



To: Chair and Members
Community and Planning Service Committee

From: Emily Crowder
Planner

Date: June 24, 2021

Subject: Background for a Statutory Public Meeting, Plan of Subdivision File S2021-03
(Muskoka Lakeside Properties Inc. - Oxbow Lake) Township of Lake of Bays

Report: CPS-6-2021-5

Recommendation

This report is provided for information.

Origin

An application for the above noted proposed draft plan of subdivision was accepted as complete on April 30, 2021. In addition, an application was also submitted to the Township of Lake of Bays to amend the Development Permit By-law to permit the proposed development.

Background

Since submission, the application was circulated for review and comment by internal and external agencies and the peer review process of the supporting documentation by a third-party independent consultant has been initiated. Staff are now in a position to begin preparing for the statutory public meeting. As such, the following background material has been assembled in order to provide Committee with a general overview of the development proposal prior to scheduling a concurrent public meeting with the Township of Lake of Bays in the near future.

Analysis

Location and Description

The lands subject to the proposed draft plan of subdivision are approximately 8.1 hectares (20 acres) in size with frontage on an unopened road allowance extending from West Oxbow Lake Road, as well as shoreline frontage on Oxbow Lake. The subject lands are not municipally addressed, but are legally described as Part of Lot 3, Concession 6, former Township of Finlayson, Township of Lake of Bays, in the District of Muskoka.

A location map is attached as Appendix “I”.

Proposal

The draft plan of subdivision proposes to create a total of seven (7) residential lots, intended for single family dwellings. The lots are proposed to range in size from 1.0 hectare (2.47 acres) to 1.32 hectares (3.26 acres), with frontages ranging from 122.0 metres (400 feet) to 178 metres (584 feet) on Oxbow Lake. It is proposed that the four (4) northerly lots will be accessed by a private right-of-way running along the rear of the lots, connecting to West Oxbow Lake Road (a municipally owned and maintained road) via an unopened road allowance to the north of the subject lands. The three (3) southerly lots are proposed to be accessed from West Oxbow Lake Road via a right-of-way over the abutting crown land to the west of the subject property. The right-of-way over the abutting crown land is dependent upon approval from the Ministry of Natural Resources and Forestry (MNR), which has not yet been confirmed by the applicant. The proposed development will be serviced with private individual on-site septic and water services.

A copy of the draft plan of subdivision is attached as Appendix “II”.

Site Characteristics and Surrounding Land Uses

The subject lands are currently vacant and well vegetated with mixed forest tree cover. The property slopes down from the west towards the shoreline. A watercourse bisects the centre of the property, flowing into Oxbow Lake. Additionally, Type 1 fish habitat is identified along portions of the shoreline abutting the subject property. Surrounding land uses include waterfront residential and vacant (Crown) land.

Supporting Documentation

The following reports have been submitted in support of the application:

- [Stage 1 and 2 Archaeological Assessment](#), Earthworks Archaeological Services Inc., September 16, 2020;
- [Environmental Impact Statement](#), Riverstone Environmental Solutions, October 2020;
- [Site Evaluation Report](#), Pinestone Engineering Ltd., January 2021; and
- [Planning Justification Report](#), John P. Gallagher & Associates, not dated.

The Stage 1 and Stage 2 Archaeological Assessment provides an evaluation of the subject lands for evidence of pre-contact Indigenous archaeological material. Based on the results of the Stage 1 background investigation and the subsequent Stage 2 test pit survey, no archaeological materials were found and the report concludes that no further archaeological assessments are recommended. This report is to be reviewed by the Ministry of Heritage, Sport, Tourism and Culture Industries.

The Environmental Impact Study (EIS) contains the results of a background information review and field surveys to document natural features and their functions, site specific soils characteristics, and potential Species at Risk (SAR) and significant wildlife, breeding birds and aquatic habitats. Given that Oxbow Lake is classified as a Lake Trout Lake At-Capacity, the Muskoka Official Plan policies would not permit new lot creation unless

certain criteria are met. The EIS includes a Soils Specific Investigation to fulfill this requirement. The report concludes that development could proceed on the property without negatively impacting natural features or functions, provided that the recommendations contained within the report are implemented. The recommendations include but are not limited to setbacks from natural heritage features, construction mitigation measures, vegetation removal timing windows, and stormwater management measures.

In order to evaluate the methodologies of the assessments and verify the rationale of the proposed recommendations and conclusions, the EIS is being reviewed by a third-party consultant. The EIS has also been circulated to the MECP for review of the methodology and conclusions related to SAR.

The Site Evaluation Report includes a stormwater management and construction mitigation plan for the proposal. The report concludes that water quality and quantity control of acceptable stormwater flow rates can be achieved through implementation of control measures in accordance with Provincial standards. Additional recommendations include construction mitigation management techniques such as the installation of a heavy duty silt fence on the down gradient side of the proposed development. The report is being reviewed by Township of Lake of Bays Engineering and Public Works staff. An addendum to the Site Evaluation Report has also been requested to obtain additional technical rationale related to servicing options and hydrogeological conditions to ensure the long-term sustainability of individual on-site services.

