

DEVELOPMENT SERVICES



January 9, 2009

File Nos.: Z/59/2008/HTE
B/58/59/2008/HTE

Re: Application for Zoning By-law amendment and Consent
Pieper
Part Lot 12, Concession 10
Geographic Township of Chaffey
Town of Huntsville
District Municipality of Muskoka

Applications have been made for rezoning (Z/59/2008/HTE) and for the creation of a total of 4 shoreline residential lots (B/58/59/2008/HTE) on lands located on Part of Lot 12, Concession 10, Geographic Township of Chaffey. The zoning of the 3 vacant lots would change from Shoreline Residential Five (SR5) to Shoreline Residential Two (SR2) with an exception to require vegetation within 30m of Lake Waseosa to remain undisturbed with the exception of a 2m wide meandering pathway, and Conservation (C) with an exception to limit the use of this portion of the land to a tertiary septic system and driveway. The zoning of the developed retained lot would change from Shoreline Residential Five (SR5) to Shoreline Residential Two (SR2). The subject lands are located at 716 E. Waseosa Lake Road, Town of Huntsville. Comments are requested by January 23rd, 2009.

J. Schekalin
Jacquie Tschekalin
Development Coordinator

Attachments

Comments / Conditions:

☐ We have no objections.

Signed: _____ Date: _____

Circulation:

- | | |
|---------------------------------------------------------------------|--------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> District of Muskoka | <input checked="" type="checkbox"/> Simcoe Muskoka Catholic School Board |
| <input checked="" type="checkbox"/> Hydro One | <input checked="" type="checkbox"/> Ministry of Transportation |
| <input checked="" type="checkbox"/> Trillium Lakelands School Board | <input checked="" type="checkbox"/> TransCanada Pipelines |
| <input checked="" type="checkbox"/> CNR | <input checked="" type="checkbox"/> Local Environmental Advisory Forum |
| <input checked="" type="checkbox"/> Centra Gas | <input checked="" type="checkbox"/> Cottager's Association |
| <input type="checkbox"/> Other: | <input checked="" type="checkbox"/> Lakes Council |

NOTICE OF COMPLETE APPLICATION CONCERNING A PROPOSED ZONING BY-LAW AMENDMENT IN THE TOWN OF HUNTSVILLE

IN FULFILLMENT of Section 34 (10.7) of the Planning Act, please be advised that an application has been received concerning a proposed zoning by-law amendment as indicated below.

AN EXPLANATION of the Purpose and Effect of the individual proposed amendment, describing the lands to which it applies, and a key map showing the location of the lands, accompany this notice.

INFORMATION relating to the proposed zoning by-law amendment and consent application, including a full scale map, is available from the Planning Department during regular office hours (8:30 a.m. to 4:30 p.m.) 37 Main Street East, Huntsville, Ontario, P1H 1A1, Telephone (705) 789-1751, Ext. 2353.

IF YOU WISH TO MAKE ANY COMMENTS or have any questions, please contact the Planning Department by January 23rd, 2009.

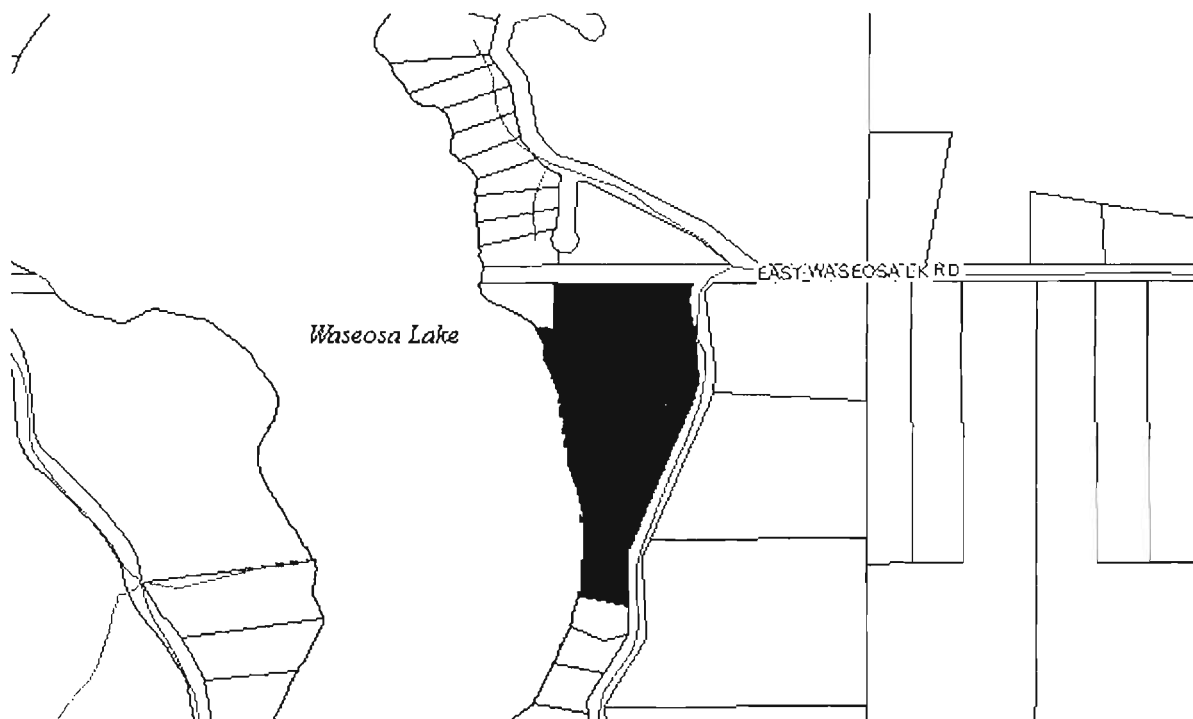
NOTICE of a Public Meeting as required by Section 34(12) of the Planning Act for this application will be given at a future date.

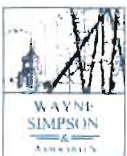
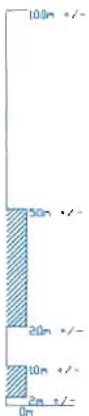
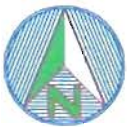
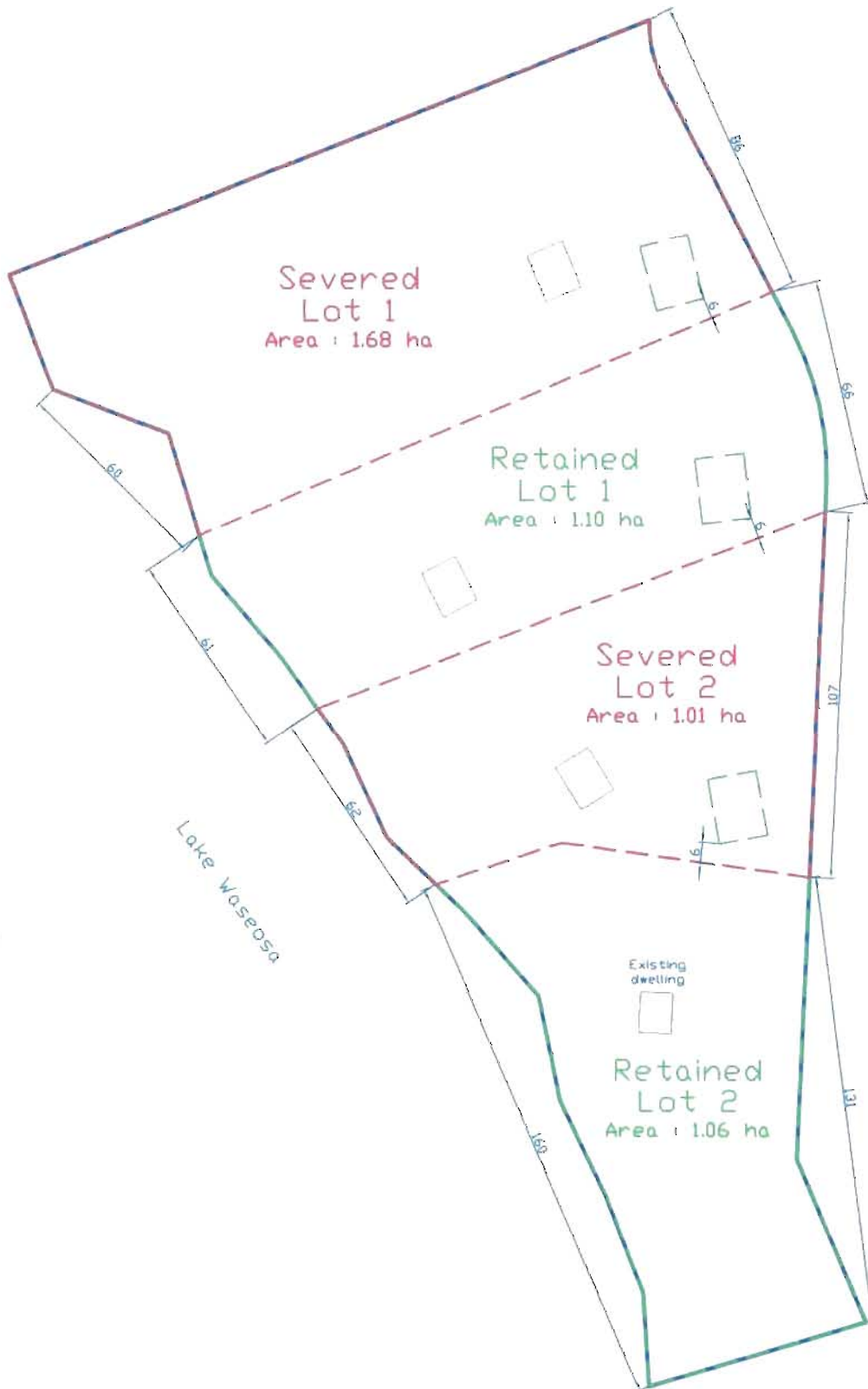
DATED at the Town of Huntsville this 9th day of January, 2009.

