

August 11, 2022

Township of Muskoka Lakes  
1 Bailey Street  
P.O. Box 129  
Port Carling, ON POB 1J0

Dear Chair Bridgeman and Planning Committee Members,

**Re: Official Plan Draft June 28, 2022**

The Muskoka Lakes Association and Friends of Muskoka offer the following comments on the June 28th draft of the Official Plan (the “OP”).

Notes in red are our suggested changes to the draft OP.

1. Environment and Natural Heritage Policies

The MLA and FOM have been supportive of many policies we are pleased to see in the latest version of the Official Plan. From the beginning of the review process, we have supported policy that puts the environment first and takes a precautionary approach to protect natural heritage and lake system health. We support the policies put in place to reduce flooding, address the impact of climate change, protect water resources and include watershed planning and stormwater management. Increasing minimum lot frontages and areas for new lot creation and implementing site plan agreements are important steps to protect our environment. We thank Council members, staff and Meridian Planning Consultants (“Meridian”) for incorporating these vital policies.

2. Resorts: Maximum Owner Occupancy (F3.3.2.1e) and F3.3.2.2e)

**MLA and FOM Recommendation:** That a resort unit owner may use their unit when it is not in use for up to a maximum of 31 weeks per year of total owner usage.

F3.3.2.1e) Resort Open Year Round: The unit owner may exceed the maximum 26 weeks per year occupancy up to a maximum of ~~39~~ 31 weeks per year (subject to sub-section b)) where a reservation is not made more than seven days in advance and the unit has not already been reserved by the public. Such reservations shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of the subsequent regular rental period.

F3.3.2.2e) Resort Not Open Year Round: The unit owner may exceed the maximum 50% of the weeks that the resort is open, up to a maximum of ~~75%~~ 60% of the weeks the resort is open (subject to sub-section b)) where a reservation is not made more than

seven days in advance and the unit has not already been reserved by the public. Such reservations shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of the subsequent regular rental period.

With a unit being required to be in a rental pool at least 26 weeks per year, arguably it is not commercial or residential. The predominant use is neither one or the other. However, at some point you reach a tipping point. We would argue that more than 26 weeks is that tipping point.

Our MLA/FOM Minett survey showed that 70% of respondents believe owner usage at resorts should be limited to 26 weeks or less per year with 4 during the summer. This is clearly what the community prefers. However, a provision has been added to permit an owner to use the unit when it was not rented. Since this could lead to a unit being used 100% of the time by the owner, Meridian is proposing 39 weeks or 75% of the year (effectively splitting the baby between 50% and 100%). We suggest this is too much. It is only three weeks shy of the 42 weeks which our community found so objectionable (only 10 weeks in a rental pool), first at Villas and Touchstone and then at Legacy. It is a long way from 50-50.

Councillor Jaglowitz previously recommended 31 weeks, which means 60% of the year. We agree. Anything over 26 is trending towards residential.

That said, we are appreciative that Meridian did provide that it would in no way affect the maximum owner usage of four weeks during July and August.

3. Resorts: Unit Owner Use Restrictions when a Resort Ceases to Carry On Business  
(F3.3.2e))

**MLA and FOM Recommendation:** Unit owners shall cease to use their units if a resort ceases to be operated as a resort.

F3.3.2 e) Where a resort that includes condominium units substantially ceases to carry on business, the following policies shall apply:

- i) The owners of the condominium units shall ~~may~~, through a centralized management, continue to operate the units as part of a tourist commercial resort, **at a minimum using a centralized rental pool**, in accordance with all agreements registered on title, including those that deal with occupancy of the units; and
- ii) Conversion of the commercial resort use to residential use shall not be permitted.

Meridian suggested that when a resort ceases to carry on business, unit owners should not be precluded from using their units. They MAY operate the resort themselves, but they cannot convert them to residential use. The current Official Plan goes on to say that if the units are unable to be operated as part of a resort, use of the units shall cease until it is possible to operate them as such. We acknowledge that this would lead to a harsh result.

However, while we recognize unit owners may not be able to operate a restaurant or even a pool, at a minimum, they can operate a commercial condo by operating the rental program. It would not be difficult or onerous. In many cases the owner/developer is no longer in the picture and it is just the condo corporation. It must be a commercial condo, not a residential condo. This is what the current OP says.

#### 4. Main Floor of Boathouses (E4.10)

##### **MLA and FOM Recommendation:**

E4.10 While the bottom floor of a boathouse is intended to be used only for storage of boats and other recreational equipment, the implementing Zoning By-law ~~may shall~~ permit accessory recreational use **for a small amount of square footage, provided the balance of the boathouse is used for storage of boats and other recreational equipment and** provided an appropriate percentage and/or area of the boathouse is ~~utilized for marine storage and~~ open to the water below. No cooking facilities or areas for sleeping will be permitted as a component of the recreational floor area.

We believe there should not be a mandatory requirement to permit accessory recreational use. We recommend that “shall” be changed to “may”. This will provide the next Council with flexibility. There is also a concern that there are those who will use this mandatory language to justify construction of accessory recreational space prior to passage of the implementing Zoning By-law.

We note that use of the main floor of a boathouse for other than boats and boat storage is currently prohibited by the Zoning by-Law.

It is the percentage and/or area of the boathouse to be permitted for accessory recreational use that needs to be specified and not the other way around. For example, it does not make sense to specify a minimum floor area to be used for boat storage (with the balance presumably available for accessory recreational use). We suggest specifying that a maximum area for accessory recreational use be specified instead of a minimum area for boat storage.

#### 5. Attainable Housing Policies (B4 and L7.1)

We agree with the statement in B4 that obtaining attainable housing for year round residents is a challenge in the Township. We strongly support the attainable housing objectives in B4 and

J1(g), and the attainable housing policies (L7.1) to ensure housing is available which is affordable to low and moderate-income households.

