



# COTTAGE COUNTRY SEMINAR SERIES

## PLANNING AND ENVIRONMENTAL ISSUES

Quality Inn, Bracebridge

APRIL 5, 2018

## AGENDA

Time	Topic	Presenter
9:00 – 9:55 am	<i>District of Muskoka Official Plan Review</i>	Summer Valentine
<b>9:55 – 10:05 am</b>	<b>Break</b>	
10:05 to 11:00 am	<i>EIS? EIA? Scoped? What Environmental Report is needed and When</i>	Jamie Nairn
11:00 to 12:00 pm	<i>Regulation of Short Term Accommodation Uses</i>	Denise Whaley Kirsty Robitaille
<b>12:00 – 1:00 pm</b>	<b>Lunch Break</b>	
1:00 - 2:00 pm	<i>Local Planning Appeal Tribunal (LPAT); The Successor to the Ontario Municipal Board (OMB)</i>	Bruce Krushelnicki
2:00 – 3:55 pm	<i>Indigenous Consultation from an Environmental Consultant's Perspective</i>	Ryan Morin
<b>2:55 – 3:05 pm</b>	<b>Break</b>	
3:05 – 4:00 pm	<i>Development in a Provincially Significant Wetland Averted: The Burleigh Bay Corp. OMB Decision</i>	Stephen Fahner

PRESENTATION

# SYNOPSIS

2017

## DISTRICT OF MUSKOKA OFFICIAL PLAN REVIEW AN UPDATE

Although the current version of the Muskoka Official Plan (MOP) has serviced the District and its people well since its adoption in the early 1990s, the time has come to hit the “refresh” button. The road to updating the MOP has been informed by not only amended legislation and Provincial policy but also a number of key background studies as well as important input from hundreds of both permanent and seasonal residents on a variety of topics. As you may expect, the key policies of the draft updated plan that have generated the most discussion relate to resort development and redevelopment, the environmental protection, climate change and growth and settlement patterns. Summer Valentine, Director of Planning for the District of Muskoka will discuss the path that the MOP Review has been on, the “hot button” issues at hand and well as the next steps for this important project.

### ESA? EIA? SCOPED? WHAT ENVIRONMENTAL REPORT IS NEEDED AND WHEN

Environmental reports are generally used to provide a sufficient level of detail to demonstrate that a proposed development will have no negative impacts on the natural features or ecological functions of the subject and surrounding (“adjacent”) lands. These reports inform the design and configuration of the development, to avoid negative impacts at the outset, and to identify appropriate mitigation and/or compensation for unavoidable impacts. But...what is required, when, and how long does it take? Is an Environmental Impact Study (EIS) needed, or an Environmental Impact Assessment (EIA)? Jamie Nairn is a Senior Ecologist with Beacon Environmental and will provide a discussion regarding what reports and studies are needed and when.



## **REGULATION OF SHORT TERM ACCOMMODATION: THE TOWN OF THE BLUE MOUNTAINS SHORT TERM ACCOMODATION PROGRAM**

The Town of The Blue Mountains is a four-season recreation and resort destination that attracts more than 750,000 visitors a year. As a tourist destination, there is demand for a wide range of accommodations. Over the years, there has been an increase in the number of single-detached dwellings in established residential neighbourhoods that have been converted to short-term accommodation. Using The Blue Mountain experience as a case study, this session will explore some of the causes of the Town's specific community conflict, the process used to resolve them, the legal framework and Planning Tools used, and the current short-term accommodation regulation program and outcomes. This can be used as a possible model in other areas of cottage country where the rental of cottages is of concern.

## **LOCAL PLANNING APPEAL TRIBUNAL (LPAT); SUCCESSOR TO THE ONTARIO MUNICIPAL BOARD**

As a result of an extensive consultation process begun in 2016, the Ontario Government has undertaken significant changes to the role and function of the Ontario Municipal Board which is now known as the Local Planning and Appeal Tribunal (LPAT). These changes include revision to the jurisdiction of the LPAT/OMB and revised procedures for appeals relating to a number Planning Act instruments such as Official Plans and OPA's, zoning by-laws and by-law amendments and subdivisions.