EXPLANATION OF THE PURPOSE AND EFFECT OF THE PROPOSED ZONING AMENDMENT Z/59/2008/HTE (Pieper)

Applications have been made for rezoning (Z/59/2008/HTE) and for the creation of a total of 4 shoreline residential lots (B/58/59/2008/HTE) on lands located on Part of Lot 12, Concession 10, Geographic Township of Chaffey. The zoning of the 3 vacant lots would change from Shoreline Residential Five (SR5) to Shoreline Residential Two (SR2) with an exception to require vegetation within 30m of Lake Waseosa to remain undisturbed with the exception of a 2m wide meandering pathway, and Conservation (C) with an exception to limit the use of this portion of the land to a tertiary septic system and driveway. The zoning of the developed retained lot would change from Shoreline Residential Five (SR5) to Shoreline Residential Two (SR2).

The subject lands are located at 716 E. Waseosa Lake Road, Town of Huntsville.

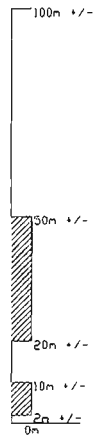
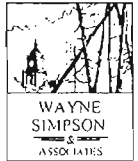




Severance Proposal

For Part 1 of Lot 12, Concession 10

FIGURE 12



LEGEND



PROPOSED SEPTIC BED

PROPOSED ZONES:



TO BE REZONED FROM SHORELINE RESIDENTIAL FIVE (SR5) to CONSERVATION (C) WITH EXCEPTIONS:
 (a) THE ONLY PERMITTED USES SHALL BE A TILE BED FOR THE PRIVATE SEWAGE DISPOSAL SYSTEM and a DRIVEWAY FOR VEHICULAR ACCESS
 (b) NO SITE ALTERATION SHALL OCCUR, SAVE AND EXCEPT FOR THE USES PERMITTED IN THIS ZONE AND THE REMOVAL OF DEAD AND DECAYING TREES POSING A SAFETY HAZARD

(SR2-Preper 3)



TO BE REZONED FROM SHORELINE RESIDENTIAL FIVE (SR5) to SHORELINE RESIDENTIAL TWO (SR2) WITH EXCEPTIONS:
 (a) NO TILE BED SHALL BE PERMITTED WITHIN THIS ZONE

(SR2-Preper 1)



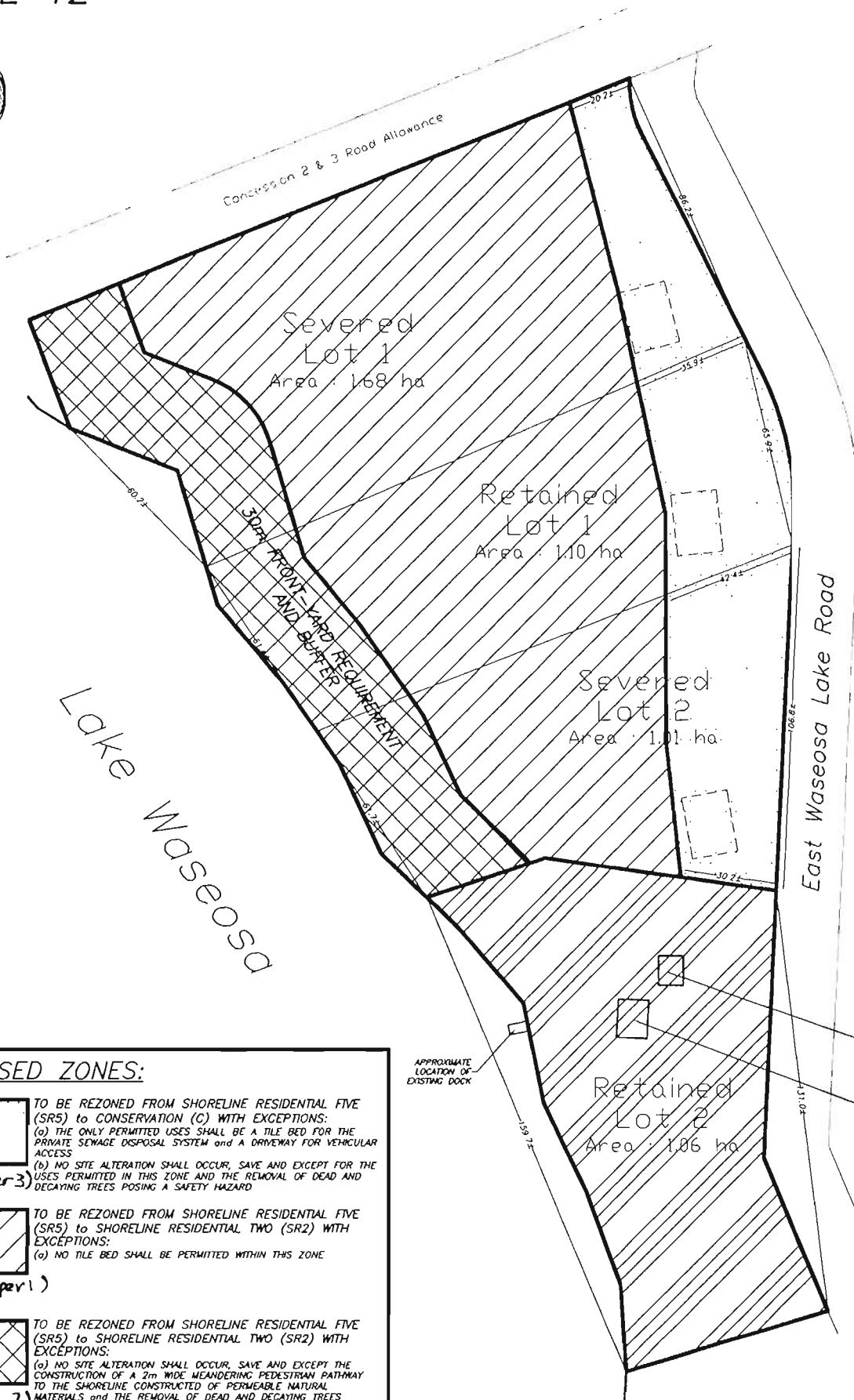
TO BE REZONED FROM SHORELINE RESIDENTIAL FIVE (SR5) to SHORELINE RESIDENTIAL TWO (SR2) WITH EXCEPTIONS:
 (a) NO SITE ALTERATION SHALL OCCUR, SAVE AND EXCEPT THE CONSTRUCTION OF A 2m WIDE MEANDERING PEDESTRIAN PATHWAY TO THE SHORELINE CONSTRUCTED OF PERMEABLE NATURAL MATERIALS AND THE REMOVAL OF DEAD AND DECAYING TREES POSING A SAFETY HAZARD.

(SR2-Preper 2)



TO BE REZONED FROM SHORELINE RESIDENTIAL FIVE (SR5) to SHORELINE RESIDENTIAL TWO (SR2)

(SR2)



APPROXIMATE LOCATION OF EXISTING DOCK

APPROXIMATE LOCATION OF EXISTING DETACHED GARAGE

APPROXIMATE LOCATION OF EXISTING DWELLING

REZONING SKETCH

Part of Lot 12, Concession 10, Chaffey

THE CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER "2009-___P"

Pieper

Being a by-law to amend Zoning By-law 2008-66P,
as amended, of the Corporation of the Town of Huntsville

WHEREAS the Council of the Corporation of the Town of Huntsville finds it expedient to amend Zoning By-law 2008-66P, as amended:

AND WHEREAS authority to pass this by-law is provided by Section 34 of the Planning Act, R.S.O., 1990, c.P. 13 and amendments thereto;

NOW THEREFORE the Council of the Corporation of the Town of Huntsville, enacts as follows:

1. Map No. "___" of Zoning By-law 2008-66P, as amended, is hereby further amended by rezoning Part of Lot 12, Concession 10, Geographic Township of Stephenson, Town of Huntsville, from a **Shoreline Residential Five (SR5) Zone** to a **Shoreline Residential Two Zone** as shown **striped** on Schedule "I" attached, a **Shoreline Residential Two with an exception (SR2-"Pieper 1") Zone** as shown **hatched** on Schedule "I" attached, a **Shoreline Residential Two with an exception (SR2-"Pieper 2") Zone** as shown **cross-hatched** on Schedule "I" attached, and a **Conservation with an exception (C-"Pieper 3") Zone** as shown **dotted** on Schedule "I" attached.
2. Section 6 —"Exceptions" is hereby further amended by the following:

Exception No. "Pieper 1"

Notwithstanding the requirements of Zoning By-law 2008-66P, a tile bed is not a permitted use.

Exception No. "Pieper 2"

Notwithstanding the requirements of Zoning By-law 2008-66P, the minimum front yard shall be 30 metres. Alteration of natural vegetation shall not be permitted, save and except the removal of dead and decaying trees posing a safety hazard, a 2 metre wide meandering pedestrian walkway to the shoreline constructed of permeable natural materials, and minor accessory water-related structures having a total maximum area of 15 square metres.

Exception No. "Pieper 3"

Notwithstanding the requirements of Zoning By-law 2008-66P, the only permitted uses shall be a tile bed for the tertiary sewage disposal system and a driveway. Alteration of the natural vegetation and native soil mantle shall not be permitted, save and except where required for a permitted use of the removal of dead and decaying trees posing a safety hazard.

3. Schedule "I", attached hereto, is hereby made part of this by-law.
4. THIS BY-LAW SHALL COME into force on the date of passage and take effect the day after the last date for filing of appeals where no appeals are received, or, where appeals are received, upon the approval of the Ontario Municipal Board.

READ A FIRST time this ___ day of _____, 2009.

MAYOR, CLAUDE DOUGHTY

CLERK, KATHLEEN GILCHRIST

READ A SECOND AND THIRD time and finally PASSED this ___ day of _____, 2009.

MAYOR, CLAUDE DOUGHTY

CLERK, KATHLEEN GILCHRIST

PLANNING REVIEW
PART OF LOT 12, CON. 10, CHAFFEY
SYBILLE M. PIEPER

Prepared by

WAYNE SIMPSON & ASSOCIATES
Planning and Development Consultants

in Support of an Application for a
Zoning By-Law Amendment and Severance Applications submitted to

The Town of Huntsville

by

Sybille M. Pieper
January, 2009

PLANNING REVIEW
PART OF LOT 12, CONCESSION 14, CHAFFEY
SYBILLE PIEPER

1.0 INTRODUCTION

This report has been prepared by Wayne Simpson and Associates in support of two severance applications and a zoning by-law amendment application made by Sybille Pieper to the Town of Huntsville. These applications are similar but differ from previous severance applications that were appealed to the Ontario Municipal Board and the appeal denied.

