

THE DISTRICT MUNICIPALITY OF MUSKOKA

NOTICE OF DECISION

APPROVAL OF A MAJOR OFFICIAL PLAN AMENDMENT

Pursuant to Subsection 17(35) of the Planning Act

Amendment 13 to the Official Plan of the Town of Huntsville (Fairview Island)

A decision was made by the Planning and Economic Development Committee on April 19, 2018 to modify and approve as modified, Amendment 13 to the Official Plan of the Town of Huntsville, which was adopted by Town By-law 2018-20. Schedule A and the Official Plan Amendment are attached.

Purpose and Effect of the Major Official Plan Amendment

The lands subject to this application are known as "Fairview Island" and are approximately 8.85 hectares (21.87 acres) in size, with approximately 1,280 metres (4,200 feet) of shoreline frontage on Lake of Bays. More specifically, the lands are legally described as Island 2, Lake of Bays, Geographic Township of Brunel, Town of Huntsville, District of Muskoka. A location map is attached.

The subject lands are currently designated "Waterfront" in the Town of Huntsville Official Plan. The purpose of the amendment is to change the designation to "Waterfront Special Policy Area Three – Fairview Island", with specific provisions regarding the principle of use, guiding the scale, size and density of development, and recognizing the characteristics of the site including compatibility, vegetation retention, and buffering. Mainland access to the island has also been specifically detailed and restricted through the amendment. The effect of the amendment would be to permit the subject lands to be developed as an "Institutional Camp".

The lands subject to Official Plan Amendment 13 are also subject to Zoning By-law Amendment File Z/22/2017/HTE.

Public Comments Considered

Planning and Economic Development Committee Report PED-4-2018-3 dated April 19, 2018 outlines the public comments received and how they were considered.

When and How to File an Appeal of the Decision

A notice of appeal to the Local Planning Appeal Tribunal (LPAT) of the decision must be received by The District Municipality of Muskoka on or before the last day of appeal, **May 17, 2018**, being 20 days from the date of this notice. The appeal must:

- i) set out the specific part of the Official Plan Amendment to which the appeal applies;

- ii) set out the reasons for the appeal as per LPAT requirements; and
- iii) be accompanied by the fee prescribed under the LPAT in the amount of \$300.00 payable to the Minister of Finance.

A notice of appeal should be filed with:

**Debbie Crowder, District Clerk
The District Municipality of Muskoka
70 Pine Street, Bracebridge, ON P1L 1N3**

Who Can Appeal the Decision

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the LPAT. A notice of appeal may not be made by any unincorporated association or group. However, a notice of appeal may be made in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the Official Plan Amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the LPAT, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the Planning and Economic Development Committee is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Getting Additional Information and Filing a Notice of Appeal

Information about the Official Plan Amendment and the decision is attached. Original copies of these documents are available for inspection during regular office hours (8:30 am – 4:30 pm) at the District Municipal Office.

For additional information contact Lisa Marden at (705) 645-2100 ext. 396 or 1-800-461-4210 (in the 705 area code), or fax (705) 646-2207

Schedule “A” – (Town of Huntsville – OPA 13)

As a result of the foregoing, the following modifications are proposed:

1. Modify Policy 8.12.3.1 – Development Policies, subsection a. by deleting the word “permitted” and replacing it with the words “the primary permitted use”;
2. Modify Policy 8.12.3.1 – Development Policies, subsection e. by adding the text “and septic” immediately following the word “building”;
3. Modify Policy 8.12.3.1- Development Policies by adding a new subsection f. as follows:
 - “f. The shoreline activity areas will be limited to a maximum cumulative width of 80m.” and;
4. Modify Policy 8.12.3.2 – Access and Services, subsection b. by adding the words “and Town of Huntsville” immediately following the words “Township of Lake of Bays”.

