



Sent by E-mail

February 27, 2023

Town of Gravenhurst
3-5 Pineridge Gate
Gravenhurst, Ontario
P1P 1Z3

Attention: Adam Ager, Manager of Planning Services

Dear Mr. Ager:

Re: Proposed Glen Echo Resort development, Zoning By-law Amendment ZA 29-2022

We are writing to you on behalf of the Muskoka Lakes Association (the “MLA”). The MLA represents over 2,000 families (over 11,000 people). Our members care deeply about the natural environment and water quality. In particular, built form should not dominate over the natural environment. Shoreline development should occur in a sustainable manner to protect, maintain and enhance the health of the watershed.

Please find some pictures of the Glen Echo Landing attached as Exhibit “1”.

We also attach copies of The District Municipality of Muskoka’s (the “District”) letters dated August 12, 2022 (the “First District Letter”) and February 21, 2023 (the “Second District Letter”) as Exhibit “2”.

We refer to the applicant’s property on Taylor Island as the “Island Lot” and the property located at 1971 Muskoka Road 169/Highway 169 opposite Glen Echo Road as the “Mainland Lot”.

The following are our comments on what we see as key issues for consideration:

1. Significant safety concerns regarding mainland parking across Highway 169 opposite Glen Echo Road

We refer to the Second District Letter which states that the District is unable to recommend approval of the application due to concerns regarding the proposed waterfront landing on Muskoka Road 169 and related pedestrian safety concerns. We concur.

We are in receipt of correspondence from the OPP (the “OPP Correspondence”) regarding parking at the Mainland Lot, which confirms that Highway 169 is a very busy highway, Glen Echo Road is at the bottom of a hill and that significant signage would be required to alert motorists to potential vehicular (and pedestrian) traffic ahead and that it may be appropriate to conduct a speed analysis to determine if there is a legitimate risk, requiring a pedestrian crosswalk or other speed calming devices to slow traffic. It was also noted that a plan for a pedestrian crossing would not include shuttling a golf cart across the highway, since this is not permitted under the Highway Traffic Act.

While the posted speed limit is 80 km/h, we regularly see motorists travelling at 100 km/h or more. Please picture a family crossing the highway with small children and luggage in tow.

We also note that the Staff Report refers to Section K7b) of the District’s Muskoka Official Plan (the “MOP”) which states that: “**New development** proposed on **adjacent lands** to existing or **planned corridors** and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.”

We are concerned that the proposed parking lot on the Mainland Lot, requiring pedestrian access across Highway 169, would have a negative impact on this existing corridor.

2. Suitability of using Glen Echo Landing

The Glen Echo Landing has been problematic for many years. It is often frequently congested with contractors loading barges and island cottagers accessing their properties from the small boat dock. On holiday long weekends, there are sometimes cars parked along Highway 169. Last year Council directed staff to prepare a report regarding the landing, which may result in it becoming a tow-away zone for overnight parking.

The OPP Correspondence also notes that Glen Echo Road will also be problematic, as it is not a full two lanes wide and is not safe for increased pedestrian traffic, given its structure and lack of space.

We estimate the walk from the proposed parking lot to the boat dock at Glen Echo Landing to be 220 m (or 720 feet) based on measurements from Geohub.

We submit that it is inappropriate for the landing to be used to provide mainland docking for the proposed resort operation, due to the increased pressure and congestion that will result.

In addition, if Glen Echo Landing is proposed to be used as the access point on the waterfront, we recommend that approval be deferred until such time as the staff report on the use of the landing has been received and considered by Council.

3. Absence of mainland boat slips

The staff report, under the heading Property Information, c) Access, states that: “Per the application, parking and docking to be provided from local marina or mainland property owned by the applicant. The staff report references Section D14.3c) of the Official Plan, which states that: “where development is permitted on the basis of water access only there are sufficient long term provisions for mainland parking, docking and waste disposal.”

The Mainland Lot does not provide any frontage on the waterfront. No information has been provided as to any arrangements the applicant has made with local marinas for docking (and parking) and/or waste disposal.

