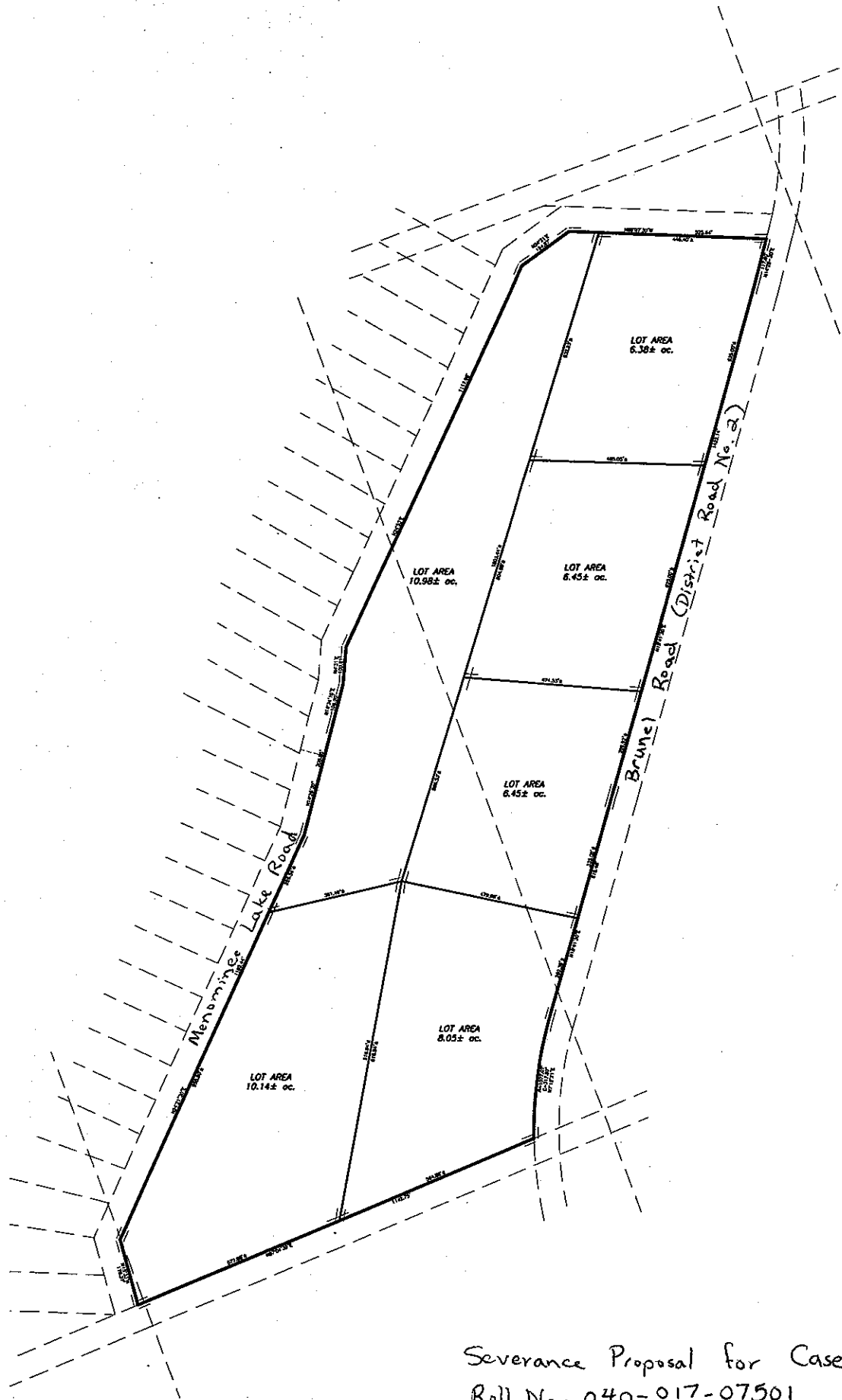
The proposed lots meet the minimum requirements of the Lake of Bays OP and Zoning By-law/Development Permit By-law for lot area and frontage. A rezoning will be necessary for the creation of the Rural Residential lots of this proposal, which is supported by the Rural Designation of the Lake of Bays OP. The proposed layout of the six lots offers a natural transition between the Waterfront Designation backlot development and the Rural Designation residential development. In conclusion, it is in our professional opinion that the proposed development is consistent with the PPS, conforms to the District and Lake of Bays Official Plans, and is a desirable form of development for the subject lands.

I trust this information is satisfactory and we wish for you to give us confirmation of our inclusion in the March 13, 2007 Council Meeting as a delegation for this matter. Please do not hesitate to contact our office should you have any questions.