The lands are within the Waterfront Area of the Muskoka District and Town of Huntsville Official Plans. More specifically the proposed severances are located in Chaffey Township, fronting on Lake Waseosa, with mainland access off East Waseosa Lake Road, a year round municipally maintained road. The present zoning on the property is Shoreline Residential (SR5) (Please see attached Figure 1).

The purpose of the Applications is to create a total of 4 waterfront building lots all fronting on Lake Waseosa (Please see attached Figure 2). All will be serviced with private individual water and individual private septic systems and accessed via East Waseosa Lake Road. Proposed severed lot number 1 will consist of approximately 60m lot frontage and 1.68 ha lot area. It is presently vacant. Proposed retained lot number 1 will consist of approximately 61m lot frontage and 1.10 ha lot area. It is presently vacant. Proposed severed lot number 2 will consist of approximately 62m lot frontage and 1.01 ha lot area. It is presently vacant. Proposed retained lot number 2 will consist of approximately 160m lot frontage and 1.06 ha lot area. It is presently developed with a cottage and accessory structures.

1.1 Purpose

The purpose of this report is to examine the reasonableness of requesting the creation of three new vacant waterfront residential building lots for a total of four fronting Lake Waseosa.

1.2 Background

There is a lengthy history of previous applications on the subject lands but the “reader’s digest” version is being presented to acknowledge this fact. In 2002 applications were filed for an Official Plan Amendment under Town file number OPA 37/2002, for a zoning by-law amendment under Town file number Z 65/2002 and severance application Town file numbers B 103/104/02 by Planscape, consulting planners for Sybille Pieper. At that time Lake Waseosa was considered an “at capacity/over threshold” lake and new lot creation was prohibited in both official plans. However, new science was evolving as it pertains to phosphate loading from septic systems into lakes and the owners felt it reasonable to submit applications requesting to create three new vacant waterfront residential building lots based on the new science and on other sound planning merits.

Despite the fact that staff recommended approval of the applications in the Summer of 2005 Huntsville Town Council denied the OPA and ZBA. The aforementioned applications would create three new vacant waterfront residential building lots with specific zoning to restrict building and septic locations. As a result of Council’s decision the Owners appealed these decisions and the severance applications to the OMB who ultimately denied the appeal and the lots were never approved.

The Owners have withdrawn the previous applications and have submitted two severance applications and a rezoning. An Official Plan Amendment is NOT required because the status of Lake Waseosa has changed and official plan policy no longer prohibits new lot creation. A comparison of the previous and new severance applications are identified below:

Previous				
	Severed Lot 1	Retained Lot 1	Severed Lot 2	Retained Lot 2
Area	2.0 ha	1.2ha	0.7ha	0.8ha
Frontage	85m	75m	76m	106m

New				
	Severed Lot 1	Retained Lot 1	Severed Lot 2	Retained Lot 2
Area	1.68 ha	1.10ha	1.01ha	1.06ha
Frontage	60m	61m	62m	160m

2.0 PROPERTY REVIEW

2.1 Location

The subject land consists of +/- 12 acres and has +/- 1160 lineal feet frontage on Lake Waseosa, Chaffey Ward, Town of Huntsville, accessed via East Waseosa Lake Road, which is year round municipally maintained. Presently there is an existing dwelling, a detached garage and a dock located on the subject lands.

The municipal address is 716 East Waseosa Lake Road. The assessment roll number is 020-022-07001. It is located about 4 km east of Highway No.11, with mainland access of East Waseosa Lake Road fronting Lake Waseosa about 16 km northwest from the Town of Huntsville (Please see attached Figure 3).

The subject property is bounded on the north by an unopened road allowance and single detached residential, to the south and east by single detached residential and west by Lake Waseosa (Please see attached Figure 2).

2.2 Site Description

FIGURE 1

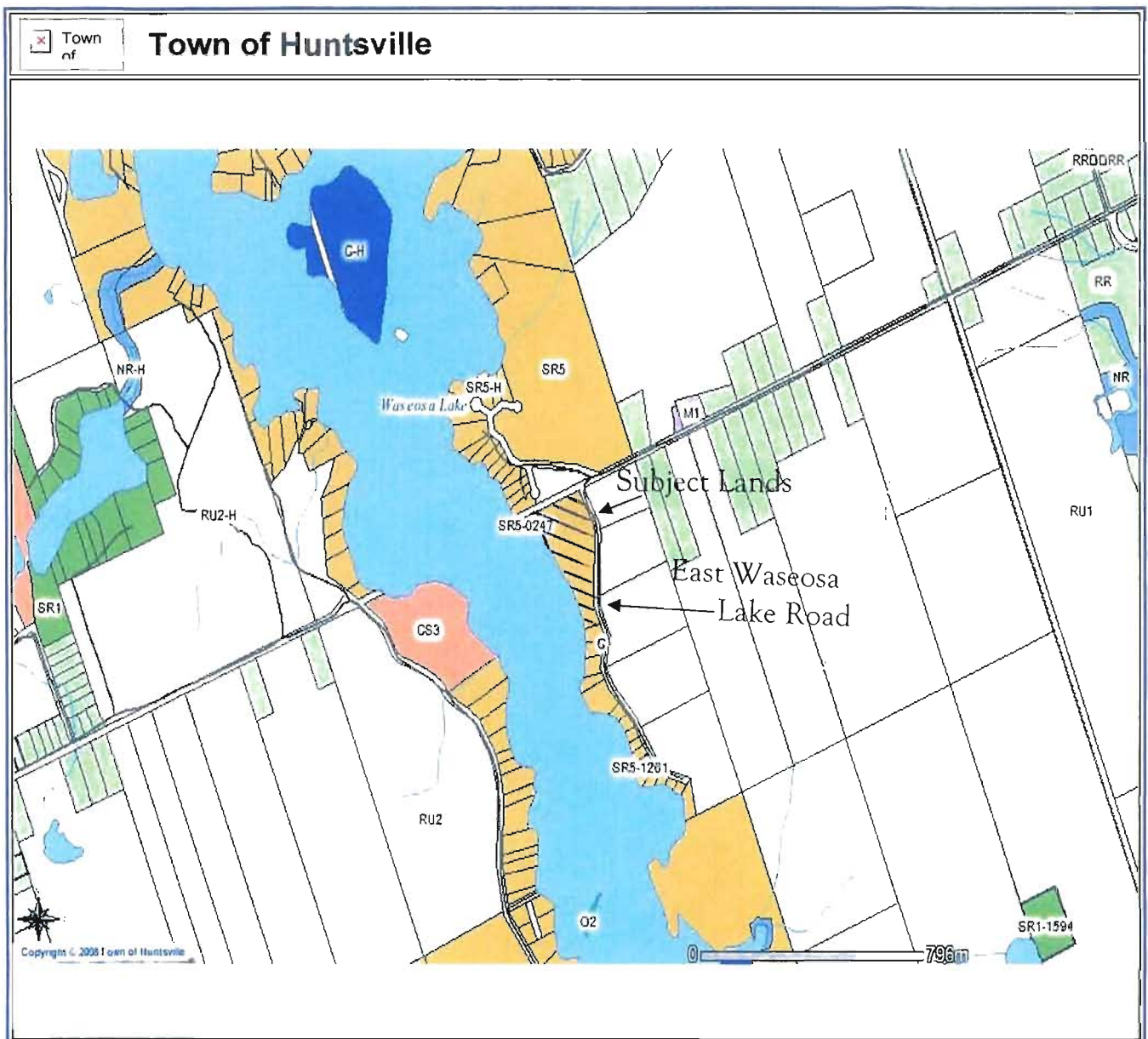
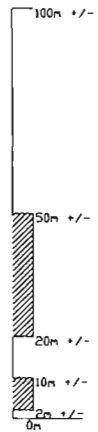
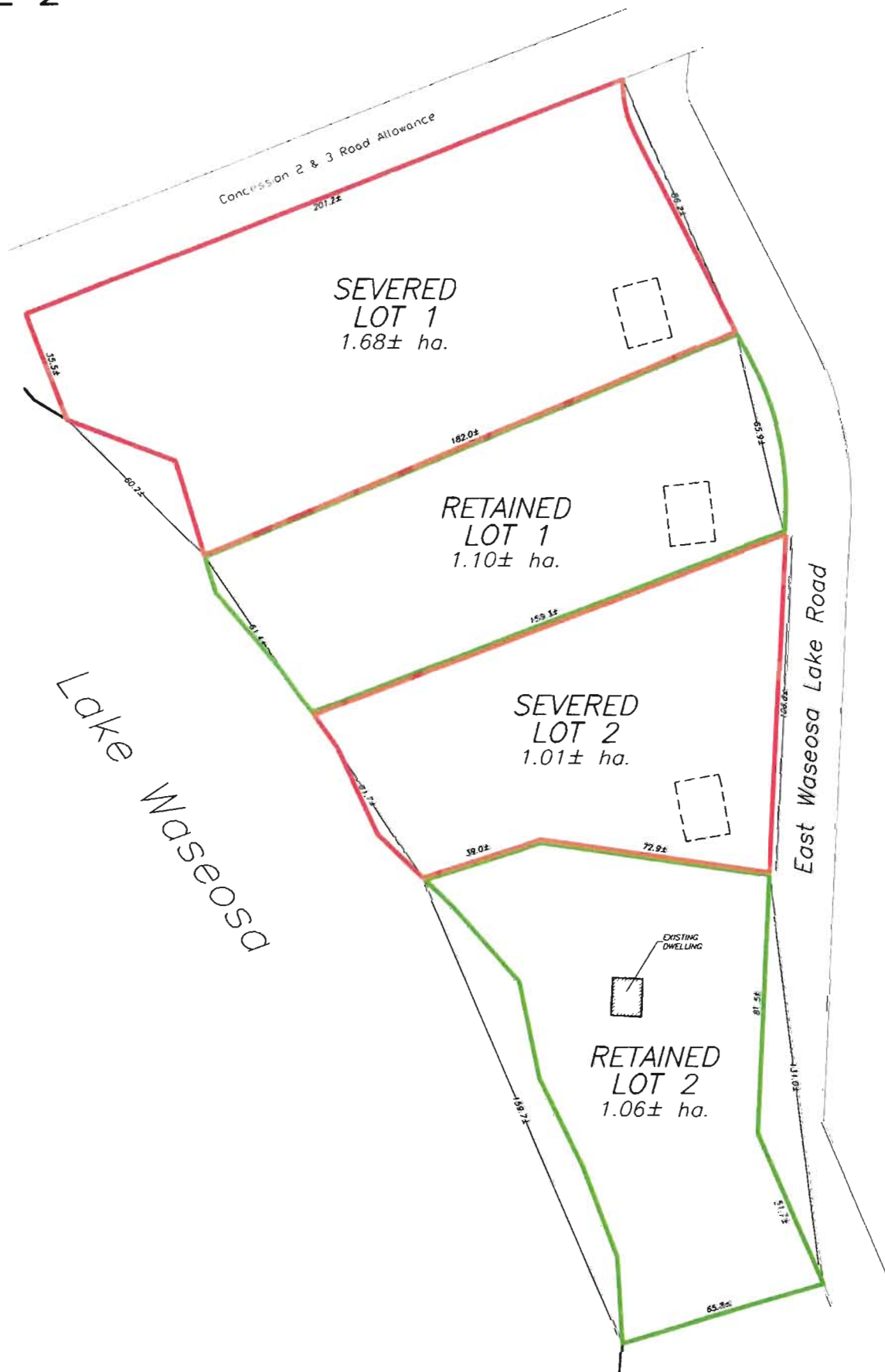


