

LLSA Update December 19, 2019 - North Shore LPAT Appeal re North Shore Severance Applications



Township of Muskoka Lakes Council Approves a North Shore Settlement Offer regarding severance of the North Shore property

On December 11, 2019, a settlement offer regarding the north shore lot severance applications was presented to the Township of Muskoka Lakes (TML) by the property owners (Appellants) and accepted by TML Council in Closed Session. The offer by the Appellants reduces the total lots from six to five (4 new lots and 1 retained lot).

Background

In September 2018, TML refused applications that would have resulted in the creation of five new lots and one retained lot on the north shore property. Appeals challenging the decisions taken by TML were filed by the north shore property owners with the Local Planning Appeal Tribunal (LPAT), previously known as the Ontario Municipal Board, and ultimately, a hearing was set for February 2020.

LLSA, supported financially by many Leonard Lake property owners, retained and worked closely over many months with a law firm (Barriston Law) and a planning firm, Skelton Brumwell Associated – Engineering, Planning and Environmental Consultants (Skelton Brumwell) to represent the Association's opposition to the proposed north shore new lot creations and to assist with the complex LPAT process, new to Ontario. The formal litigants to the appeals were the Appellants (north shore property owners) and TML. LLSA applied for and was successful in obtaining "party status" under LPAT, entitling LLSA to continue to oppose the proposed lot severances on the north shore in defense of our lake health. LLSA

Director, Steve Rohacek has led this intensive body of work over many months, helped by LLSA Director, Bruce McNeely.

In early December LLSA was presented with a copy of the said offer to settle by the Appellants. As noted above, the offer reduced the total lots from 6 to 5, and in addition, increased lot dwelling set back and capped dwelling ground floor size at 3,500 sq. feet (325.2 sq. metres).

At that time, LLSA felt the settlement offer fell short of our objectives and we deferred a decision to accept or reject until the experts from both sides had a chance to meet and thoroughly review the issues identified by LLSA.

On December 4th, experts from all parties met to discuss the planning issues that were agreed to in the LPAT Procedural Order governing the appeals. Our planner shared a list of fifteen unaddressed planning concerns related to the Appellants' severance applications that included issues such as: conflicts with Provincial Policy Statement and with the District of Muskoka and the TML Official Plans; lack of sufficient study to demonstrate that there would be no negative impact on water quality; lack of study related to each of significant wildlife habitat, wetlands, species at risk, lake hydrology and water balance issues; and limited application of best management practices on the lots including setbacks, enhanced sewage treatment and ecological offsetting principles to protect Leonard Lake.

Currently, there is no confirmation of what was actually presented or discussed during the Dec 11th TML Council Closed Session meeting regarding the north shore settlement offer, or, if there was consideration given to the planning deficiencies identified by the LLSA planner, Skelton Brumwell. However, prior to the meeting, requests were made to TML Councillors by LLSA President, Mark Scarrow, to defer a decision to allow more time for further settlement negotiations. We are very disappointed to report that the TML Council did not defer, and made a final decision to accept the settlement offer.

As part of its decision, we understand Council added that a scoped Functional Servicing Report would be required, and further, that in the proposed Official Plan Amendment any application to sever lot #5 would be subject to an Environmental Impact Study.

It should be noted that our local TML Councillor, Gord Roberts, as an owner of property on Leonard Lake, was required to recuse himself from the December 11th Council Closed Session meeting and previous discussions and decisions regarding the north shore lot severance applications in accordance with the Municipal Conflict of Interest Act.

At this point it is our understanding that a final hearing will be held as a requirement to complete the LPAT process. Once details are known regarding the purpose of this meeting and what we can expect as an outcome, the information will be shared with you.

The majority of property owners on Leonard Lake have supported the Association's opposition to development of the north shore over the past three years and we thank you sincerely. It has made a difference for all board members in the busiest of times knowing that we had LLSA members and other property owners not only concerned about the lake and our environment, but willing to demonstrate that concern in many ways.

The intensive work of the past year has made evident to all of us that regardless of last year's election, TML is constrained by an Official Plan that fails to protect and preserve water quality, lake health and the environment through effective policies and by-laws.

TML is in the process of preparing a new Official Plan (OP) and there is a small window of opportunity for lakes to embed a Lake Plan into this new OP in 2020. We are determined more than ever to take this opportunity to complete a new Lake Plan with some "teeth" to it to help protect what is most worth preserving about our lake. The new OP is expected to be completed in draft by next June, so timelines are short for the Association to draft a plan, and to communicate with you to ensure that the majority of Leonard Lake property owners contribute to the development of proposed terms for the lake plan, and support its implementation. This new Lake Plan will belong to us all and must reflect the values we share.

There is much that has happened over the past year and this note is an attempt to provide a brief overview and to ensure that you are aware of the recent decision taken by TML. If you would like to speak to a member of the LLSA Board directly, please send us an email to leonardlakemuskoka@gmail.com and a board member will call you. Our website at www.leonardlake.net also has a list of board members and contact information.

Sincerely,
Leonard Lake Stakeholders Association

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