We agree with statements in the draft OP that Urban Centres and Community Areas provide the most appropriate location for attainable housing, since these areas can be appropriately serviced, and are near essential goods and services.

#### 6. Site Plan Agreements for more situations of Site Alteration (N5 e))

The MLA and FOM believe that requiring site plan agreements for more situations of site alteration in the waterfront (N5 a)) is needed in order to comply with the District and provincial requirements for enhanced site plan control.

The District of Muskoka now requires site plan control for substantial development within the entire waterfront area, in order to ensure no negative impact on recreational water quality (C2.6.5.1).

Ontario's Site Plan Control Guide explains that site plan control is a tool for municipalities to ensure that development "is well designed, fits in with surrounding uses and minimizes any negative impacts." It states:

"Within a site plan control area, most development or redevelopment projects require site plan approval by the municipality."

In response to a question at the August 3rd Open House about the cost to taxpayers of additional staff to administer increased site plan approval, Director Pink explained that "we are in a transitional period right now with the economy and growth in general." He projected that the changes to the site plan policies will likely result in one additional staff member, which we believe is reasonable and warranted given the value added by site plan applications.

As Mr. MacDonald explained, "there are some very good reasons for requiring site plan control on properties and it's basically because it allows the Township and the landowner to have a discussion about how to best develop the property to minimize impacts on the environment and the character of the community and the lake on which the property is situated."

Ontario's Guide describes a number of processes to expedite site plan approval, which we encourage planning staff to consider, such as categorizing and streaming applications and e-permitting.

#### 7. Address Patios in Site Alteration By-laws (E5.e)

**MLA and FOM Recommendation:** We request that patios be added to the list of structures that should be considered in the updated site alteration by-laws, especially given the recent interest in expanding permissions for patios within the shoreline buffer.

E5.e) The following shall be considered in an updated **site alteration** by-law:

- i) Buildings;
- ii) Driveways;
- iii) Parking areas;
- iv) Helipads;
- v) Pathways and walkways (surfaced and non-surfaced);
- vi) Outdoor saunas and hot tubs;
- vii) Swimming pools;
- viii) Sports courts (tennis, pickleball, basketball etc.);
- ix) Stair accesses to the shoreline;
- x) Sun decks;
- xi) On-site Sewage Systems;
- xii) Firepits; ~~and~~
- xiii) Patios; and
- xiii) Any other alteration of the natural vegetation or landscape.

#### 8. Protection for Woodlands (N15.5)

**MLA and FOM Recommendation:** We ask that the definition of **natural heritage features and areas** be expanded to include **woodlands** so that trees have the safeguards of the natural heritage policies and site alteration process.

Definitions N15.5 **Natural heritage features and areas:** means features and areas, including **significant wetlands, woodlands, habitat of endangered species and threatened species, significant wildlife habitat,** and **significant areas of natural and scientific interest,** which are important for their environmental and social values as a legacy of the natural landscapes of an area.

This is contemplated by the Development Policies for the Waterfront Area (E4.1 b)) which note the need to protect tree cover: *“Tree cover, vegetation and other natural heritage features and areas are encouraged to be retained to uphold the visual and environmental integrity and the exceptional character of the Waterfront Area.”*

#### 9. Recreational Carrying Capacity

**MLA and FOM Recommendation:** We are pleased to see this RCC policy reintroduced for waterfront areas. One further refinement committee may wish to consider is to exclude any lake or waterbody that is subject to a Transport Canada Vessel Operation Restriction Regulation which prohibits power driven vessels including electrical propulsion.

10. Dark Sky Lighting (L14)

**MLA and FOM recommendation:** We recommend three changes to the dark sky lighting policies:

- a) To improve enforceability and to be consistent with other sections in L14 (including e)), the words ‘new and existing’ should be added to L14 c):

L14 c) In addition to the above, dark sky lighting policies apply to all **new and existing** development throughout the Township.

- b) The term ‘construction’ in L14 e) is not defined, and should be replaced with ‘development’:

L14 e) New and existing ~~construction~~ **development** shall be required to provide exterior and interior lighting that avoids light trespass, and does not impose glare on neighbouring properties.

- c) The words ‘where appropriate’ in L14 i) will weaken the enforceability of the requirement for dark sky lighting on redevelopment, and should be deleted:

L14 i) Full cut-off dark sky compliant lighting shall be required for all new **development**, and ~~where appropriate~~ **redevelopment**. Low level lighting is encouraged.

11. Parking/Docking for new water access lots (E4.7.2 b))

**MLA and FOM recommendation:** We recommend that only one parking space and one boat slip be required for new water access lots served by way of an individual water access point. Many water access properties currently have access to one boat slip and one parking spot at landings and marinas which water access property owners who we have consulted believe to be sufficient.

E4.7.2 b) The implementing zoning by-law shall, in addition to permitting individual water access points, require that a minimum of ~~2~~-1 parking spaces and ~~2~~-1 boat slips be provided per water access lot on a property that is used as an individual water access point.

12. Our June 29, 2022 Comments

In our MLA and FOM letter on June 29, 2022 to Director Pink and Mr. McDonald, we made 16 recommendations which we believe are important improvements to the draft OP. We hope that Council, staff and Meridian will consider incorporating them into the final draft.

Thank you for considering our comments, which we hope are helpful.

Sincerely,



Susan Eplett  
President,  
Muskoka Lakes Association



Laurie Thomson  
President,  
Friends of Muskoka

cc. David Pink, Director of Development Services and Environmental Sustainability  
Nick McDonald, Meridian Planning Consultants