The Planning Justification Report describes the proposed development and includes a detailed policy analysis.

Preliminary Planning Analysis

A preliminary review of the proposed development has been undertaken in relation to the following documents. A detailed analysis will be completed as the planning process proceeds.

2020 Provincial Policy Statement (PPS)

The 2020 Provincial Policy Statement (PPS) permits locally-appropriate residential development on rural lands, which includes the waterfront area. Development shall be compatible with the rural landscape and shall be appropriate to rural service levels, taking into account the infrastructure which is planned or available. As the draft plan of subdivision proposes a limited number of residential lots on private individual on-site services, staff are of the opinion that the draft plan and associated conditions are consistent with the aforementioned policies of the 2020 PPS.

The PPS states that archaeological resources shall be protected for their economic, environmental, and social benefits. The PPS also contains policies that address the protection of endangered and threatened species, significant wildlife habitat, and other natural heritage features and functions. As noted above, studies have been submitted addressing these matters and are currently being reviewed.

Muskoka Official Plan

The subject lands are located within the “Waterfront Area” designation of the Muskoka Official Plan (MOP). MOP policies envision development in the Waterfront Area designation to consist of low density, single unit residential development with individual on-site septic and water services. Most residential development in the Waterfront Area is anticipated to be seasonal in nature, but the MOP also permits a limited amount of year-round residential uses in that Designation.

Oxbow Lake is identified as a Lake Trout Lake At-Capacity. Generally, the MOP restricts lot creation in proximity to these lakes unless certain criteria are met. In this instance, a soils investigation was required to ensure that there are undisturbed native soils over 3 metres in depth on the site which meet Provincial requirements for chemical composition and hydrological conditions in order for development to occur.

From a natural heritage perspective, the protection of fish habitat is addressed through MOP policies. These policies do not permit development or site alteration in fish habitat except in accordance with provincial and federal requirements. The MOP also contains policies regarding species at risk that include the need to determine the presence of, and potential impacts on, threatened and endangered species and their habitat as well as other natural heritage features and functions. Where significant features or functions are identified, these are to be protected from any negative impacts. As noted above, an EIS was submitted to address these requirements, and is being peer-reviewed and circulated to the appropriate Provincial Ministry.

Climate change policies in the MOP state that the District of Muskoka shall work towards the implementation of a “climate change lens” as the approval authority on applications under the Planning Act in order to maximize the resiliency of ecosystems and communities and to manage the risks associated with climate change. These policies encourage the requirement of resiliency measures including the retention of natural vegetation, more stringent requirements for stormwater management, and increased energy efficiency amongst other matters. The supporting documentation for this proposal will be reviewed to ensure that stormwater management is appropriate and that natural vegetation is retained where significant features or functions exist.

Township of Lake of Bays Official Plan and Comprehensive Zoning By-law

The subject lands are located within the “Waterfront” designation in the Township of Lake of Bays Official Plan. Waterfront areas are composed of low-density residential development, among other non-residential waterfront uses. Given that the proposed development is low-density in nature, it would appear to meet the intent of the Township’s Official Plan.

The subject lands are currently zoned Waterfront Residential (WR). A related amendment to the Township Development Permit By-law has been submitted by the applicant to identify building envelopes on each lot, ensure vegetation retention in the near shore area, identify docking and boathouse envelopes in order to avoid fish habitat.

Financial Considerations

At this time, no impacts on the 2021 Tax Supported Operating Budget and Capital Budget and Forecast are anticipated as a result of this report.

Communications

A Notice of Complete Application was circulated to required agencies and adjacent property owners in accordance with the Planning Act, as amended. A Notice of Concurrent Public Meeting for all related District and Township applications will be circulated to required agencies and all property owners within 120 metres (400 feet) of the subject lands. The concurrent public meeting will be hosted by the Township of Lake of Bays.

Preliminary results of peer, municipal and provincial reviews will be available prior to the concurrent public meeting and results of those reviews will be communicated at the concurrent public meeting.

Climate Change Implications

The District assesses climate implications in all staff reports using the Clean Air Partnership's '[Municipal Climate Lens Tool](#)' to consider climate impacts or benefits associated with any project, program or initiative. The following is a summary of the results.

Municipal Climate Lens Tool	Results
Mitigation	Project does not result in GHG reduction.
Temperature	Project does not result in temperature reduction.
Precipitation	Precipitation impact has been considered and improved over base case.

Climate Considerations Summary: Although only an initial assessment has been completed at this time, the proposed development would not appear to result in GHG or temperature reduction, although the precipitation impact has been considered and improved over base case through proposed stormwater management measures as detailed in submitted supporting studies.

As the proposal proceeds through the public consultation and approval process, a more detailed review will be undertaken. Additionally, the applicant will be encouraged to demonstrate how the proposed development will address climate change adaptation or resiliency.

Strategic Priorities

Click on the icons below to view strategies under each priority area.

				
s 1.4, 1.5	s 2.5			s 5.1

Respectfully submitted,

Emily Crowder, Planner;
Summer Valentine, Director of Planning; and
Samantha Hastings, MCIP, RPP, Commissioner, Community and Planning Services