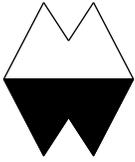


Date of Decision: June 21, 2021
Date of Notice: June 22, 2021
Last Date of Appeal: July 12, 2021



THE DISTRICT MUNICIPALITY OF MUSKOKA

NOTICE OF ADOPTION

Pursuant to Subsection 17(23) of the Planning Act
Amendment 50 to the Muskoka Official Plan
(2020 Lake System Health Update)

A decision was made by Muskoka District Council to pass [District By-law 2021-21](#), adopting Amendment 50 to the Official Plan of the Muskoka District Area (i.e. Muskoka Official Plan)

Purpose and Effect of the Official Plan Amendment

The purpose and effect of the Amendment is to:

- Add ten waterbodies to Schedule E2 of the Muskoka Official Plan (MOP). Any development proposed on private individual on-site services on the ten lakes/bays added to Schedule E2 would be subject to the enhanced protection policies of the MOP and be eligible for a District-led causation study to determine the relative contributing causes to the waterbody's vulnerability;
- De-list Three Mile Lake (ML) under the long-term elevated phosphorus indicator only. Three Mile Lake experienced confirmed blue-green algae blooms in 2019 and 2020 and will remain on Schedule E2 for that indicator; and
- Remove Peninsula Lake (HT) from Schedule E2 but retain the implementation of enhanced protection polices in the MOP as a precautionary measure in consideration of the results of a pilot causation study for the lake.

A copy of By-law 2021-21, which includes the amendment, is attached.

Public Comments Considered

A summary of comments received and how they were considered or addressed is included in [Report CPS-5-2021-2](#).

When and How to File an Appeal of the Decision

A notice of appeal to the Ontario Land Tribunal OLT (formerly Local Planning Appeal Tribunal (LPAT)) of the decision must be received by The District Municipality of Muskoka no later than 20 days from the date of this notice, as shown above as the last day of appeal. The appeal must:

- i) set out the specific part(s) of the Official Plan Amendment to which the appeal applies;
- ii) set out the reasons for the appeal; and
- iii) be accompanied by the fee prescribed under the Ontario Land Tribunal Act in the amount of \$1,100.00 payable to the Minister of Finance.

A notice of appeal should be filed with:

Amy Back, Clerk
District Municipality of Muskoka
70 Pine Street, Bracebridge,
ON Canada, PIL 1N3

Who Can Appeal a Decision

Only individuals, corporations or public bodies may appeal a decision of the Council of The District Municipality of Muskoka to the Ontario Land Tribunal. A notice of appeal may not be made by any unincorporated association or group. However, a notice of appeal may be filed 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 District Municipality of Muskoka or unless, in the opinion of the Ontario Land Tribunal, there are reasonable ground to add the person or public body as a party.

When the Decision is Final

The proposed Official Plan Amendment is exempt from approval by the Minister of Municipal Affairs and Housing, and the decision of Muskoka District Council is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Additional Information

For additional information about the Amendment or your appeal rights, contact Summer Valentine, Director of Planning at (705) 645-2100 ext. 4388 or 1-800-461-4210 (in the 705 area code), or summer.valentine@muskoka.on.ca.

THE DISTRICT MUNICIPALITY OF MUSKOKA

BY-LAW 2021-21

Being a by-law to adopt Amendment 50 to the Official Plan of the Muskoka District Area (2020 Lake System Health Update)

WHEREAS the Community and Planning Services Committee has recommended to the Council of The District Municipality of Muskoka that Amendment 50 to the Official Plan of the Muskoka District Area ("Official Plan Amendment 50") be adopted;

AND WHEREAS the Council of The District Municipality of Muskoka has fulfilled the applicable requirements of Sections 17(15) to 17(21) of the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS the Council of The District Municipality of Muskoka is satisfied that the proposed Official Plan Amendment 50 attached hereto is suitable for adoption;