FIGURE 2



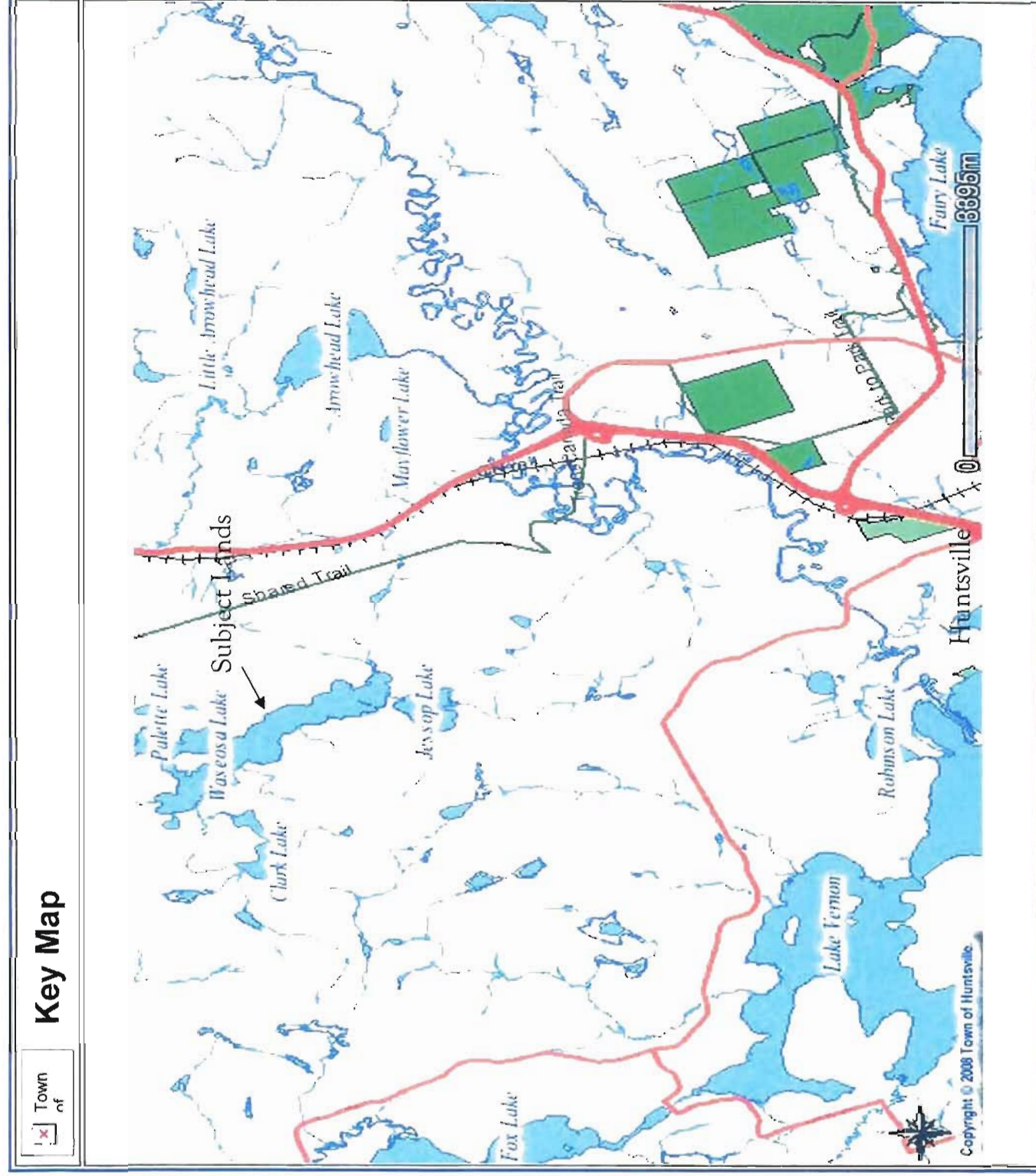
LEGEND



SEVERANCE SKETCH

Part of Lot 12, Concession 10, Chaffey

FIGURE 3



The subject lands generally consist of a steep rise from the shoreline of Lake Waseosa to flat level plateaus, with a rock ridge separating the rear of the lots from the shoreline. The subject lands are well treed primarily with mature deciduous and mature coniferous tree cover along the shoreline and on retained lot 2 (Please see attached Figure 4).



Figure 4: View looking north along the shoreline. Note the amount of existing mature tree cover.

2.3 Ownership and Legal

The subject lands are owned by Sybille M. Pieper.

The property is legally described as Part Lot 12, Concession 14, specifically designated as Part 1 on Plan BR-1097, Township of Chaffey, now in the Town of Huntsville, District Municipality of Muskoka.

The subject lands have mainland access from what is municipally known as East Waseosa Lake Road. A gravel driveway leads directly off East Waseosa Lake Road into the subject property. The creation of three new vacant waterfront residential building lots that are well treed with mature conifers along the shoreline and mature deciduous tree cover should have a negligible visual impact.

2.4 Present Situation

2.4.1 Existing Buildings

There is an existing 1.5 storey dwelling which consists of about 4000 square foot footprint including decks, a septic system, an approximately 800 square foot detached garage and a gravel driveway. On the waterfront side of the property there is an existing about 200 square foot dock.

2.5 Services

The subject lands are accessed via East Waseosa Lake Road about 4 km west from Highway No. 11, a year round municipally maintained road. There is presently electricity and telephone services to the subject lands. The subject lands have private individual water and septic waste disposal systems that presently serve the existing dwelling.

3.0 PROVINCIAL POLICY STATEMENT (PPS)

Policy 1 Building Strong Communities

The proposed re-development of the subject lands is considered a Rural land use by the PPS, including the waterfront. The PPS promotes, permits and encourages development in the waterfront. The PPS under section 1.1.4.1 a) indicates that “permitted uses and activities shall relate to...resource based recreational activities, limited residential

development and other rural land uses.” The subject lands are located along the shoreline of Lake Waseosa providing access for recreational purposes to the Lake. The fact that three new lots are proposed is considered “limited residential” development. As such the proposal can not only be considered a resource based recreational activity but also “limited residential development” and is therefore a permitted use consistent with the PPS.

The PPS also indicates under section 1.1.4.1 d) **“development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”** The key word in this section is “promoted”. As noted above the proposed development is a permitted use. Traditionally and typically throughout Muskoka and Parry Sound Districts waterfront development is characterized by either mainland private or local road access with single tier linear waterfront lot creation. Local road access allows the peace, tranquility and recreational enjoyment of waterfront properties as the very nature of the low volume road curtails high speeds and reduces tree clearing particularly in this instance because the road already exists.

This proposal reflects the typical character and charm of the Muskoka waterfront because it is linear lot creation accessed via a low volume traffic volume road. The proposed lots are well vegetated reducing the visual and environmental impact ensuring compatibility with the waterfront. This in addition to the fact the road already exists would result in limited impact and would assist with the costs through taxation respect to the road maintenance, thereby sustaining rural service levels and should be promoted according to the PPS.

The subject property is recreational resource based. As such is the type of use the PPS envisions in the waterfront as noted in Section 1.1.4.1 g) states that **“recreational, tourism and other economic opportunities should be promoted.”** Not only is the use permitted it should be PROMOTED as a matter of Provincial interest which further indicates that this development is consistent with the PPS.