This session will review in summary the things that will not change significantly, those that will and how they will change. The session will also review how the government's regulations and the LPAT Rules of Practice and Procedure will affect the process by which appeals will be dealt with and how hearings will be conducted for many Planning Act appeals.



## **INDIGENOUS CONSULTATION FROM AN ENVIRONMENTAL CONSULTANT PERSPECTIVE**

Consultation with Canada's Indigenous communities as it relates to environmental management or planning has been a changing landscape, particularly in the last decade. Recent Supreme Court decisions from British Columbia have reinforced this requirement and defined the expectation for consultation on traditional lands. For many Indigenous people, the perspective they hold on the earth and our place in it differs significantly from that of non-Indigenous Canadians. This difference drives a variety of opinions in land use and natural resource management. As Canada moves toward reconciliation and a more inclusive atmosphere for its Indigenous people, understanding and weighing these opinions will become an essential part of the planning landscape. This presentation will provide you with Ryan's experience and perspective on Indigenous consultation.

## **DEVELOPMENT IN A P.S.W. AVERTED: THE BURLEIGH BAY CORP. OMB DECISION**

A 58 unit vacant land condominium proposal on one of the largest remaining vacant shorelines in the Kawarthas (6200 metres) was considered by the Ontario Municipal Board in 2016. It was proposed next to the Fraser Wetland a Provincially Significant Wetland. The 4 week Hearing heard expert testimony from various experts including: terrestrial ecologists, hydrogeological engineers, road ecologists, archaeologists, Planners, and First Nations.

Stephen will give his perspective on the Hearing and some very interesting conclusions of the Board.



## **SPEAKER BIOS**

### **SUMMER VALENTINE**

Summer graduated with an undergraduate Bachelor of Science degree from the University of Toronto. She went on to complete a master's degree at Queen's University in Urban and Regional Planning. She began her career with the City of Kingston, working on a variety of projects related to the City's official plan review. She has also worked in economic development and in the private sector for a small development company. Summer is currently employed at the District of Muskoka and has spent ten years with that organization. In her role as the Director of Planning, she works primarily with her team on initiatives related to the official plan review and other corporate environmental, economic or social projects. She also coordinates the development review and approvals function at the District.

### **JAMIE NAIRN M.Sc., P.Ag.**

Mr. Nairn is a Senior Ecologist specializing in the assessment of impacts of land use change on both biological and physical site conditions, including water quality. He began his consulting career working for two years in British Columbia and has spent the past 17 years providing consulting and project management expertise, primarily in Central Ontario. Mr. Nairn is skilled at conducting environmental impact studies, Class Environmental Assessments, agricultural impact assessments, water quality impact assessments, lake capacity modeling, construction mitigation assessments, environmental monitoring and construction supervision.

Mr. Nairn is a Professional Agrologist with skills that include the collection, analysis and interpretation of biophysical data to provide solutions and policy recommendations, as well as high level team and project management expertise. He provides a high level of service to clients by developing customized strategies and solutions based on project requirements. Mr. Nairn manages projects either as the principal investigator or as a member of multi-disciplinary teams and has provided expert testimony before the Ontario Municipal Board.

## DENISE WHALEY BA, MSc., MCIP, RPP

Denise has been a Planner for the Town of The Blue Mountains for the past 3 years. Over her career in Planning, Denise has worked with communities across Grey and Bruce Counties, dealing first hand with growing issues within resort and tourism communities in shoreline areas. Denise's special interest areas are Social and Tourism Planning, Economic Development and Heritage Downtowns. Denise holds a Master of Science degree in Planning from the University of Guelph. When not working, Denise can be found outdoors enjoying skiing, swimming and hiking with her dog along the Niagara Escarpment.

## KRISTY ROBITAILLE C.P.S.O.

Kirsty works as the STA Coordinator/Municipal Licensing Officer Town of the Blue Mountains. Prior to her becoming the STA Coordinator/Municipal Licensing with The Blue Mountains she was a Municipal Law Enforcement Officer for 7 years with the Township of Tiny and the City of Barrie.

## BRUCE KRUSHILNICKI

Bruce Krushelnicki is the Executive Chair of the Environment and Land Tribunals Ontario. ELTO is a "cluster" of provincial administrative justice tribunals and boards which includes:

- the Assessment Review Board
- the Ontario Municipal Board soon to be the Local Planning And appeal Tribunal (LPAT)
- the Environmental Review Tribunal –
- the Conservation Review Board –
- the Board of Negotiation – the BON is a mediation service offered to facilitate the settlement of compensation issues arising from applications under the Expropriations Act.

