

September 16, 2016

**Chairman and Members of Planning Council
Town of Gravenhurst
3 – 5 Pineridge Gate
Gravenhurst Ontario
P1P 1Z3**

Dear Chairman and Members of Gravenhurst Planning Council:

Re: Town of Gravenhurst Official Plan Review

On August 23rd the Muskoka Lakes Association (MLA) delegated to Gravenhurst Planning Council regarding the Draft Official Plan. At that time we indicated that we may have more comments, especially regarding Section I Natural Heritage and Environment and Section K Implementation.

Section I Natural Heritage and Environment

Unfortunately due to a death in her family, Deb Martin Downs was unable to complete her review until this week. Knowing Deb's expertise as an environmentalist, biologist and executive director of the Credit Valley Conservation Authority, the MLA wanted to take full advantage of her knowledge based input. Please find attached Deb Martin Downs comments.

Since last addressing Gravenhurst Planning Council, the MLA has had two meetings with the District of Muskoka regarding their proposed Lake System Health Official Plan amendment. We have a number of questions about the proposed new policies, as well as suggestions such as the creation of site plan guidelines adopted by the individual municipal councils for use in evaluating site plan applications on waterfront properties. Unlike Twp of Muskoka Lakes' policies which has limited requirements for site plan approval on waterfront properties, we understand that ALL waterfront properties in Gravenhurst are subject to site plan approval. We are somewhat confused about the definition of significant development or redevelopment being an increase of 50% in gross floor area before site plan approval is applicable. Please clarify. However, we maintain that the Gravenhurst DOP should not be amended prior to successful adoption of the Districts OP amendment in this regard. See also suggested wording in Gravenhurst's Draft OP Implementation section.

Section E Rural

Section E Rural includes the designation “recreational areas” which permits a variety of uses including golf courses, commercial campgrounds and commercial sports fields. Does this designation include private camps – ie childrens camps and is there a restriction on their expansion?

Section H Open Space H5.1

We have a question about the applicability of municipal policies in respect to Crown lands. Crown lands may not have been subject to municipal policies in the past but it is my understanding that recent statutes and court decisions have stated that Provincial Crown lands are subject to adherence to municipal policies especially to the requirement of complying with the Ontario building code standards and building permits are required, on all Crown lands. This section should be reviewed.

Section K Implementation and Interpretation

Since the adoption of Gravenhurst’s Official Plan, a number of years ago, the province of Ontario has made a number of changes to the Planning Act and its implementation. Bill 73 suggests greater involvement of the area residents in planning matters, better communication and a process for dispute resolution without the need for the an expensive OMB hearing. We understand that the District planning department will also be commenting upon Gravenhurst’s DOP proposed policies.

We have two suggested additions, both rising from implementation of Bill 73.

Public consultation section Policy K2.2 – Official Plan Amendments

Council may extend the area of notification and timing of notification to residents, property owners and lake associations, of public meetings held by Council in accordance with the minimum requirements of the Planning Act and its regulations, without amendment to this plan.

Policy K2.1

Once adopted, the policies of this Plan shall not be amended for a period of two years, with the exception of amendments required to conform with new policies of the upper tier of government, the District of Muskoka Official Plan.

Summary

As always, the MLA thanks you for your consideration of our comments. We look forward to continuing to participate in your process. Please inform the MLA of all future meetings. The MLA would also appreciate a copy of council's decision upon adoption of this new official plan..

Yours respectfully,

Anne McCauley
Chair, Political and Land Use Committee

Gravenhurst OP comments – Deborah Martin-Downs, Muskoka Lakes Association

MLA supports continued recognition and protection of the environment as a principle of the OP and strategic directions and in recognition of it being fundamental to the economy and tourism in the area

A5.3 The structure is overlain by an evolving and interconnected Natural Heritage system.

MLA Comment –the term natural heritage system has not been used anywhere else in the document. Natural Heritage area is used elsewhere. While we are supportive of using the NHS term, consistency throughout the document is more important.

