

Erica Kellogg

From: Simon Gitalis <simon@gitalis.com>
Sent: April 2, 2024 8:53 AM
To: Erica Kellogg
Subject: GOODJOHN ZONING BY-LAW AMENDMENT
Attachments: Magnetawan By-law 2016-10 Langford ZBL Amendment (1).pdf; EA AMIC FISH_001 (1).pdf

PLEASE SUBMIT ANY WRITTEN COMMENTS TO ERICA KELLOGG

Quoting File No: GOODJOHN ZONING BY-LAW AMENDMENT

Erica Kellogg, Deputy Clerk – Planning and Development

Municipality of Magnetawan

P.O. Box 7 Magnetawan, Ontario, P0A 1P0

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planning@magnetawan.com

March 31, 2024

This letter is submitted and representing the following owners and properties:

- 1) 1422 Ahmic Lake Road, Jordan Goodman, Simon Gitalis
- 2) 1516 Ahmic Lake Road, 2737101 ONTARIO LTD.
- 3) 1422 Ahmic Lake Road, Joan Laws, Brian Laws

After reviewing the submission noted above, we are of the opinion that there should be no Boathouse or Dock allowed for this Property.

Attached you will find the Supplementary Fish Habitat Impact Assessment for Seasonal Shoreline Lot Creation Part Lot 19, Concession 3, Geographic Township of Croft, Municipality of Magnetawan, Prepared for Mark Langford when he rezoned and subdivided the 2 lots (S1 & S2) off Lost Forest Park Lane right across from the subject Property. I am also attaching the resulting By-Law No. 2016-10 passed on March 23rd, 2016 by The Corporation of the Municipality of Magnetawan.

These same measures should exist for the opposite side of the channel as it is included and is the same area referred to as "CRITICAL FISH HABITAT" in the Fish Habitat Impact Assessment. There is tons of vegetation and wildlife that utilize this channel. Fish, Turtles, Birds, Deer, Muskrats, Wolf, Bugs, etc...There are three established Beaver Lodges along the Shoreline of the subject Property, they can even be seen in Figure 1.

Why would the other side of the channel be different? They are both "FISH HABITAT" the same guidelines should apply.

The Big Rock where they want to build a (very to large) Boathouse is called the Honey Pot by everyone as it and the shoreline hold many fish all the time.

The spot where they want to squeeze in a floating dock was, is and always will be in the heart of the Fish Habitat. The proposed changes from EP to RS have blurred the lines from the established EP areas for the

proposed Boathouse and Dock to look like they are not in the EP zone anymore. They have shuffled the lines around to confuse the issue at hand. Yes the EP zone does not seem to make sense for the wooded lot area but the shoreline is still a **Critical Fish Habitat**. All the owners in this letter understand this and that the property was designated by the EP zoning and never expected this type of density to be there let alone a Boathouse and Dock. This is very surprising and distressing.

We strongly recommend reviewing the materials attached, taking more time to consider this Bylaw Application and have more discussion about the matter as some of the owners will not be able to attend the short notice for the April 10th date.

Kindly confirm receipt.

Cordially,

Simon Gitalis

simon@gitalis.com

Mobile: [416.592.0263](tel:416.592.0263)

Simon Gitalis
Public Comment
Attachment # 1

**Supplementary Fish Habitat Impact Assessment
For Seasonal Shoreline Residential Lot Creation
Part Lot 19, Concession 3, Geographic Township of
Croft
Municipality of Magnetawan**

Prepared for

**By Blythe and Associates
December, 2015**

1.0 Introduction and Background Information

In 2013 the proponent, Mr. Mark Langford, prepared an application to sever and rezone a 1-hectare shoreline lot as seasonal shoreline residential. The proposed lot creation was located on the shoreline of Neighick (Beaver) Lake that is part of Ahmic Lake, and the greater Magnetawan River system (UTM centroid coordinate 17 T 599174 5052522).

Subsequently, in 2015, Mr. Langford amended his lot creation application to increase the number of seasonal-residential lots from the original application of one (1), to three (3) lots in the amended application. The shoreline fronting all of the proposed lots has been given a fish habitat importance designation of Type 1 -- the highest level of protection.