The Local Planning And appeal Tribunal (LPAT) – formerly the OMB - has a broad jurisdiction to adjudicate municipal disputes mostly in the area of local planning and development.

Prior to joining ELTO, Bruce Krushelnicki held the following positions:

- Director of Planning and Building for the City of Burlington from 2004 to 2015
- Full time member of the Ontario Municipal Board, 1991 to 2004
- Associate Professor and Director of the Institute of Urban and Environmental Studies, Brock University 1979-1991

## RYAN MORIN B.Sc.

Ryan has applied experience in the environmental field working as an ecologist on both private and public projects. Ryan possesses well-developed terrestrial and wetland flora and fauna identification skills, knowledge of species at risk and their protection, and has extensive experience with data collection and sampling methodologies. He has a strong background in the facilitation of land use planning negotiations between Indigenous, corporate and governmental organizations, and land management outreach and community consultations. Working for two years under a grant from Environment Canada, Ryan conducted targeted research on several species at risk on Magnetawan First Nation in Eastern Georgian Bay. While at Beacon, Ryan has worked with Ontario Power Generation at a remote First Nation in northern Ontario, attempting to develop a micro-grid solar array to provide renewable power to the reserve. The project support work involved environmental studies and environmental consultation with the local community.

## Stephen Fahner, B.A.(Hon.), A.M.C.T., C.M.M.III, M.C.I.P., R.P.P.

Stephen Fahner, has over 32 years of experience in the public sector, the last 24.5 years with the Township of Muskoka Lakes. Stephen oversaw the review of approximately 300 – 400 planning applications per year, in the position of Director of Planning, which resulted in numerous Ontario Municipal Board Hearings (approximately 250 Hearings in his career with the Township).

With the establishment of Northern Vision Planning Ltd. in the fall of 2012, Stephen has obtained a number of clients involved in waterfront residential lot creation, waterfront single lot development, a gravel pit, an industrial park, marinas, resorts, a trailer park, waterfront residential structures, boutique apartment building, commercial/industrial developments, advising Cottage Associations and the review of Comprehensive Zoning Bylaws and Official Plans. Although his appearances in front of the Board have been reduced, Stephen is still very intrigued by the Board and its Decisions.

**COTTAGE COUNTRY PLANNING SEMINAR SERIES**

**REGISTRATION FORM**

**Participant Information**

Name: \_\_\_\_\_

Firm/Office: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
WORK

\_\_\_\_\_  
HOME

\_\_\_\_\_  
FAX

E-mail: \_\_\_\_\_

Food Allergies: \_\_\_\_\_

Please complete the Registration Form and return to: Stephen Fahner, Northern Vision Planning Ltd. [stephen@nvplanning.ca](mailto:stephen@nvplanning.ca). For additional inquiries regarding the course or payment details please contact Stephen Fahner at 705-645-6420, [stephen@nvplanning.ca](mailto:stephen@nvplanning.ca).

**Seminar Date**

The seminar will be held on April 5, 2018 at the Quality Inn (formerly the Riverside Inn) Bracebridge. This will be a full day seminar starting at 9:00 am and finishing at 4:00 pm.

The cost of the seminar is \$125, which includes participation in the full day event and lunch. The cost of accommodations is not provided; there is a variety of accommodation in Bracebridge which can be viewed and reserved online including the Quality Inn.

Cost of full day Seminar	\$125.00
HST (13%)	\$16.25
<b>TOTAL (please fill in applicable total)</b>	<b>\$141.25</b>

**Payment**

Make full payment by cheque only, payable to Northern Vision Planning Ltd. Please write the name of registrant on the cheque. Mail or courier to: Stephen Fahner 109 Meadow Heights Drive, Bracebridge, Ont. P1L 1A4. Payment must be received by April 2, 2018.

**Cancellation Policy** Cancellation must be received by email ([stephen@nvplanning.ca](mailto:stephen@nvplanning.ca)). Half (50%) of the payment will be refunded with one week notice and no refund with less than one week notice.