2.1.5 Fish Habitat

The PPS states in Section 2.1.5 that **“Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.”**

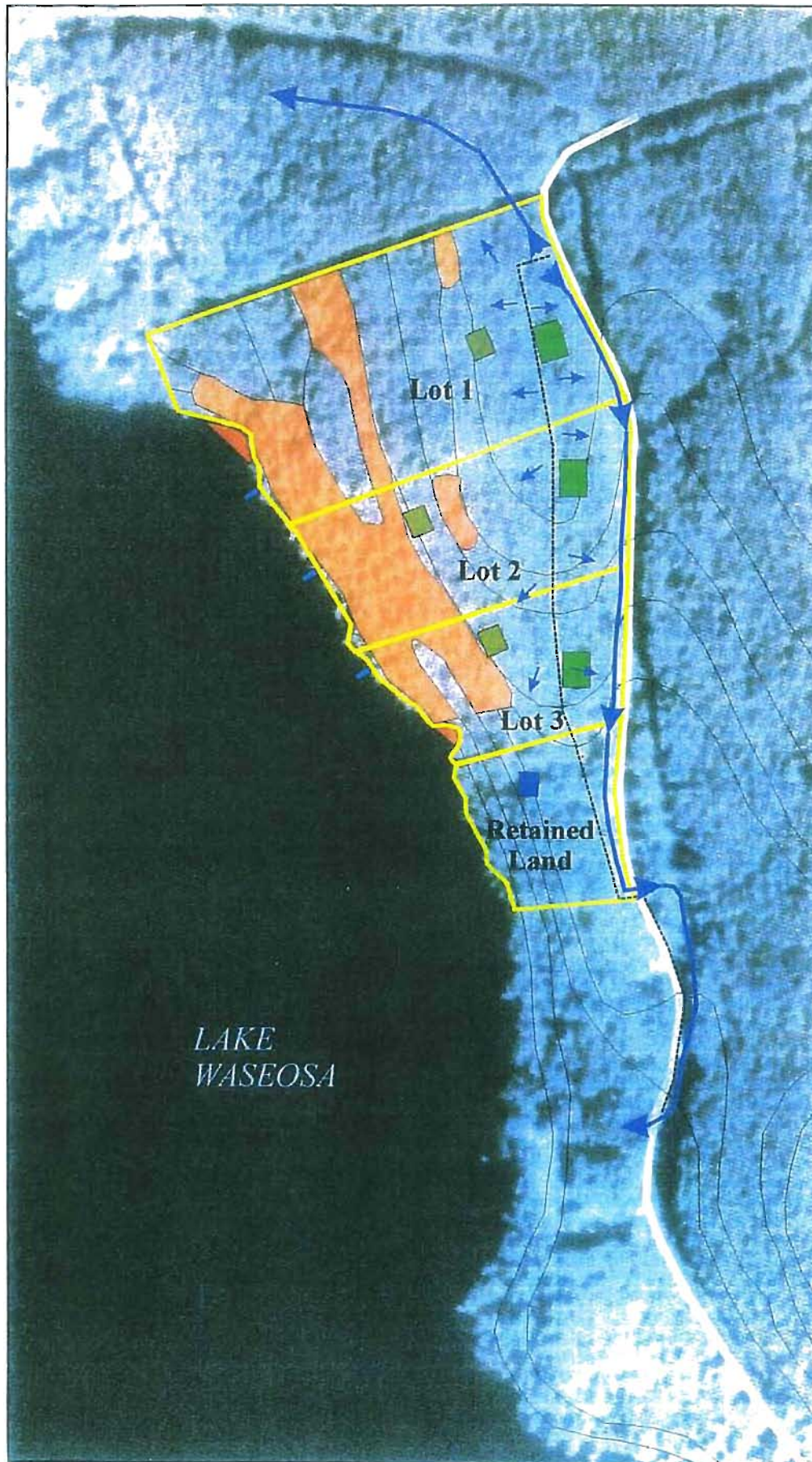
In a report prepared by Michalski Nielson Associates Limited (MNAL) dated January 2003 and revised August 2004 it identified two areas of type 1 fish habitat. MNAL identify dock locations that will not affect the type 1 fish habitat (Please see attached Figure 5). MNAL further states that that the Federal Department of Fisheries and Oceans have prepared an Operational Statement that provides direction for shoreline construction that optimizes the impact on fish habitat. Mr. Michalski concludes that **“I am of the opinion that boat docking/boathouses can be constructed for the proposed lots. Adherence to the conditions and construction measures set out in the Federal DFO’s March 31, 2007 Operational Statements will ensure minimal impacts on contiguous fish habitat”** (Please see attached Appendix A).

Section 1.6.4 Sewage and Water




The proposal is located in the waterfront on individual private and water and sewer. Historically individual water and sewer services have been used to service waterfront properties. Arguably it is the most economical, sustainable, viable and safe system to service waterfront lots. Specifically policy 1.6.4.1 b) indicates that **“Planning for sewage and water services shall ensure that these systems are provided in a manner that: 3) protects human health and the natural environment:”** The PPS also states in Section 1.6.4.4 that **“...individual on-site sewage services and individual on-site water services may be used to service more than 5 lots or private residences in rural areas provided these services are solely for those uses permitted by policy 1.1.4.1 (a) and site conditions are suitable for the long term provision of such services.”**

The above noted policy was the focal point prior to the lake capacity changing under the Muskoka Lake System Health Program. Lake Waseosa has historically been identified under



FIGURE 5



EXISTING

-  Dwelling
-  Drainage pattern
-  Topographic drainage break

CONSTRAINTS

-  Slopes > 25%
-  Fish Habitat

PROPOSED

-  Dwelling location
-  Sewage treatment location
-  Docking facility
-  Lot lines



Scale Approx 1 : 3000

planning policy as a lake “at capacity” from a phosphate loading standpoint. In short new lot creation was prohibited because a new lot equated to a new dwelling which equated to a septic system and additional phosphates. A recent letter from the District of Muskoka has removed Lake Waseosa from being an over threshold lake and is now therefore **“subject to the standard policies applicable to lakes with moderate sensitivity.”** (Please see attached Figure 6).

In spite of the new status our clients have agreed to locate the septic systems to the rear of the proposed lots. The OBC requires a minimum 15 meter (50 feet) setback from the shoreline. In order to ensure the safety and health of the future residents and the natural environment is protected our clients have agreed to locate the proposed septic systems a minimum of about 275 feet from the shoreline of Lake Waseosa with an average of about 385 feet. The subject lands also contain B Horizon soils which have the capability to retain phosphates. The owner intends to install tertiary septic systems, wherein much of the effluent is treated prior to reaching native soil. The area chosen for the septic location also drains in the opposite direction of Lake Waseosa. Using a tertiary system over B Horizon soils will provide doubling the protection for migration towards Lake Waseosa. This in addition to the drainage being in the opposite direction from Lake Waseosa provides a third layer of protection preventing phosphates migrating towards Lake Waseosa. In short it should be concluded that the septic systems proposed in the locations noted in the report protect human health, the natural environment and are suitable for the long term. From a septic system perspective the proposed development is consistent with the PPS.

Section 2 Wise Management and Use of Resources

2.1.3 Development and Site alteration shall not be permitted in:

- a) **significant habitat of endangered species and threatened species;**

2.1.4 Development and site alteration shall not be permitted in:

- b) **significant wetlands in the Canadian Shield**



THE DISTRICT MUNICIPALITY OF MUSKOKA

70 PINE STREET, BRACEBRIDGE, ONTARIO P1L 1N3
Telephone: (705) 645-2231 Fax (705) 645-5319 1-800-461-4210 (705 area code)
www.muskoka.on.ca

September 25, 2008

Mr. Bruce Howlett
Lake Waseosa Ratepayers Association
652 North Waseosa Lake Rd.
Huntsville, ON P1H 2J4

Dear Mr. Howlett:

RE: Lake System Health Program
Lake Waseosa - Change of Lake Status

In July 2007, the District Municipality of Muskoka adopted Official Plan Amendment No. 32 (Lake System Health). This Official Plan Amendment established policies to enhance shorelines and protect recreational water quality.

Based on the recreational water quality model as detailed in the report prepared by Gartner Lee Limited in 2005 entitled *Recreational Water Quality Management in Muskoka*, the lakes and rivers in Muskoka have been classified as having high, moderate or low sensitivity to phosphorus. Lake Waseosa was identified as being of moderate sensitivity.

Where the phosphorus loading to a lake exceeds 50% of the undeveloped phosphorus load, the lake is considered "Over Threshold" for phosphorus loading. "Over Threshold" lakes require a higher level of development control to protect the long-term health of the lake. In 2007, Lake Waseosa was identified as being "Over Threshold".

In August 2008, in response to concerns with data for several specific lakes, for example Lake Joseph, the District Municipality of Muskoka retained Gartner Lee Limited to review its water quality data. This review included identifying any

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outliers, recalculating long-term means, and making recommendations as to whether or not the threshold status of a lake should change. You can review a full copy of the Gartner Lee Report at <http://muskoka.fileprosite.com/contentengine/Link.aspx?ID=7696&Direct=1>.

The long-term mean for Lake Waseosa was 12.52 µg/L using existing data. The measurement from 2001 of 27.1 µg/L was identified as a potential outlier and confirmed based on statistical testing. The new long-term average is 10.6 µg/L. This value is lower than the modeled threshold value of 11.48 µg/L; therefore, Lake Waseosa is no longer considered to be "Over Threshold".

All development applications on Lake Waseosa will, therefore, now be subject to the standard policies applicable to lakes with moderate sensitivity.

If you would find it helpful, we would be please to meet with you and your association to explain the change in status for Lake Waseosa. If you have any questions, please contact me at jbrouse@muskokaheritage.org or by phone at 705-645-7393.

Yours truly,



Judi Brouse
Director of Watershed Programs

Cc: C. Doughty, Mayor
G. Young, District Councillor
T. Sararas, Director of Development Services

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- d) significant Wildlife Habitat and
- e) significant Areas of Natural and Scientific Interest

MNAL prepared a report in January 2003 and revised August 2004 concluded that from a wildlife habitat (including threatened or endangered species) perspective that “...none of the wildlife species identified is considered rare or significant on a national, provincial or regional level.” The research conducted by the environmental firm suggests that there is no significant portion of the habitat of endangered or threatened species. Therefore it should be concluded that the proposal is consistent with the PPS as it does not interfere or impact a significant wildlife habitat (Please see attached Appendix A).

The report prepared by Michalski Nielson Associates Limited as noted above indicates that based on the vegetation communities identified on site “neither is rare or significant on a stand alone or as an assemblage of features. Neither lies within an area of Natural and Scientific Importance or Environmentally Sensitive Area designation ...or any other significant natural environmental designation.” Therefore it can be concluded that the proposal is consistent with the PPS as it does not interfere or impact a provincially significant wetland or an area of natural or scientific interest (Please see attached Appendix A).

2.2.1 Natural Heritage

2.2 Water

Section 2.2.1 indicates that “Planning authorities shall protect, improve or restore the quality of water”. It would seem based on the recent information from the District of Muskoka that the water quality has not only been improved and perhaps restored. Lake Waseosa under the Muskoka Lake System Health Program is no longer considered as over threshold and is moderately sensitive just like many other lakes in the District of Muskoka are classified. The new classification permits new lot creation having under the same

planning policies for those lakes considered moderately sensitive. In order to protect the water quality the owners have not only located the proposed septic systems more than adequate distance from the shoreline they are also prepared to maintain the first 30m in its natural state to protect against any overland surface water run-of and phosphate migration mitigating any sediment that may enter the lake. Based on above mitigating measures and the fact that the water quality if not restored is at least improved it is evident that the section pertaining to water has been addressed and the proposal is consistent with the PPS.