Blythe and Associates was originally retained by Mr. Langford in 2013 to prepare a fish habitat impact assessment report on his initial 1-lot application. This report found that although the fish habitat typing was technically correct, the habitat was of marginal value to overall Ahmic Lake fishery and any potential negative impacts to the fish habitat could be easily mitigated by implementing the appropriate standard shoreline development protocols and procedures as stipulated in the local municipal by-laws, provincial septic system standards, and Fisheries and Oceans Canada (DFO) regulations.

1.1 Location

All three lots, as shown on the proponent's lot creation application sketch, are in close proximity to one another (**Attachment 1**). They are located at the narrow isthmus of a peninsula that projects northward into Neighick Lake; terminating at Pleasant Point (UTM centroid coordinate 17 T 599191 5053132).

The original lot for which the 2013 report was written -- for the purposes of this report designated as Lot O -- was located on the east side of the isthmus (UTM centroid coordinate 17 T 599174 5052522). As previously stated, the fish habitat characteristics of Lot O were marginal.

Lot O fronts on a shallow back bay with:

- shallow-water depth varying from 0.5 m to 1.5 m deep,
- lake bed substrates of a soft organic soil cover by a scattering of woody debris ranging from fine twig and leaf debris with a few scattered submerged logs,
- sparsely vegetated with a mixture of the aquatic plants,
- and a north-facing aspect that limits aquatic vegetation growth and suitability as warm-water fish spawning habitat.

2.0 Existing Lakefront Conditions of Lots S1 and S2

The two newly proposed lots in Mr. Langford's amended application — designated as Lots S1 and S2 for the purposes of this report — are located on the west side of the peninsula's isthmus (UTM centroid coordinate 17 T 599087 5052311) (**Attachment 1**). The fish habitat in this area is significantly different from that of Lot O and is more important to the overall Ahmic Lake fishery.

3.0 Fish Habitat Characteristics of Lots S1 and S2

Lots S1 and S2 front on a narrow — 155 metre wide — channel that connects Neighick Lake and Crawford Lake (**Attachment 1**). The channel between Neighick Lake and Crawford Lake is approximately 2 kilometre long and heavily vegetated with aquatic plants. This is the main outflow channel from Crawford Lake. The flow is northward into Beaver Lake; thence, into Ahmic Lake and the greater Magnetawan River system.

Crawford Lake receives inflow waters from a relatively large watershed that includes: Bells, Simmons, and Newell Lakes — via Wylie Creek. In addition, it also receives inflow from the Neighick River and its extensive watershed catchment area that includes Seguin (Wolf) Lake: approximately 8 kilometres to the south.

The 2-kilometre long outflow channel, in front of the proposed lot development, sustains an aquatic-plant species rich, lacustrine marsh. At the peak of the summer growing season — late July — the navigable portion of the channel is very narrow — approximately 5 m — and is choked with submerged and floating aquatic vegetation.

This type of lacustrine marsh is relatively uncommon within the Precambrian Shield environment. The open-water marsh is dominated by aquatic plant species such as: water horsetail (*Equisetum fluviatile*), floating burreed (*Sparganium fluctuans*), pickerel weed (*Pontederia cordata*), floating heart (*Nymphoides cordata*), water shield (*Brasenia Schreberi*), fragrant water lily (*Nymphaea odorata*), purple bladderwort (*Utricularia purpurea*) and an assortment of pondweeds (*Potamogeton* spp). Along its margins, there is a band of common cattail (*Typha latifolia*).

This extensive area of aquatic vegetation provides critical habitat for both fish and assorted wildlife species. It also provides valuable staging and feeding habitat for migratory waterfowl.

In particular, the following game-fish species are found in abundance here: northern pike; smallmouth bass; largemouth bass; and yellow perch. The extensive lacustrine marsh, and the flow channel itself, provides at least one of the following critical habitats for the aforementioned species — foraging, spawning, and nursery habitat. Game-fish species spawned and grown here would ultimately migrate into other parts of Ahmic Lake. In essence, the Crawford and Neighick lake open-water marshes are a fish-producing factory for the rest of Ahmic Lake.

For these reasons this uncommon and valuable aquatic environment requires a higher level of protection than is usually accorded the normal rocky near-shore environment of most Precambrian Shield lakes.