There are no definitions included with the document and if using terms that are not defined in the PPS or other documents then there needs to be a clear definition. To ensure no ambiguity, definitions should be included or provide reference to the source for the definition.

MLA Comment: Applaud the inclusion of A6 policies for sustainability

A6.1.4 The Town may prepare a municipal sustainability plan and may develop sustainable development standards, in consultation with the development industry, to establish and implement the principles of environmental, social and economic sustainability, including approaches to:

e) providing an appropriate stormwater ~~infiltration~~ management treatment train including at source, conveyance and end of pipe measures;

MLA Comment: Suggest the wording as outlined about as storm water management is not just about infiltration. Can include detention, abstraction, evapotranspiration, filtration etc. Using this wording would make it more consistent with the rest of the document.

B7 ENERGY CONSERVATION

MLA Comment: J9 contains slightly different policies for renewable energy. In both, given the issues with the Bala Falls, we would suggest including something that also reflects appropriate siting of facilities (suggested in J9) to not only reduce impact on visual and environment but impact on neighbourhoods or tourism. Both policies should contain the same direction.

C6.5.2 Uses of land which are complementary to and compatible with residential uses shall also be permitted. Such uses include:

- Parks and Open Space**
- Day Nurseries**

- Home Occupations
- Convenience Commercial Uses
- Schools
- ~~Places of Worship~~
- Bed and Breakfast Establishments

MLA Comment: Previously MLA noted that walkable community objectives mean that the community functions of churches mean that they should be included in residential areas

C7.7 URBAN MIXED USE WATERFRONT AREA

C7.7.3 Stormwater shall be directed away from the shoreline and ~~storm-septors or equivalent technology~~—treated using a variety of source, conveyance and end of pipe measures shall be required as part of a comprehensive storm water management plan.

MLA Comment: Storm Sceptors are just one of a number of options for treating storm water so suggest less specific wording to allow for the right solution for the right area.

We are finding the direction regarding storm water management to be inconsistent, not only for wording but where it applies. For example Section D17.1.22.4 re site plans for Kashe and Bass Lakes provides specific direction for SWM but there is nothing comparable for the remainder of the waterfront or Muldrew Lake. We think that there needs to be something more general and up front that is applicable to all of the lakes or whole town that then establishes the expectations once and with not potential for confusion in language. Suggest the following change in wording below in black if this policy remains.

D17.1.22.4 (Kashe and Bass lakes) Management of stormwater on site is an important component leading to shoreline protection. As a condition of approval, including the issuance of building permits, appropriate stormwater source, conveyance and end of pipe measures ~~controls~~ shall be implemented; to ensure that increased runoff does not reach the lake. Remedial drainage work will be designed so that such work will not negatively affect adjacent lands, habitat or water resources.

We would assume that specific lake policies should just be those that are unique to that lake and should not try and replicate general policies that apply to all.

D3 Waterfront OBJECTIVES

- a) To protect the visual qualities of the lakes and rivers and to protect or enhance the natural shoreline character.
- b) To protect significant wetlands, wildlife habitat areas and fish

habitat from incompatible development.

MLA Comment: D3 objectives have not used the NHA language that then is referenced in D9.1

D9.1 Lands designated *Natural Heritage Area* within the *Waterfront Area* shall be subject to the provisions of Section I of this Plan.

G. Natural Heritage Area

G1.2 The *Natural Heritage Area* and any adjacent lands are subject to the provisions of Section I ~~is defined in general terms as a single designation on Schedules A and A-1.~~ Schedule B **generally** identifies these areas and other special habitat areas ~~more specifically~~ based on the features or function for which the area has been identified as being sensitive or significant. **Site specific identification of these features or others not identified on Schedule B will be required**

MLA Comment: Suggest wording as above in red bold or use language already included in Section I4.3. Schedule B mapping will not be specific enough for planning purposes but rather for screening.