Policy 3 Protecting Public Health and Safety

The third section of the PPS relates to natural hazards pertaining to lands susceptible to flooding and man made hazards such as mine, oil, gas or salt; or former mineral mining operations or petroleum resources operations. The lands are not susceptible to flooding so there is no risk to property loss or public safety. There are no existing or former man made hazards adjacent or on the subject lands. The proposal is consistent with PPS.

4.0 DISTRICT OFFICIAL PLAN

The Official Plan of the Muskoka District Area provides a broad policy framework to guide land use planning decisions in the Region. This Plan designates the subject property as Waterfront.

The Muskoka Official Plan refers to the Local Official for specific policies. The Muskoka District comments on severance and zoning by-law amendment applications. The Local Official Plan is approved in conformity with the Muskoka District Official Plan therefore a detailed review of the Local Official Plan would generally be sufficient. I would however briefly wish to address fundamental Muskoka District Official Plan policies.

Schedule F of the Muskoka District Official Plan pertaining to the Muskoka Lake System Health Program has identified Lake Waseosa as moderately sensitive and NOT over threshold. Basically it is generally viewed as a healthy lake.

The District Official plan (OP) indicates in Section D.19 that the lot size is sufficient to accommodate “...the use proposed, related structural requirements and private individual services...” The use as a dwelling with accessory structures is permitted under the Town’s comprehensive zoning by-law. The use is permitted; each lot conforms to District Official Plan in terms of lot frontage and area. In fact the minimum lot area for each lot in the OP is 1 acre – the proposed lots are 1.5 times greater. Each lot can quite comfortably accommodate the existing and proposed cottages on private individual septic system responsibly and reasonably on site without the site looking overbuilt, urbanized and not having a negative impact on the lake from phosphate loading perspective.

Section D. 20 of the (OP) states that “The maintenance of the shoreline of lakes and rivers is the key to preserving the quality of the natural and cultural heritage of Muskoka within the waterfront designation. Tree cover, vegetation and other natural features are encouraged to be retained to uphold the visual and environmental integrity of the Waterfront. Where development is proposed, a natural, substantially undisturbed buffer is recommended at the water’s edge to generally meet the target of 8 meters (26 feet) in width for three quarters of the water frontage.” The location of the existing dwelling and proposed dwellings are respectful of this policy. From an environmental perspective the owners have been great land stewards and retained the shoreline in its natural state. The existing dwelling is well camouflaged from the shoreline (Please see attached Figure 7). The owners are prepared to retain the shoreline in its natural state a distance of 30m from Lake Waseosa except for a 2m wide meandering pathway. In addition, the fact that there is some mature coniferous tree cover along the shoreline will assist in buffering on a year round basis.

Any new shoreline structures must comply with the Town's zoning by-law for activity area and shoreline buffer. The District Official Plan has criteria that for a distance of 26 feet from the shoreline 75% must be kept in its natural state. The proposed lots through zoning will be fourfold this requirement to a distance of 100 feet from the shoreline with only a 2m pathway permitted. Assuming a 200 foot frontage lot, removing 6 feet of vegetation for a pathway represents about 97% of the shoreline being kept in its natural state a distance of 26 feet back. The goal is to retain 75% of the vegetation our clients are prepared to retain 97%. Since the entire shoreline is predominantly and will remain in its natural state the shoreline of this lot not only conforms to the intent but also literally with the numerical target noted above.



Figure 7: View from Lake Waseosa looking south along the shoreline. Note the dwelling in the middle of the photo near the top. The Owners have been great land stewards as the dwelling is well buffered and camouflaged from the shoreline with extensive amounts of existing mature coniferous and deciduous tree cover.

5.0 TOWN OF HUNTSVILLE OFFICIAL PLAN

As mentioned, the subject property lies within the Waterfront designation of the Huntsville Official Plan. One of the guiding principles in development of the Town's waterfront and what is envisioned is noted in Section 8.2.3 of the Town's Official Plan states that

“Development in the Waterfront will be based on a balance between utilizing the recreational resource and protecting its natural features. Generally the Waterfront area is seen as recreational resource and an asset to the community. Essentially there should a balance between development and protecting the environment and any development should enhance and protect the environmental and aesthetic qualities that attract people to the water.

The Waterfront designation guides the future development of these lands for single detached dwellings, restricted commercial development, open space and public uses.

The proposed severed lots are intended for the construction of single detached residential. The use conforms to the Official Plan. Under the residential waterfront section 8.8.1 of the Official Plan a variety of forms of development are permitted including linear. Shoreline linear development consists of individual residential lots which are situated in a linear fashion along the shoreline. The proposed severances conform to this policy as the severances proposed are linear lot creation. Further under the residential section policy 8.8.2.1 states that the minimum lot area for all new lots shall be 1 hectare (2.5 acres). The proposed lots conform to this minimum standard. Section 8.8.2.2 states that **“The minimum required shoreline frontage for a linear residential lot shall be 60 metres (200 feet)...**”The proposed lot frontages conform to the minimum lot frontage requirement. For this proposal to be successful it is fundamental the proposed lots conform to the minimum lot criteria for frontage and area. Under both tests the proposed new lots conform.

The above noted section goes onto to state that Lot frontages may be increased beyond 60 metres (200 feet) on a particular lake where the character of the lake warrants such increased standard, where development or environmental constraints dictate the need for a larger frontage, or where the characteristics of the particular lot require an increased standard.

Immediately to the north of the subject property the average lot frontage is about 47.5m and to the south is about 45m. The proposed lots are a minimum of 60m. Since the proposed lot frontages exceed the abutting lots, the proposed lots can be seen as being in character with the existing lots and there is no need to increase the lot frontages.

As noted previously there is a reoccurring theme in the Town's Official Plan that makes reference to preservation and protection of shorelines. Section 8.8.2.5 indicates that **"Setbacks provide room for buffers and are utilized to attenuate phosphorus loadings from storm water as well as to maintain the natural integrity of shorelines, including fish and wildlife habitat. Setbacks are also utilized to reduce or soften the visual impact of development on a lot."** Vegetation within the setback should be disturbed as little as possible. As noted previously there is only a 2m wide pathway to the shoreline permitted, the balance (97%) of the shoreline will remain in its natural state. The "ribbon of life" on the near shore area along a water body is a key in preserving the health of the lakes. Typically this area includes the first 20m inland from the shoreline. It assists with the attenuation of sediment and phosphate migration from any overland storm water run-off, protects fish habitat and helps with softening the visual impact. In this proposal a 30m "ribbon of life" is proposed 10m greater than what is considered critical in preserving the health of a lake.

The 20m setback is reinforced as noted in Section 8.8.2.5 which states **"...Except as identified elsewhere in this Plan, the minimum setback for all structural development (including redevelopment on existing properties) except refurbishment or modernization of existing dwellings shall be 20 metres (66 feet), measured horizontally from the high water mark..."** The requested setback in the zoning by-law is a minimum 30 m setback from the high water mark. While there is a 30m limited non-disturbance area the proposed dwellings may in fact because of the steep slopes on the proposed new vacant lots realistically and in all likelihood be setback about 40 to 50m from Lake Waseosa, adding further environmental and aesthetic protection. In addition to the proposed setback and building location recommended minimizing impacts it is also recommended that any roof run off and overland flow from parking areas be directed into soak away pits or infiltration facilities.

The Town's Official Plan in similar fashion to the District Official Plan emphasizes the importance of retaining natural shorelines and rehabilitation where appropriate. Specific policies as noted particularly in Section 8.3 – Design Principles pertain to limiting visual impact and protecting the environment. Section 8.3.1 states, **“When viewed from the water the visual impact of development is an important consideration in maintaining the character of a waterbody. The natural environment is intended to be the dominant landscape feature around a waterbody. Disturbance on lots should be limited and minimized the maximum amount of vegetation retained on the lot. ...”** The protection and preservation of the shorelines for aesthetic and environmental reasons are echoed throughout the waterfront section of the Official Plan (Please see attached Figure 8).



FIGURE 8: View of shoreline looking south. Note the extensive mature shoreline tree cover.

As noted in the District Official Plan section there will be limited disturbance to the existing shoreline since only a 2m wide pathway is proposed. In addition the proposed dwellings will

be located a minimum of 30m from the shoreline and in all probability even further. This in conjunction with retaining 97% of the tree cover should offer an adequate buffer and camouflage from the shoreline maintaining the visual aesthetics that the waterfront residents presently enjoy. The present owners can be seen as excellent land stewards based on their track record of maintaining the shoreline in a pristine state. The proposed zoning by-law and site plan control is also required to ensure limited vegetation removal.

In addition to the policies noted above Section 8.3.2 the following design principles will be adhered to for development in the Waterfront, as appropriate for the specific use and the area: This section establishes a number of criteria (tests) for development and re-development of lots.

a) the natural landscape should prevail with built form blending into that landscape and shoreline; Each lot will retain the existing vegetation except for the dwelling, septic and driveway. Each lot will contain a minimum of 2.5 acres of lot area. Assuming cleared areas for development of 15,000 square feet for a dwelling, septic, driveway and pathway that would result in about 86% of the lot being retained in its natural state.

b) natural shorelines will be retained or restored; There will only be a 2m wide pathway leading the shoreline and a dock or small boathouse as per the Town's zoning by-law (Please see attached Figure 9).

c) lot sizes will respond to the natural landscape, topographic features and the character of the lake or river; The lot size proposed conforms to the minimum lot area and frontage requirements. The terrain and topography is similar across the proposed lots. The lots rise sharply from the shoreline and are characterized by flat level plateaus towards the rear of the lots. To minimize the environmental impact on Lake Waseosa the septic systems are intended on the eastern side of a rock ridge running through the property, thereby directing interflow away from Lake Waseosa.