I, Crystal L.M. Best-Sararas, Commissioner and Deputy-Clerk for the Corporation of the Town of Huntsville, hereby certify this is a true and correct copy of the

By-law 2018-20

which conforms to the original document and has not been altered in any way.
Dated at Huntsville this 1 day of March, 2018

C. Best-Sararas
Crystal L.M. Best-Sararas, Commissioner



CORPORATION OF THE TOWN OF HUNTSVILLE

BY-LAW NUMBER 2018-20

(Fairview Island)

**Being a by-law of the Town of Huntsville to adopt
Amendment No. 13 to the Huntsville Official Plan**

WHEREAS the Council of the Corporation of the Town of Huntsville finds it expedient to amend the Town of Huntsville Official Plan, as amended:

AND WHEREAS the Council of the Corporation of the Town of Huntsville has fulfilled the requirements of Sections 17 and 21 of the *Planning Act*, R.S.O., 1990, as amended.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF HUNTSVILLE
ENACTS AS FOLLOWS:**

1. That Amendment No. 13 to the Huntsville Official Plan, consisting of the attached explanatory text and schedule, is hereby adopted;
2. That the Mayor and Clerk are hereby authorized and directed to affix the seal of the Corporation to Amendment No. 13 and to make application to the authority having jurisdiction for approval of the said amendment; and
3. That this by-law shall come into force on the final passing thereof and in accordance with Sections 17 and 21 of the *Planning Act*, R.S.O., 1990.

READ a first time this 26th day of February, 2018.

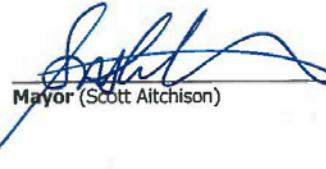


Mayor (Scott Aitchison)

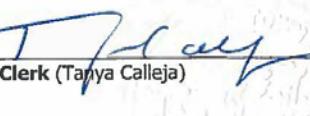


Clerk (Tanya Calleja)

READ a second and third time and finally PASSED this 26th day of February, 2018.



Mayor (Scott Aitchison)



Clerk (Tanya Calleja)

**AMENDMENT NUMBER 13
TO THE OFFICIAL PLAN OF THE
TOWN OF HUNTSVILLE**

(Fairview Island)

SECTION 1 TITLE AND COMPONENTS OF THE AMENDMENT

- 1.1 Section 5 herein and Schedule "I" shall constitute Amendment Number 13 to the Official Plan of the Town of Huntsville and shall be entitled "Fairview Island".
- 1.2 Sections 1, 2, 3, 4, 6 and 7 herein do not constitute part of the formal Amendment, but provide general information respecting the Amendment.

SECTION 2 LANDS SUBJECT TO THE AMENDMENT

- 2.1 Lands subject to this Amendment are as illustrated on Schedule "I" and affixed hereto, being composed of Island 2, Lake of Bays, Geographic Township of Brunel, now in the Town of Huntsville, District Municipality of Muskoka.
- 2.2 The subject land is located within the Huntsville Urban Settlement Area and designated Future Urban.

SECTION 3 PURPOSE OF AMENDMENT

- 3.1 Island #2 (Fairview Island) was historically developed and used as a private institutional camp in the early 1940s. However, this use ceased to exist and Fairview Island was eventually used as a residential compound. Many of the buildings associated with the former uses remain on the property today.
- 3.2 The purpose of this Amendment is to permit a private Institutional Camp Use as well as to provide site specific policies to guide the re-development of Fairview Island.
- 3.3 In accordance with the requirements of Section 8.9.2.4 of the Town of Huntsville Official Plan, this Official Plan Amendment will guide the scale, size and density of development and recognize and respond to the characteristics and capacity of the site.

SECTION 4 BACKGROUND AND BASIS

- 4.1 The lands subject to this Amendment have an area of approximately 8.85ha and 1280m of perimeter frontage. The lands rise from the shoreline towards the interior of the island. The island is extremely well vegetated with the only cleared areas being in the location of existing development.
- 4.2 The lands are developed with a two-storey boathouse containing accommodation, multiple docks, 6 cabins and the remains of several former institutional camp buildings.
- 4.3 The owners wish to establish an Institutional Camp Use on the island. The use would provide recreational and educational programs and sleeping accommodation for guests.
- 4.4 The Institutional Camp would consist of a central accommodation building, 5 housekeeping cottages, one accessory dwelling and two boathouses. A service building would also be located in the interior of the island. Each of the housekeeping cottages and the accessory dwelling would have its own dock. Vegetation removal would be limited to the building locations, with a

meandering path along the shoreline. The shoreline activity area will be limited to a maximum of 80m.

4.5 The Town of Huntsville Official Plan directs that the establishment of new institutional camps shall proceed by amendment to the plan, to establish the principle of use and policies to guide the scale, size and density of development, and recognize and respond to the characteristics and capacity of that particular site such as adequate and appropriate water frontage, compatibility with surrounding properties, retention of native vegetation and buffer areas.