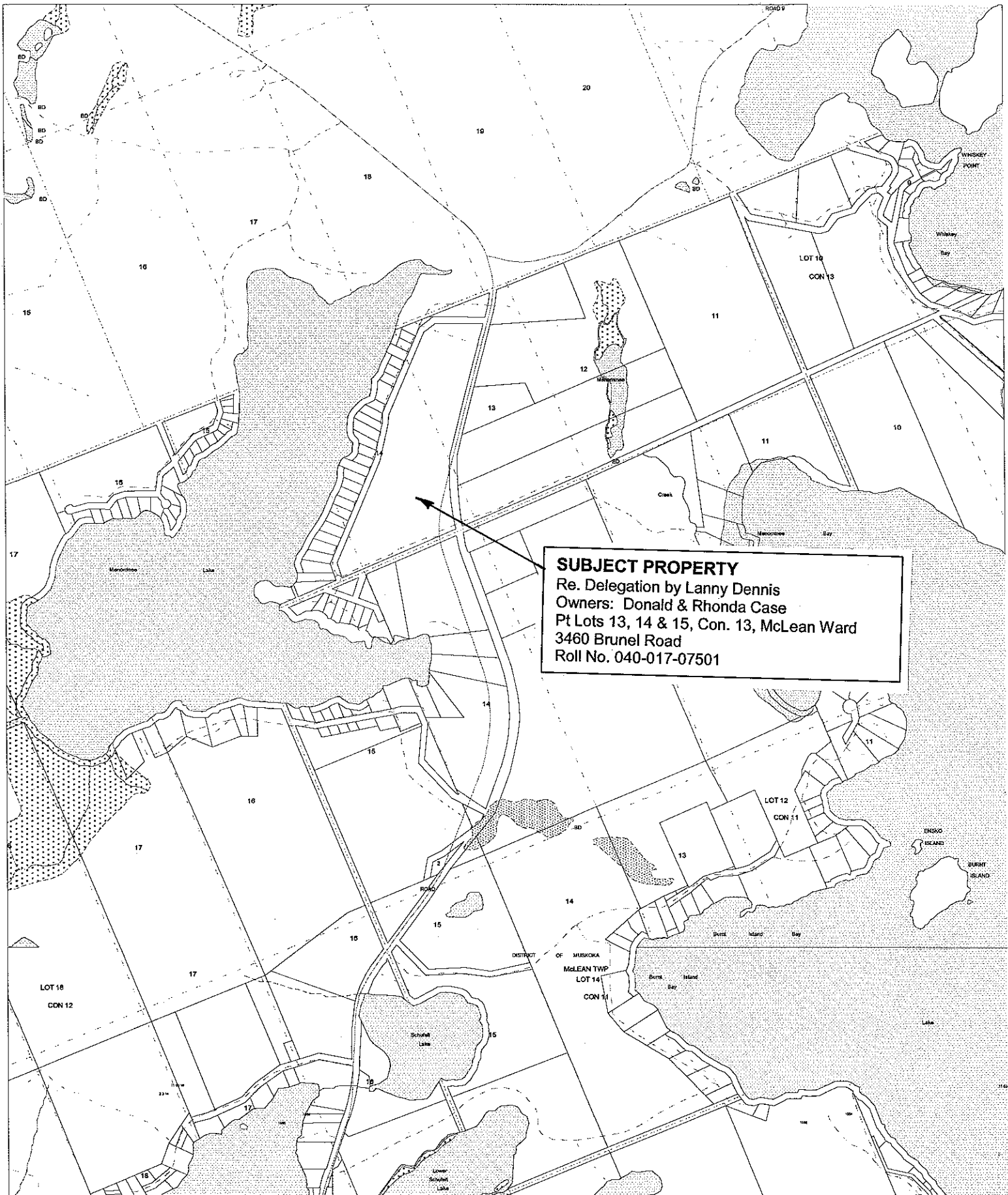
Sincerely,  
WAYNE SIMPSON & ASSOCIATES

A handwritten signature in black ink, appearing to read 'Savas Varadas', with a stylized, overlapping loop structure.

Savas Varadas, MCIP, RPP  
Planner



Severance Proposal for Case Property  
Roll No. 040-017-07501  
March 5, 2007



**SUBJECT PROPERTY**  
Re. Delegation by Lanny Dennis  
Owners: Donald & Rhonda Case  
Pt Lots 13, 14 & 15, Con. 13, McLean Ward  
3460 Brunel Road  
Roll No. 040-017-07501