3.1.16 Leaching Bed:

3.1.16.1 A leaching bed shall be located a minimum of 30 metres (98 feet) from the shoreline.

3.1.17 Private Cabin: A private cabin may be erected in any Shoreline Residential or Rural Zone, subject to the following provisions:

- a) such private cabin complies with the minimum yard requirements for the principal use on that zone;
- b) a private cabin shall not be located on a lot less than 4,000 square metres (1 acre) in area;
- c) such private cabin shall not exceed a maximum gross floor area of 60 square metres (645.8 square feet);
- d) a maximum of one private cabin is permitted on a lot;
- e) a private cabin may be located in the second storey of a detached garage, as provided in Section 3.1.15.3; and
- f) a private cabin shall not be located closer to the shoreline than the principal dwelling on the lot.

3.1.18 Shoreline Structures and Shoreline Buffers:

3.1.18.1 **Identification:** Shoreline structures refer to accessory buildings and structures erected at or near the shoreline in the required yard located between the shoreline and the dwelling. They include buildings and structures that are attached to the land that forms the bed of a navigable waterway.

3.1.18.2 **Shoreline Buffer:** A shoreline buffer shall be restored and maintained across a minimum of 75% of a lot, and shall maintain a minimum depth of 15 metres (49.2 feet) measured from the shoreline. The lands located within a shoreline buffer shall be maintained in a natural state except for the removal of dead and decaying vegetation and a 2 metres (6.6 ft.) wide pedestrian pathway from the dwelling, building or structure, to the shoreline. Areas along the shoreline outside the minimum shoreline buffer that are not built on with structures will have soft landscaping, however, a lawn shall not be permitted within 15 metres (49.2 ft.) of the shoreline.

3.1.18.3 **Permitted Uses:** Shoreline structures include the following: boathouse, boat port, deck, dock, gazebo, pump house, outdoor sauna or hot tub, stairs and ramps.

3.1.18.4 **Building Height:** The height of any accessory building or structure shall not exceed 4 metres (13 ft.), unless specially permitted elsewhere in this By-law. In the case of a boathouse or boat port, the finished grade is the normal or controlled high water mark.

east, or the Big East River, in which case a boathouse or boat port is prohibited.

- 3.1.18.8 For the purposes of Section 3.1.18.6 and 3.1.18.7, a narrow watercourse is a watercourse where the average distance in front of the lot measured perpendicularly from shoreline to shoreline is less than 30 metres (98.4 feet).
- 3.1.18.9 **Flat Roof Boathouse:** A boathouse or boat port may contain a flat roof used as a private open sitting area provided that it contains a safety railing or partial wall (not exceeding 1.5 metres (4.9 ft.) in height), does not extend beyond the perimeter of the boathouse or boat port walls and the private sitting area does not contain any other walls or other structures. The minimum side yard requirement for a boathouse or boat port with a flat roof shall be twice the minimum side yard requirement in the Zone in which it is located.
- 3.1.18.10 **Dryland Boathouse:** A dryland boathouse is a boat storage and marine equipment building that does not project over the water. A dryland boathouse shall not be located closer to the shoreline than the principal building on the lot.
- 3.1.18.11 **Pump House:** A pump house may be erected and used in the required yard of a lot abutting a shoreline provided it complies with the minimum required side yard. A free standing pump house shall not exceed a height of 2 metres (6.6 feet) or an area of 9 square metres (96.9 sq. ft.).
- 3.1.18.12 **Unenclosed Deck:** An unenclosed deck may be permitted within the required yard abutting a shoreline, provided that the structure:
- a) does not exceed 30 square metres (322.9 sq. ft.) in floor area;
 - b) is located no closer than 5 metres (16.4 feet) from the shoreline except where such deck is attached to a dock; and
 - c) the deck floor is no more than 1 metre (3.3 feet) from the grade below it.
- 3.1.18.13 **Gazebo:** One freestanding gazebo may be permitted within the required yard abutting a shoreline, provided that the structure does not exceed 15 square metres (161.5 sq. ft.) in floor area; a freestanding unenclosed gazebo may be located on a dock.
- 3.1.18.14 **Outdoor Sauna and Hot Tub:** An outdoor sauna or hot tub may be erected and used in the front yard of a lot abutting a shoreline provided it is a minimum of 20 metres (65.6 feet) from the front lot line, and does not have a total floor area greater than 9 square metres (96.9 square feet). The minimum side yard requirement shall be twice the minimum side yard requirement in the zone in which it is located.

d) rock faces, steep slopes, vistas and panoramas should be preserved; Flat level plateau areas are intended for proposed building locations minimizing construction costs mitigating any visual impacts. The steep slopes are recognized and dwellings in all likelihood constructed with the intention to respect these areas.

e) native species should be used for buffers and where vegetation is being restored; The lots are already well treed with existing mature tree cover.

f) buildings and structures should be low profile and should not exceed the height of the tree canopy; Any future proposed building would have to comply with the minimum height requirements for the Shoreline Residential Two Zone. The maximum height is 9 metres (29.5 feet) to “half way up the roof line” – this requirement is the same as the existing Shoreline Residential Five (SR5) Zone. There is existing mature tree cover and given the dwellings would in all likelihood use flat level areas, and there are no “prominent vistas or panoramas” any future dwellings should not exceed the tree canopy. The property rises from the shoreline to generally flat plateaus which greatly assist in helping reduce the impact from the shoreline. When viewing the property from the lake there is less opportunity to see any buildings at the shoreline because the slope forces buildings away from the shoreline up on top of the plateau. Further, when viewing any shoreline from the lake you are more prone to see the natural slope instead of directly through the trees into a building whether it is only marginally inland or further at the 30 meter setback.

g) building mass and coverage should be limited in relation to the size and frontage of the property and shall be in keeping with the character of the surrounding area; The size of dwelling and accessory structure must comply with the Shoreline Residential Two (SR2) Zone. The lot coverage of the Shoreline Residential Two (SR2) Zone is the same as the Shoreline Residential Five (SR5) Zone which is 5% for both accessory and main structure, although the 5% lot coverage calculation is based on the first 300 feet of area from the high water mark. The proposed lot creation is similar to other new lots on lakes considered to be moderately sensitive and in fact is larger than their abutting neighbours.

h) lot lines should follow existing features and terrain and should be configured so that conflicts between abutting properties are minimized, particularly at the shoreline. The southerly retained lot contains an existing dwelling, detached garage and dock. There seems an appropriate separation between existing and any proposed structures from the abutting property. As noted on Figures 5 and on Figure 10 (below) docks are adequately separated on internally and externally to the proposed lots reducing any land use conflicts. In addition, the dwelling immediately to the north seems to be located on a point of land and is facing in a southerly direction (Please see attached Figure 4). The proposed severed lots are located indented from this property and at least 30m from the shoreline. Given the orientation of the existing cottage to the north, existing mature tree cover on the subject lands and location of the subject lands (further to the east of the existing cottage to the north) there should be negligible visual impact from the proposed dwellings on this existing cottage to the north.

- i) setbacks from roads shall be sufficient to provide and maintain a natural buffer between the development and the road, in order to maintain a vegetative character along the roads, however, the waterfront setback should take precedence when a lot has insufficient depth to provide a buffer at both the shoreline and the road. A buffer will not only be preserved along the road by retaining this area in a Conservation (C) zone but will also have a 30 m setback from the lake for dwellings. In this instance the proposal conforms to this policy from two perspectives by retaining front and rear buffers where only one buffer is required (Please see attached Figure 11).
- j) building envelopes and the associated activity area should be defined and located in the most appropriate area on the property, with the remainder of the property generally remaining in its natural state. As noted above the balance of the lots will remain in its natural state.



Figure 10: View from Lake Waseosa looking south along the shoreline. Note the distance the dock is on the “Pieper” property from the abutting neighbour.

The Official Plan also has criteria regarding requirements for each lot as noted in Section 8.7.1 which states that “All lots will be of sufficient size and dimension and possess terrain suitable to accommodate the proposed use. Among other matters, this shall include consideration of the following:

a) **environmental concerns and development constraints;** Each lot has a suitable site for a dwelling, septic system and a driveway while not destroying the environmental integrity of the lot. Further each lot can accommodate a dock outside the type 1 fish habitat, can support a dwelling and a private individual septic .



Figure 11: View from East Waseosa Lake Road looking north along the property boundary. Note the extensive amount of existing mature tree cover along East Waseosa Lake Road. This in tandem with the location of the proposed dwellings and septic systems should provide an effective buffer.

b) **provision of water supply and sewage disposal;** As noted above and shown on the severance and zoning sketches there is an adequate area for a septic system. These areas were selected and chosen based on previous applications and the supporting documentation.

c) **provision of appropriate access and a safe road entrance;** Each lot will have a separate individual access point. This was considered and my understanding approved by the Town through the previous severance process.

d) provision of a sufficient area to accommodate buildings and structures without substantial alteration of the natural landscape. This is a reoccurring theme throughout the Official Plan and as noted above through zoning and site plan control the majority of the lot will remain in their natural state.

Again the proposed lots pass the above noted tests and conform to the Official Plan.

In similar fashion to the District Official Plan the Town's Official Plan stipulates under section 8.5.1 that servicing will be by private individual sewage and water. There is an existing private individual septic system. The new septic systems will be located a minimum of 275 feet from the shoreline and the owners intend tertiary systems. The average distance will be about 385 feet from the high water mark. Section 8.5.2 of the Town's Official Plan indicates that a new septic system will be located a minimum of 30 meters from the shoreline. The new system is located a minimum of 85 meters (275 feet) which is almost triple the minimum Official Plan requirement of 30 meters (98 feet) which more than conforms to this standard.

The Official Plan from an access hierarchy perspective would generally have frontage on a year round municipally maintained public road as a first priority. East Waseosa Lake Road is year round municipally maintained. Access conforms to the first priority under the Official Plan.

The Town of Huntsville considers the water quality of lakes to be an important issue and supports the District of Muskoka Lake System Health Program. The Town's Official Plan indicates in Section 3.5.1.7 that, **"New lot creation, development or redevelopment will only be permitted to proceed where it is determined that the water quality of the lake will not be further impaired."** The District of Muskoka has established that some lakes are considered low, moderate and high sensitivity and some over threshold (OT). Different policy framework has been established for these different categories. Lake Waseosa is considered moderately sensitive. It is generally seen as a healthy lake.