SECTION 5 THE AMENDMENT

5.1 Schedule D-4 "Natural Constraints and Special Policy Areas" of the Town of Huntsville Official Plan is hereby amended with the addition of Special Policy Area Three – Fairview Island.

5.2 The text of the Official Plan for the Town of Huntsville is further hereby amended by adding a new section as follows:

"Section 8.12.3 Waterfront Special Policy Area Three - Fairview Island:

8.12.3.1 – Development Policies

The following policies shall be applied to the development of Fairview Island as a Private Institutional Camp:

- a. A Private Institutional Camp as defined in the Town of Huntsville Comprehensive Zoning By-law 2008-66P, as amended is permitted on Fairview Island. Development will occur in accordance with a site specific amendment to, as well as the applicable provisions of, the Town of Huntsville Comprehensive Zoning By-law 2008-66P, as amended.
- b. All structures, save and except for permitted shoreline structures, will have a minimum setback of 20m from the normal high watermark. To avoid vegetation removal and maintain the historic developed character of Fairview Island, wherever possible, new structures will generally be located in the area of the footprints of those existing structures which are located beyond the minimum 20m water setback.
- c. The maximum height of primary structures shall be 9m. The maximum height of a boathouse shall be 4m.
- d. The maximum lot coverage of all structures, including docks and boathouses, will be 5%.
- e. The natural vegetation and shoreline of Fairview Island will be maintained and re-established. Despite Section 8.3.4 of the Official Plan, all of those areas on Fairview Island outside of permitted building envelopes, internal pathways and staging area and shoreline access pathways shall be maintained in their natural state.

8.12.3.2 – Access and Services

- a. No permanent fixed connection from any point on Fairview Island to any point on the mainland, including a bridge or causeway, will be permitted.
- b. Mainland construction access to Fairview Island for the Institutional Camp buildings and structures will be from commercial marinas and public access points where Municipal (Township of Lake of Bays) User Agreements are available and secured.

- c. Mainland access for guests of and services for the Institutional Camp will be from commercial marinas. Access to Fairview Island for the accessory residential use may also occur from a Waterfront Landing located on Nithgrove Road in the Township of Lake of Bays, known as Parts 1 and 2 on Plan 35R-24035, and in compliance with the site specific provisions of the Township's Development Permit By-law.
- d. The site plan agreement shall recognize that municipal services such as, but not limited to, fire, first response, ambulance, and sanitation are not generally available on an island.

8.12.3.3 - Implementation

Notwithstanding any other policy of this official plan, prior to the development of any portion of the lands identified in Schedule "I" attached hereto, a Site Plan Agreement pursuant to Section 41 of the Planning Act will be entered into between the Owner and the Town which will require, among other things, the owner to develop and maintain the lands in accordance with said agreement and:

- a. A Site Servicing and Construction Mitigation Report prepared by Duke Engineering Ltd. dated April 2017, as amended;
- b. The Site Plan prepared by Duke Engineering Ltd. and Marie Poirier Planning and Associates Inc. dated April 2017, as amended."

SECTION 6 IMPLEMENTATION

6.1 The changes to the Official Plan of the Town of Huntsville, as described in this Amendment, shall be implemented in accordance with the provisions of Section 13 of the Official Plan.

SECTION 7 INTERPRETATION

7.1 The provisions of Section 13.9 of the Official Plan of the Town of Huntsville, shall apply with respect to the interpretation of this Amendment.

Schedule "I" to By-law 2018-20



For internal use only

Agencies/Bodies to be circulated Notice of Decision:

- Debbie Crowder, Clerk, District Municipality of Muskoka
- Fred Jahn, Commissioner of Engineering & Public Works, District Municipality of Muskoka
- Jamie Clow, Solicitor, District Municipality of Muskoka
- Geordie Konrad, Applicant
- Marie Poirier, Agent
- Kirstin Maxwell, Town of Huntsville
- Tanya Calleja, Clerk, Town of Huntsville

Request for Notice of Decision:

- Robert Lehman (bob@lehmanplan.ca)
- Lake of Bays Association: Lili Davis-Burchat, Executive Coordinator (executivecoord@loba.ca)
- Harold Elston, 391 First Street, Suite 303, Collingwood, ON L9Y 1B3

Package Also Includes:

- Copy of Schedule A + OPA text
- Copy of Resolution

NOTICE SENT BY MAIL – April 27, 2018