AND WHEREAS pursuant to Section 17(9) of the Planning Act and O. Reg. 525/97 amendments to the Official Plan of the Muskoka District Area do not require the approval of the Minister of Municipal Affairs and Housing;

AND WHEREAS it is desirable to adopt the proposed Official Plan Amendment 50;

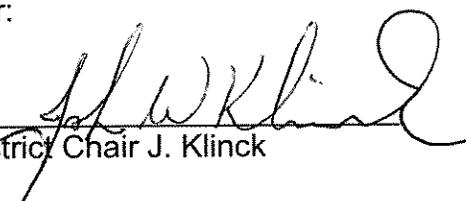
THEREFORE the Council of The District Municipality of Muskoka enacts as follows:

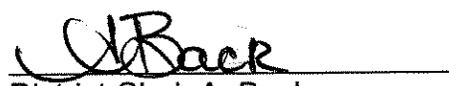
1. The proposed amendment to the Official Plan of the Muskoka District Area consisting of the text as attached hereto as Schedule "A" shall be and is hereby adopted as Official Plan Amendment 50.
2. The Commissioner of Community and Planning Services Development, or their delegate, shall be and is hereby authorized, directed and empowered to give notice of the decision in accordance with Section 17(23) of the Planning Act and sign all such declarations as may be necessary to comply with O. Reg. 543/06 and Section 17(28) of the Planning Act.
3. Official Plan Amendment 50 shall come into force and take effect in accordance with the provisions of the Planning Act.

Enacted and Passed this 21st day of June, 2021.

THE DISTRICT MUNICIPALITY OF MUSKOKA

Per:


District Chair J. Klinck


District Clerk A. Back

Schedule "A"

AMENDMENT 50
TO THE MUSKOKA OFFICIAL PLAN
(2020 Lake System Health Update)

SECTION 1. TITLE AND COMPONENTS OF THE AMENDMENT

Section 5 herein shall constitute Amendment 50 to the Official Plan of the Muskoka District Area.

Sections 1, 2, 3 and 4 herein do not constitute part of the Amendment but provide more detailed information respecting the Amendment.

SECTION 2. BACKGROUND AND PURPOSE OF THE AMENDMENT

2.1 PURPOSE

The purpose of proposed Amendment is to add ten (10) waterbodies to Schedule E2 of the Muskoka Official Plan (MOP) based on defined criteria in Section C2.6.3.2 and in accordance with the process outlined in Section C2.6.6.1 of the Plan. These waterbodies experienced confirmed and documented blue-green algal blooms in 2019 and/or 2020.

While a lake (Three Mile) is to be de-listed from Schedule E2 based for one criterion (i.e. long-term phosphorus levels), it remains on the Schedule under a second criterion (i.e. blue-green algal blooms). Peninsula Lake is also to be removed from Schedule E2 based on the results of a causation study, but the enhanced protection policies would continue to apply to any future development applications on private individual on-site services on that lake. Therefore, functionally, there is no change to policy applicability or implementation around these two lakes.

The effect of the proposed Amendment is to identify ten (10) additional lakes as vulnerable based on water quality indicators and to ensure that appropriate and proactive protections are applied through policy. In addition, as lakes can be listed in Schedule E2 for more than one indicator, a tabular format is being proposed as a simplified approach.

2.2 BACKGROUND

The District undertakes a comprehensive recreational water quality monitoring program annually. The data collected from this program is used to identify lakes that are considered vulnerable based on specific water quality indicators such as blue-green algae blooms as confirmed by the Health Unit and/or Province or increasing phosphorus levels. Lakes that are considered vulnerable are listed as a schedule to the MOP and are subject to an enhanced level of protection until a causation study can be completed. The MOP contains specific policies relating to how lakes are added or removed from the schedule based on annual monitoring results. The review of the data for 2019 and 2020 is now complete and an amendment to the MOP is required to implement the changes to lake classification.