The applicant cannot park a boat overnight at the Glen Echo Landing. However, some form of mainland docking is required in order to make access to the Island Lot viable. The dots must be connected: (i) park on the mainland; (ii) have a boat moored in a dock space on the mainland (presumably at a marina) which can either pick up patrons at the marina or arrange to pick them up at the Glen Echo Landing (if permitted); and (iii) have a dock space at the Island Lot where patrons can be dropped off.

We submit that it should be a condition of approval that the applicant obtain a long-term lease from a marina for an appropriate number of boat slips (and parking spots) and there also be a requirement that this lease, or other suitable arrangements, be maintained.

4. Requirement for an Archeological Assessment

The First District Letter, as updated by an email from the District dated November 24, 2022, states that it is the opinion of District staff that the proposed changes to add a site specific cap on the total number of proposed tourist commercial accommodation units on the subject lands to 14 would still facilitate the development of a significantly expanded resort commercial use requiring an Archeological Assessment. We concur. While it is noted that it is up to the Town to decide if an Archeological Assessment will be required, we suggest that it is appropriate to do so based on the District’s opinion.

5. Requirement for a net improvement to water quality

The First District Letter notes that there is a general requirement in the District MOP requiring a setback of 20 m from any shoreline for all development, with certain minor exceptions, provided that where there is redevelopment proposed on an existing lot (as will be the case here), the MOP permits a reduction of the required setback provided there is a net improvement to the water quality through the use of on-site phosphorus mitigation measures. We submit that this should be a condition of any approval.

6. No negative impacts on natural features

The First District Letter notes that the subject lands contain Stratum 2 deer wintering habitat and that development should be directed to areas outside of the habitat and/or mitigation measures should be proposed that result in no negative impacts to the natural features. We concur. We submit that this should also be a condition of any approval or included in the site plan agreement.

7. Species at risk

The First District Letter notes that the subject property may contain species at risk and that any site alteration or development must be undertaken in accordance with provincial and federal requirements for their protection. We concur.

8. Is the recently acquired lot a waterfront landing?

The applicant is proposing to rezone the Mainland Lot from the current Rural (RU) zone to a Waterfront Landing (WL) zone to permit a mainland parking lot associated with the Island Lot. Section 4.198 of Zoning By-law (“ZBL”) 2010-04 defines a Waterfront Landing as follows: “Shall mean the use of land as a docking and parking facility, which serves as a mainland access point for a commercial or residential property that are accessible by water, but which does not include vessel or vehicle sales or rental or services, or the sale of fuel.”

The use must be as a docking **AND** parking facility (not docking **OR** parking facility). The Mainland Lot does not meet the definition of “Waterfront” Landing, since it has no waterfront and it cannot provide docking.

9. Will this be a resort commercial condominium?

Is it the applicant’s intention to subsequently seek approval from the District to convert the form of tenure from single ownership to a resort commercial condominium? The District MOP states in policy F6 a) “Resort development with a mix of multi-residential and commercial units will only be permitted on municipally owned sewer and water services.”

The District may soon be requiring this information upfront. In the District’s comment letter dated August 29, 2022 on the resorts section of the Township of Muskoka Lakes Official Plan it was noted that: “ Additionally, it is recommended that a requirement is included to identify the intended tenure arrangement upfront.”

In this event, the applicant will likely require 14 boat slips and 14 parking spots on the mainland. In addition, the condominium units may have to be in a rental pool a minimum of 26 weeks per year (or 50% of the time that the resort is open, if it is not open year-round) and a minimum of five weeks in July and August.

10. Tie the two lots together

The applicant further provides that the amending zoning by-law will tie the Mainland Lot to the Island Lot as one lot for planning purposes.

We refer to Section 6.1.1(iv) of ZBL 2010-04, which provides that where off-street parking is located on a lot other than the lot containing the use requiring the parking, the owner of both lots is required to enter into an agreement with the Town to be registered on title of both lots guaranteeing that the land required for parking shall continue to be so used only for such purpose until the owner provides alternate parking space. While this provision does not apply to water access lots, we recommend that such a provision be included as a condition of approval.