4.0 Potential Negative Impacts of the Proposed Shoreline Development

Shoreline seasonal-residential lot creation inherently assumes that there will be some development of the lot in terms of the construction of a seasonal dwelling structure and attendant shoreline structures such as a boathouse, dock, and storage buildings. These developments may, if done improperly and without due regard to the shoreline's natural heritage features, result in negative impacts to fish habitat. This is particularly, true in the case of Lots S1 and S2, where the usual expectations of shoreline structures will have to be attenuated in order to protect the critical fish habitat of the lacustrine marsh.

The shallow water and dense vegetation of the open-water marsh, fronting Lots S1 and S2, will preclude any motorized watercraft access from the lot's shoreline to the main navigable channel — approximately 80 metres out from the lot. Similarly, there can be no provision for a swimming area. To achieve either of these objectives would require dredging of the marsh and some amount of destruction of its critical fish habitat.

The destruction of critical fish habitat of this type tends to be incremental and may take place over a long period of time. To allow any loss of the open-water marsh vegetation to shoreline development would set a precedent; wherein, future shoreline developers would expect similar opportunities to dredge boat channels, create swimming beaches, or remove aquatic vegetation. The open-water marsh environment would be slowly diminished, as would the Ahmic Lake sport fishery.

5.0 Site Specific Mitigation Measures To Protect Critical Fish Habitat

Mr. Langford is proposing a stringent set of environmental constraints to allow the development of Lots S1 and S2 to proceed. Specifically:

- no dredging will be permitted;
- no infilling of the shoreline below the seasonal high-watermark will be permitted;
- no removal of aquatic vegetation by any means will be permitted in front of the lots;
- in order to provide access to the navigable portion of the lake, the lots will have a deeded right-of-way to a common access point on Neighick Lake on the east side of the isthmus adjoining Lot O, where motorized watercraft may be launched and docked;

- all forms of motorized watercraft including standard propeller-driven and jet-propelled watercraft will be launched from and docked, at this site;
- on the west-side of the isthmus, each lot will have a provision for the placement of a 25 m² floating platform attached to the shoreline from which would extend a 2 m wide by 10 m long, steel-pile-supported dock suitable for the launching of non-motorized watercraft — canoes, kayaks, punts etc. — to access the marsh environment:
 - the entire floating platform and canoe dock will extend out into the marsh a maximum of 15 metres from the shoreline;
 - and in order to protect the marsh environment from disruption, the placement of the steel-piles and dock construction will take place in the winter months, when equipment and materials can be placed on the ice.

6.0 General Fish Habitat Protection Measures

In addition, to prevent harm to fish habitat, the following standard protocols and procedures are recommended:

- seasonal-residential building envelopes will be sited at least 15 metres back from the edge of the lake as is specified in the Municipality of Magnetawan's shoreline setbacks for areas of warm-water fish habitat;
- any fill materials used to elevate the building site will be protected with adequate sediment and erosion control measures that will be maintained until the areas of disturbed and unconsolidated soils are re-vegetated, or stabilized by other permanent methods;
- construction equipment will be fuelled off-site — at least 50 metres away from the shoreline — fuel and oil spill cleanup materials should be readily available on-site during the construction phase;
- no shoreline alteration should occur in terms of the removal of shoreline trees, shrubs, or emergent shoreline herbaceous species:
 - it may, however, be necessary to remove a few individual shoreline trees to enhance the water view, however, vegetation removal should be kept to an absolute minimum; the pruning of tree limbs is preferable to the removal of trees;
- and a shoreline vegetation buffer zone of 5 metres should be maintained in a natural state, save for periodic pruning of brush to facilitate access to the non-motorized watercraft dock.

7.0 Report Author's Qualifications and Experience

Blythe and Associates was established in 1989. Chris Blythe is the principal of Blythe and Associates; he specializes in providing expertise in primary field biology. This includes fish habitat assessments, as well as botanical and wildlife habitat surveys. Based in Magnetawan, Ontario, he works on projects throughout the province with both public and private sector clients. He is accredited as a wetland evaluator by the Ontario Ministry of Natural Resources and Forestry (OMNRF).