I3 OBJECTIVES

- a) To identify all significant environmental features and associated ecological functions and ensure their protection takes precedence over the development of such lands.
- g) To provide buffers and connectivity between significant habitat and other environmental features to preserve the ecological functions of those areas.

MLA Comments: Section G refers to Natural Heritage area which is more encompassing than just significant features. The objectives should speak first to the intent to identify and protect a natural heritage area (that should have a definition as it is not a standard term) and then needs to include protection of significant features within those areas. I4 only references the Natural Heritage area

See also comments to A5.3. To reflect current thinking the OP should refer to developing a natural heritage system that identifies key natural features (including those designated significant under the PPS), connecting corridors, and buffers

I6.1.6 With the concurrence of the Ministry of Natural Resources and Forestry, wetland boundaries can change, and boundary verification or re-evaluation

may be necessary from time to time.

MLA Comment: Suggested wording – *boundaries of wetlands will be verified with the MNRF through field staking and may result in boundary modification or re-evaluation*

I6.3.1 Water resources and vegetation abutting watercourses will be maintained in a clean and healthy condition in order to protect aquatic life, habitat, and functions.

MLA Comment: would be helpful to reference how ie. as defined through the development policies?

I6.8.1 d) No new habitable building or structure shall be permitted in any area susceptible to flooding and any floodway

MLA Comment: is this compatible with new policy with respect to two storey boat houses that suggests habitation is allowed (although not explicitly defined)

I6.12 WATER QUALITY

I6.12.1

f) all applications for major development proposals such as residential subdivisions of five lots or more, or commercial, industrial, or institutional development having a floor area in excess of 2,000.0 m² or golf courses shall be accompanied by a Water Resource Management (WRM) Report. The WRM Report shall be prepared by a qualified professional to the satisfaction of the Town and other agencies as may be required. The WRM Report shall address the potential impacts and cumulative impacts on surface and ground water quality and quantity by requiring:

- i) maintenance or enhancement of natural hydrological characteristics including base flow of watercourses;
- ii) maintenance or enhancement of sensitive groundwater recharge/discharge areas, aquifer and headwater areas;
- iii) the development and monitoring of water budgets for groundwater aquifers;
- iv) the protection or enhancement of fish and wildlife habitat; and,
- v) maintenance of existing drainage patterns where possible.

MLA Comment: should add vi) *the application of storm water source, conveyance and end of pipe management measures*. This should also apply to I.6.14 – or refer back to policy I6.12

I6.24.7 The Stormwater Management Report shall be prepared in accordance with current Best Management Practices and Low Impact Development guidelines, ~~the Stormwater Management Practices Planning and Design~~

~~Manual (2003), or its successor; Best Management Practices (BMP) and Town of Gravenhurst Development Standards, Policies and Guidelines (2005) or its successor;~~ and shall include an analysis of the effects of development on watershed flow regimes including the interconnection with groundwater resources.

MLA Comment: Just a note that the MOECC is updating its 2003 storm water management guidelines. Might suggest wording such as “*to be consistent at minimum with provincial policy direction and guidance “ and best management practises for low impact development.*”

16.24.8 Stormwater Management facilities may be permitted accessory to a permitted use, in all designations except the *Natural Heritage Area* designation

MLA Comment: suggest adding the following after designation – “*unless such facilities are designed to aid in the protection and management of water balance for the feature in the NHA*”

In order to protect water balance, infiltration measures may be required at the edge of a feature and so policy should allow for the right solution to the site issues.

16.29.2 In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that have been identified.

MLA Comment: The OP refers to the **natural heritage area** – need to be consistent on what is being protected. Some significant features have status under PPS but it remains unclear what the significant natural features are as per PPS definitions. Significant areas would be included in the natural heritage area. I6.30.1 also refers to significant features versus NHA

J1.8 All transportation and utility works shall have regard for the natural character, wildlife corridors and visual qualities of the natural environment. All public works shall be subject to the policies of this Plan.

MLA Comment – including the application of storm water management measures?
Helpful to make explicit somewhere