11. What is the purpose of the proposed building on the Mainland Lot?

The applicant is also seeking approval to permit building of a single detached dwelling on the Mainland Lot. What is the purpose of this proposed dwelling? Will it have a residential use? What will be the size of the proposed dwelling?

12. Provision of year-round services

The Town of Gravenhurst Official Plan Section D6.4 states that “existing tourist commercial uses shall be supported and encouraged to expand their operations and facilities in order to adapt to changing conditions and provide year-round services.” Year-round services at an island location are problematic. Ice conditions have become extremely variable and snowmobiling has been limited. Access in the event of an emergency in winter and at times during the shoulder seasons may prove difficult.

13. Downzoning to Residential still an option

We continue to believe that downzoning from resort commercial to residential on some reasonable basis regarding density continues to be a viable option. We urge the applicant to seriously consider this option.

While the District and the Town currently discourage downzoning and the staff report notes that the District MOP provides that downzoning of resort commercial properties with significant land holdings and frontage on water will not generally be supported, we note that it goes on to state that the District MOP also provides that in extenuating circumstances, downzoning may be considered where the impact of the loss of the commercial land base has been analyzed and it is demonstrated that it would not negatively affect the critical mass of the tourism infrastructure and land base in Muskoka. We believe this to be the case for the subject property.

14. Fish Habitat

The staff report indicates that the Island Lot is located adjacent to Type 2 fish habitat and that any shoreline work must be in compliance with both Federal and Provincial requirements in order for a Building Permit for shoreline structures to be issued. We request that this be included as a condition of approval or in the site plan agreement.

15. Septic

The staff report notes that the Sewage System and Building Inspector advised that the applicant should be directed to the Ontario Ministry of Environment, Conservation and Parks as they are the issuing authority for proposed sewage systems over 10,000 litres per day. We request that this requirement be included in the site plan agreement.

16. Ongoing commercial use and maintenance of the resort

The staff report refers to Section F6 of the District MOP, which states that documentation enforceable by the Town, including an agreement, requiring ongoing commercial use and maintenance of the commercial components of the development is required to be entered into. Please confirm that this will be included in the site plan agreement or in some other agreement.

17. Visual Barrier

We refer to Section 24.3 of ZBL 2010-04 which requires a visual barrier in accordance with Sections 5.27.1 and 5.27.2. Please confirm that this requirement will find its way into the site plan agreement.

18. Maximum Density

The staff report indicates that the applicant has revised its proposal to reduce the maximum lot coverage to 305 m² for each .4 ha in lot area (with a maximum of 14 resort commercial accommodation units) instead of the initially requested Special Provision 305, which would have permitted a maximum lot coverage of 372 m² for each .4 ha. We had suggested using Special Provision 304, which would have permitted a maximum lot coverage of 279 m² for each .4 ha. We believe the applicant's revised proposal is preferable, provided the maximum of 14 units is also documented.

We are opposed to Zoning By-law Amendment ZA 20-2022 as currently proposed. Please accept this letter as a written request that the Muskoka Lakes Association wishes to be notified of the decision of the Town of Gravenhurst in respect of proposed Zoning By-law Amendment ZA 29-2022.

We appreciate the opportunity to provide you with our comments.

Yours very truly,

A handwritten signature in black ink that reads "Ken Pearce". The signature is written in a cursive, flowing style.

Ken Pearce
Vice-President and Director
Muskoka Lakes Association

cc. Mayor and Councilors, Town of Gravenhurst
Melissa Halford, Director of Development Services, Town of Gravenhurst
Susan Eplett, President, Muskoka Lakes Association
Liz Lundell, Chair, Government and Land Use Committee, Muskoka Lakes Association
Laurie Thomson, President, Friends of Muskoka
Lisa Marden, Director of Planning, The District Municipality of Muskoka