5.0 ZONING BY-LAW

The existing zoning on the subject lands is Shoreline Residential Five (SR5). The proposed zoning is Shoreline Residential Two (SR2). A rezoning is required since the SR5 Zone requires the existing lot frontage and area to remain as exists. The SR5 zone was applied to all lands surrounding Lake Waseosa. It was done so because Lake Waseosa was considered Over Threshold and generally no new lots created, without detailed scientific justification. This of course would then trigger a rezoning and solicit public input. Just after the zoning was imposed and the Town's new comprehensive zoning by-law in force and effect the status of Lake Waseosa was revised under the District of Muskoka Lake System Health Program to being moderately sensitive. Should the status of the Lake have changed before the Town's new comprehensive zoning by-law was approved then a different less restrictive zone may have been imposed.

The SR2 zone was requested because it complies with the minimum 60 metre lot frontage and 1ha lot area requirements, standard for many moderately sensitive lakes. By requesting and adding 10m to the standard 20m setback adds further protection to the lake by preserving 10m more natural vegetation along the shoreline.

The SR2 zone also contains the same performance standards as the SR5 zone except for the calculation of lot coverage (Please see attached Figure 12).

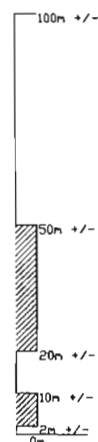
6.0 DISCUSSION

The proposed new lots should have negligible visual and environmental impact along the shoreline because:

- about 87% of the lot will remain in its natural state
 - about 97% of the shoreline will remain in its natural state



WAYNE
SIMPSON
— & —
ASSOCIATES



LEGEND



PROPOSED
SEPTIC BED

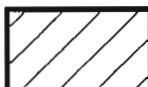
PROPOSED ZONES:



TO BE REZONED FROM SHORELINE RESIDENTIAL FIVE (SR5) to CONSERVATION (C) WITH EXCEPTIONS:

(d) THE ONLY PERMITTED USES SHALL BE A TILE BED FOR THE PRIVATE SEWAGE DISPOSAL SYSTEM and A DRIVEWAY FOR VEHICULAR ACCESS

(b) NO SITE ALTERATION SHALL OCCUR, SAVE AND EXCEPT FOR THE USES PERMITTED IN THIS ZONE AND THE REMOVAL OF DEAD AND DECAYING TREES POSING A SAFETY HAZARD



TO BE REZONED FROM SHORELINE RESIDENTIAL FIVE (SR5) to SHORELINE RESIDENTIAL TWO (SR2) WITH EXCEPTIONS:

(a) NO TILE BED SHALL BE PERMITTED WITHIN THIS ZONE



TO BE REZONED FROM SHORELINE RESIDENTIAL FIVE (SR5) to SHORELINE RESIDENTIAL TWO (SR2) WITH EXCEPTIONS:

(a) NO SITE ALTERATION SHALL OCCUR, SAVE AND EXCEPT THE CONSTRUCTION OF A 2m WIDE MEANDERING PEDESTRIAN PATHWAY TO THE SHORELINE CONSTRUCTED OF PERMEABLE NATURAL MATERIALS AND THE REMOVAL OF DEAD AND DECAYING TREES POSING A SAFETY HAZARD.

REZONING SKETCH

Part of Lot 12, Concession 10, Chaffey

- the lots are well treed with existing mature tree cover providing an effective visual and environmental buffer from Lake Waseosa and the neighbours
- any proposed dwellings would appear to be adequately buffered from neighbours, East Waseosa Lake Road and the shoreline by physical features, including extensive mature tree cover
- there appears to be adequate separation for the construction of new dwellings and shoreline structures for the new lots and from abutting properties
- the proposed tertiary septic systems are located on average about 350 feet from the shoreline of Lake Waesosa separated by a rock ridge providing drainage from the septic in the opposite direction
- the existing mature coniferous vegetation has been retained along the shoreline and throughout the property; the owners are great land stewards. If another property the lot was stripped of vegetation than the request for new lots may not be appropriate as there would be no buffering and the owners offended the Town planning documents
- Lake Waseosa is a moderately sensitive lake and not over threshold
- the proposed lots appear to be generally in character with surrounding lots
- increased setbacks and potential building sites soften visual and environmental impacts

The impact on the municipality as whole should be reviewed. Many of these items have been addressed in the official plan and zoning by-law sections. The vegetation has remained and relatively limited tree removal required. The property is not out of the ordinary in terms of conforming to the character of Lake Waseosa. All lots surrounding the lake have been created in linear fashion with a variety of sizes and frontages. The owners have been a great land stewards and conformed to the character of the waterfront by retaining the forested areas and creating waterfront lots in similar form to the existing lots. Given the above there should be only negligible impact on the neighbours and limited impact on the municipality the proposed new lots would be appropriate.

7.0 CONCLUSION

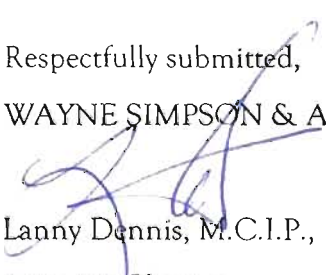
The subject lands located fronting on Lake Waseosa and access off East Waseosa Lake Road, in Part of Lot 12, Concession 10, Chaffey Ward is presently designated Waterfront. One of the primary functions of this designation is to permit single detached dwellings. The creation of three new waterfront lots for the purpose of constructing single detached residential dwellings is permitted, provided the new lots created can maintain the existing visual aesthetics and the environment. From the information contained herein it would seem that the proposed lots have passed the tests and would conform to the Official Plan.

The zoning of the subject lands is Shoreline Residential Five (SR5). This zone permits residential and accessory structures. The Owner has requested a Shoreline Residential Two (SR2) Zone to facilitate the creation of three new waterfront residential building lots. The proposed new lots will conform to the minimum lot frontage and area requirements of the SR2 Zone being 60m and 1ha. The SR2 zone permits new mainland structures located a minimum of 20m from lake. Our client's have respectfully requested an additional 10m setback for further environmental and aesthetic protection of the lake.

It is my professional planning opinion that the request to create three new waterfront residential building lots constitutes good planning on the subject lands in Part of Lot 12, Concession 10, Chaffey Ward as it consistent with the PPS, maintains the general intent and purpose of the official plans of both the District of Muskoka, the Town of Huntsville, maintains the general intent and purpose of the zoning by-law.

Respectfully submitted,

WAYNE SIMPSON & ASSOCIATES



Lanny Dennis, M.C.I.P., R.P.P

Associate Planner

APPENDIX A

E. Report

Together with James Nairn, M.Sc. (Terrestrial Ecologist), Dr. Beverley Wicks (Aquatic Biologist) and David Cunningham (Terrestrial Ecologist), I prepared **Environmental Evaluation Pieper Property, Town of Huntsville** (January 2003, Revised August 2004).

F. Key Findings and Recommendations

1. Of the two general vegetation communities (i.e., Sugar Maple-Red Oak-Basswood-Ironwood and White Cedar-Trembling Aspen-White Spruce) identified on the property, neither is rare or significant on a stand alone basis or as an assemblage of features. Neither lies within an Area of Natural and Scientific Importance or Environmentally Sensitive Area designation, a provincial park, a Lands for Life Conservation Reserve, or any other significant natural environmental designation. Such designations include significant woodlands, valleylands, wetlands, areas of natural and scientific importance, and portions of the habitat of endangered and threatened species, as defined in the 1997 **Provincial Policy Statement**.
2. None of the wildlife species identified is considered rare or significant on a national, provincial or regional level.
3. Two small pockets of Ministry of Natural Resources Type 1 fish habitat occur at northern and southern ends of the subject property's shoreline. If parts or all of this habitat are harmfully altered, the lake's productive capacity would decline.
4. Based on a site potential constraint map, three new lots can be created having the following characteristics.

Proposed lot	Area (ha)	Frontage ¹ (m)	Width of Natural Shoreline Buffer (m)
1	2.05	85	120
2	1.20	75	48
3	0.77	76	45
Retained lot	0.78	82	N/A

¹ – measured as a straight line between the side lot lines.

5. Of importance is that each of the three docks/boathouses is located in an area that does not contain aquatic vegetation or Ministry of Natural Resources Type 1 fish habitat.

Changes to the provincial *Public Lands Act* mean that as long as an applicant proposes to support the over-water position of a dock or boathouse on poles, or using a floating or cantilever system, or using conventional cribs that do not exceed a footprint on the lake bed greater than 15 m², a work permit from the MNR will not be required. This is because these types of structures have minimal effects on the water column and the underlying lake bed, and therefore, fisheries and aquatic habitat, including weed beds. However, if an applicant proposes a facility that does not meet the above guidelines (for example, cribs having footprints greater than 15 m²), then a work permit application and MNR approval would be required.

The federal government, through the Department of Fisheries and Oceans (DFO), has constitutional responsibility for seacoast and inland fisheries, and the habitats supporting them. Section 35 of the *Fisheries Act* prohibits the harmful alteration, disruption or destruction of fish habitat, unless authorized by the Minister of the DFO. In August, 2005, the DFO issued a number of Operational Statements for Ontario. More recently, these statements have been further refined (Version 2, valid until March 31, 2007). Of relevance to the three proposed lots is the Operational Statements regarding dock construction (**Appendix B**). In this regard, a dock may proceed without DFO approval, given compliance with a series of conditions and mitigation measures set out in the Operational Statement, all of which are designed to protect fish habitat during and following completion of the structure.

If it is determined that a project meets the conditions outlined in the Operational Statements, DFO encourages that proponents voluntarily notify it ten working days prior to commencing the works by completing and submitting a Notification Form. The information provided is intended to assist DFO in evaluating the effectiveness of the project in relation to the contents of the Operational Statements. If all conditions are met, then the dock or boathouse project can proceed without DFO review and approval.

In conclusion, I am of the opinion that boat docking/boathouses can be constructed for the proposed lots. Adherence to the conditions and construction measures set out in the federal DFO's March 31, 2007 Operational Statements will ensure minimal impacts on contiguous fish habitat.