He is also registered under the Ontario Ministry of Transportation's (MTO) Registry, Appraisal, Qualification System (RAQS) as a:

- Natural Sciences Specialist.
- Fisheries Assessment Specialist under the DFO/MTO/MNR Fisheries Protocol.
- and Fisheries Contract Specialist under the DFO/MTO/MNR Fisheries Protocol.

Blythe and Associates is registered as a Prime Consultant for these natural heritage specialities in the RAQS system

Chris Blythe provides botanical and wildlife assessments for a range of clients, including various municipalities, and the government of Ontario. In this vein, he has conducted numerous botanical, and wildlife surveys for proposed highway widening and road improvement projects. For over a decade he has worked on Highway 69/400 expansion corridor for MTO providing assessments of proposed right-of-ways for threatened or endangered species of flora and fauna. These assessments have included comprehensive ground searches for: Eastern Massasauga, Eastern Hognose Snakes, Eastern Foxsnake, Blanding's Turtle, Spotted Turtle, Wood Turtle, Whip-poor-will, Common Nighthawk, Canada Warbler, and Olive-sided Flycatcher. His most recent project in this area involved providing expertise with herpetofauna on a special joint-research project on Eastern Massasauga sponsored by MTO and Wildlife Preservation Canada, a non-government organization concerned with rare species conservation.

He is also recognized by MTO and OMNRF as a qualified trainer to provide all species Ontario *Endangered Species Act* training for all levels of highway construction personnel on the Highway 69/400 expansion corridor. In additions, within the Highway 69/400 expansion corridor, he has also worked on First Nations lands under the provisions of the federal government's *Species at Risk Act* (SARA).

In 2001 and 2002, he was retained by the OMNRF to conduct site reconnaissance surveys of 17 proposed conservation reserves, under the Ontario Living Legacy program and prepare a detailed life science report on each conservation reserve. This project involved assessment of the botanical, wildlife and historical attributes of approximately 34,521 hectares of Crown land within the Parry Sound/Muskoka area.

In addition to providing field biology expertise, he has also been contracted by several federal government agencies to conduct research into areas of fisheries and botany. From 1998 to 2002, he was retained by Fisheries and Oceans Canada (DFO) to

Neighick Lake
(Beaver Lake)

Attachment 1

Common access point and dock to Neighick Lake for motorized watercraft

critical fish habitat

Part 5, 42R-20119 will be used as Right-of-Way for S1, S2 and Retained to access Beaver Lake

LOT C

Lots S1 & S2

Approximate location of mid-July navigable channel

RETAINED LAND

BEV. CAMP
EISENBERG

Part 1, 42R-20119

LOT 19 CON 3

Part 1, 42R-20119

Sketch
Part of
Geogra
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S2 - Severed 2 = 2
Retained = 18.6± t

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THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2016 - 10

Being a By-law to amend By-law No. 2001-26, as amended, the Zoning By-law for the Corporation of the Municipality of Magnetawan with respect to lands located in Part of Lot 19, Concession 3, in the former geographic Township of Croft, now in the Municipality of Magnetawan, Plan 42R-20119 Parts 2,3,5 and 6 and municipally known as 1516 Ahmic Lake Road, Municipality of Magnetawan.

WHEREAS the Council of the Corporation of the Municipality of Magnetawan is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, R.S.O. 1990;

AND WHEREAS the owner of the subject lands has filed an application with the Municipality of Magnetawan to amend By-law 2001-26 as amended;

NOW THEREFORE the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. Schedule 'A1', to Zoning By-law No. 2001-26 as amended, is further amended by zoning a portion of lands legally described as Part of Lot 19, Concession 3, Plan 42R-20119, Parts 2,3,5 and 6 in the former Township of Croft, now in the Municipality of Magnetawan and municipally known as 1516 Ahmic Lake Road, Municipality of Magnetawan from the Extractive Industrial (MX) Zone to the Shoreline Residential Exception RS-23 Zone as shown on Schedule 'A-1' attached forming part of this By-law.
2. One 25m² floating platform per lot is permitted. The entire floating platform and canoe dock will extend out into the marsh a maximum of 15 metres from the shoreline. The floating platform will be attached to the shoreline from which would extend a 2 metre wide by 10 metre long, steel-pile supported dock suitable for the launching of non-motorized watercraft to access the marsh environment.
3. To prevent harm to fish habitat, the following standard protocols and procedures shall be followed, as included in the December 2015 Supplementary Fish Habitat Impact Assessment prepared by Blythe and Associates :
 - a. Seasonal-residential building envelopes shall be sited at least 15 metres back from the edge of the lake;
 - b. Any fill materials used to elevate the building site shall be protected with adequate sediment and erosion control measures that shall be maintained until the areas of disturbed and unconsolidated soils are re-vegetated or stabilized by other permanent methods; and
 - c. A shoreline vegetation buffer zone of 5 metres shall be maintained in a natural state, save for periodic pruning of brush to facilitate access to the non-motorized watercraft floating platform.
4. In all other respects, the provisions of By-law 2001-26, as amended shall apply.