Additional background information can be found in Staff Reports CPS-14-2020-3 and CPS-5-2021-2.

SECTION 3. LAND SUBJECT TO THE AMENDMENT

The policies in this Amendment apply to shoreline lots around Bass (ML), Black Lake (ML), Brandy (ML), Echo (LB), Kahshe Lake (GR) Lake Muskoka – Weismiller Bay (ML), Lake of Bays – Ten Mile Lake (LB), Little Lake (GB), Peninsula Lake (HT/LB), Ril Lake (LB), Silver Lake (ML) and Three Mile (ML) lakes, where development is proposed on private individual on-site sewage services.

SECTION 4. IMPLEMENTATION AND INTERPRETATION

The changes to the MOP as described in this Amendment shall be implemented in accordance with the applicable policies in Section A (Plan Basics: Applicability, Purpose and Organization of the Official Plan) and Section M (Implementation and Administration) of the Plan.

SECTION 5. THE AMENDMENT

- 5.1 Amend Section C2.6.6.1 e) to insert the following immediately after the first sentence:

“Despite being removed from Schedule E2 after the completion of a causation study, the enhanced protection policies of this Plan will continue to apply to Peninsula Lake (HT/LB) in accordance with Section C2.6.6.1 i).”

- 5.2 Delete Schedule E2 and replace it with the revised Schedule E2 attached as Schedule “I” hereto to:

- Insert “Bass Lake (ML), Black Lake (ML), Brandy Lake (ML), Echo Lake (LB), Kahshe Lake (GR), Lake Muskoka – Weismiller Bay (ML), Lake of Bays – TenMile Lake (LB), Little Lake (GB), Ril Lake (LB), and Silver Lake (ML)” as “Waterbodies with a Confirmed and Documented Occurrence of a Blue-Green (Cyanobacterial) Algal Bloom”;
- Delete “Three Mile Lake (ML)” from the category of “Waterbodies where Long-Term Phosphorus Concentrations Exceed 20 Micrograms/Litre”;
- Delete “Peninsula Lake (ML)” from Schedule E2 in its entirety; and
- Display waterbodies and water quality indicators in a tabular format.

Schedule "I" to Amendment 50 to the Muskoka Official Plan
May 20, 2021

Schedule E2

WATERBODIES WHERE A WATER QUALITY INDICATOR HAS BEEN CONFIRMED IN ACCORDANCE WITH THE POLICIES OF SECTION C2.6 OF THE MUSKOKA OFFICIAL PLAN

WATERBODY	INDICATORS		
	P Concentrations >20 ug/L*	Increasing P Trend**	Blue Green Algal Bloom***
BARRON'S LAKE (GB)	X		
BASS LAKE (GR)	X		
BASS LAKE (ML)			X
BLACK LAKE (ML)			X
BRANDY LAKE (ML)			X
BRUCE LAKE (ML)			X
CLARK POND (ML)			X
ECHO LAKE (LB)			X
KAHSHE LAKE (GR)			X
LAKE MUSKOKA – BOYD BAY (BR/ML)			X
LAKE MUSKOKA – WEISMILLER BAY (ML)			X
LAKE OF BAYS – TEN MILE BAY (LB)			X
LEONARD LAKE (ML)			X
LITTLE LAKE (GB)			X
RIL LAKE (LB)			X
SILVER LAKE (ML)			X
STEWART LAKE (GB/ML)			X
THREE MILE LAKE (ML)			X

NOTES:

* WATERBODIES WHERE LONG-TERM PHOSPHORUS CONCENTRATIONS EXCEED 20 MICROGRAMS/LITRE

** WATERBODIES WITH A LONG-TERM STATISTICALLY SIGNIFICANT INCREASING TREND IN PHOSPHORUS CONCENTRATION

*** WATERBODIES WITH A CONFIRMED AND DOCUMENTED OCCURRENCE OF A BLUE-GREEN (CYANOBACTERIAL) ALGAL BLOOM