This By-law take effect on the date of its passage, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario).

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 23rd day of March, 2016

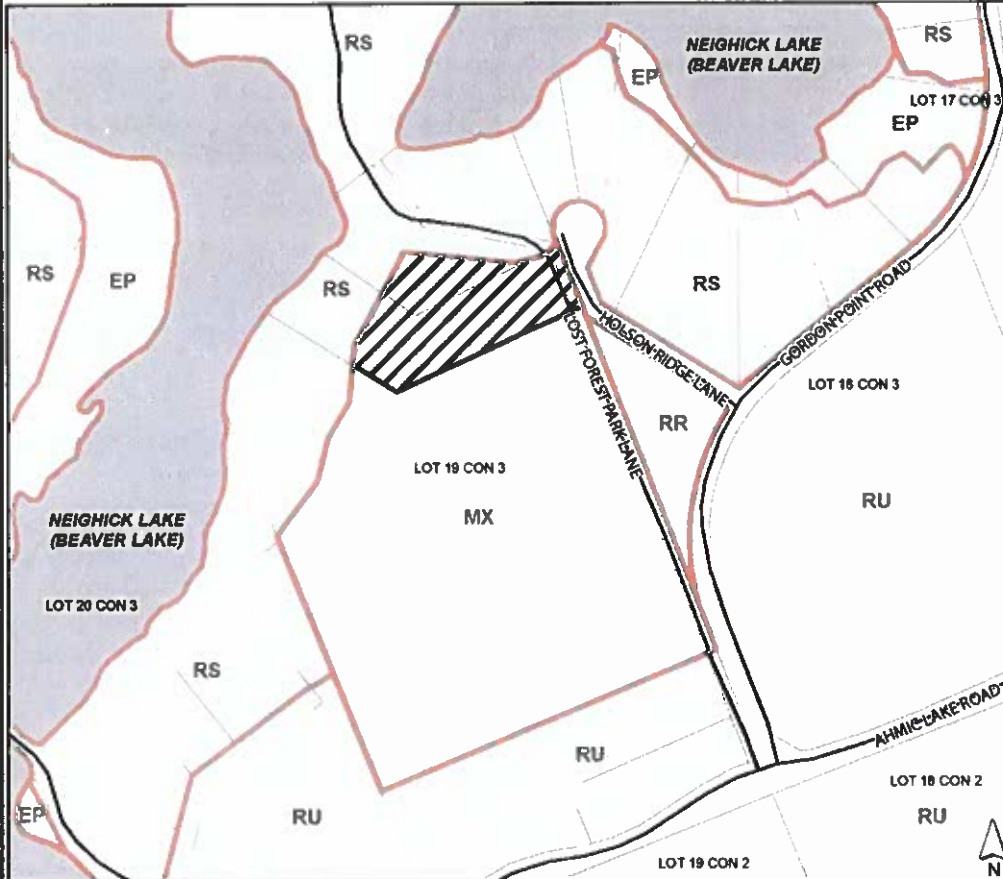
**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**


Mayor


Clerk-Administrator

Schedule 'A-1'

Part Lot 19, Concession 3
GEOGRAPHIC TOWNSHIP OF CROFT
Municipality of Magnetawan



 Lands to be rezoned from the Extractive Industrial (MX) Zone to the Shoreline Residential Exception Twenty Three (RS-23) Zone

This is Schedule 'A-1' to Zoning By-law 2016-10
Passed this 23rd day of March, 2016


Mayor


Clerk-Administrator