

August 16, 2023

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

Attention: Planning Committee

Dear Chair Bosomworth and Committee Members:

**Re: MLA and FOM Comments on  
Draft Revisions to the Approved TML Official Plan**

On behalf of the Muskoka Lakes Association (“MLA”) and Friends of Muskoka (“FOM”), please find summarized below comments on the modifications to the Township of Muskoka Lakes (“TML”) Official Plan (“OP”) being requested by the District of Muskoka (“District”) and other TML modifications. Our comments have been grouped into two categories:

1. Requested Changes; and
2. Housekeeping Suggestions.

Our delegations tomorrow, August 17<sup>th</sup>, will focus on the requested changes while the housekeeping items are meant to clarify points and/or assist the general public with the understanding of the OP.

## 1. Requested Changes

### B6 Tourism Development Objectives

- f) Recognize that a **flexible approach** to resort development is required in recognition that resorts are an integral component of the tourism industry that supports other tourism operations and creates general awareness of the area for newcomers;
- g) Support the rejuvenation and expansion of existing tourist commercial facilities to maintain and enhance the tourism potential of Muskoka and in support of this requirement, existing and new facilities should be designed and developed comprehensively to support the creation of a four season year-round market;

**MLA/FOM Comment:**

Section B6 f) and a **“flexible approach”** is already included in Section B6 d) (Facilitate the establishment of a competitive tourism business environment that is **able to easily adapt** to changing circumstances and priorities by ensuring that the policy framework permits the broadest range of commercial accommodation facilities and tourist uses in appropriate locations;) and Section F3.3.2 a) (Outside of the Urban Centres, it is recognized that a **“flexible approach”** may be considered...) and Section B6 g) is already covered by Sections B6 b) and c). This language is drawn from the District Official Plan and is unnecessary and duplicative.

The language that resorts are **an integral component of the tourist industry** is problematic and incorrect. While resorts are part of the Muskoka tourism industry, the data collected during the OP review established that this market sector and its economic contribution to the region has been contracting year-over-year. The proposed language is inconsistent with the language in the preamble to Section F1, which states in part that: **“Given this history, the commercial accommodation sector has become a significant contributor to the economy of the Township and wider area. While it is recognized that **the use of private seasonal cottages contributes significantly more to the economy than the commercial accommodation sector...**”**

Each use of **“flexible approach”** is invariably brought to the attention of the tribunal at OMB/LPAT/OLT hearings by counsel for resort developers for the proposition that the resort policies do not need to be strictly adhered to.

We request removal of these recently added duplicative objectives.

**E7 Recreational Carrying Capacity**

b) Recreational Carrying Capacity is defined as an estimate of the number of property owners and watercraft that can utilize the surface of a lake, bay or river while still enjoying the amenity provided by the waterbody. Recreational carrying capacity is a measure of social carrying capacity rather than environmental capacity, **and is therefore intended to augment the lake system health policies of this Plan.** However, it is recognized that the two factors are related. Recreational Carrying Capacity is one of a number of criteria to be considered when assessing applications for **development** in the Waterfront Areas and these include impacts on lake system health, the natural environment and waterfront character. **The use of Recreational Carrying Capacity in this Plan is supported by the District Official Plan, which permits area municipalities to address social carrying capacity issues based on community preferences identified through consensus.**

**MLA/FOM Comment:** The additional wording from the District is paraphrased language based on language in the District OP. We submit that it is not necessary to repeat policy in a lower tier OP that already exists in the District OP. If the District wants to include language that says RCC is supported etc., the entire paragraph from the District OP below should be used, so as to remove ambiguity that a summary might cause.

*“The use of Recreational Carrying Capacity in this Plan is supported by the District Official Plan, which recognizes that social carrying capacity of waterbodies can have important impacts on the use, enjoyment, and safety of Muskoka’s waterbodies as well as indirect impacts on the environment and economy of the area. Traditionally, social carrying capacity has been addressed through the Area Municipal Official Plans and/or through lake plans adopted by Lake Associations. There are many different approaches to addressing social carrying capacity, and most are based on community preferences identified through consensus.”*

#### **H2.4.4 OBJECTIVES FOR WALKER'S POINT/BARLOCHAN**

It is the objective of this Plan to:

- a) Maintain, identify, enhance, and celebrate the distinctive character, identity, and the rich heritage of the Walker's Point/Barlochan Local Community Area;
- b) Encourage, maintain, and support the development of parks, trails, gardens, and various forms of water access on Township owned lands in the Walker’s Point/Barlochan Local Community Area; and
- c) Encourage, maintain, and support the development of heritage, memorial, and archived sites and dedications on Township owned lands in the Walker’s Point/Barlochan Local Community Area.

**MLA/FOM Comment:** We request that Hardy Lake Provincial Park be given specific recognition, given its importance to Walker’s Point. We request that b) be revised to read:

Encourage, maintain, and support the development of parks, trails, gardens, and various forms of water access on Township owned and managed lands, including Hardy Lake Provincial Park, in the Walker’s Point/Barlochan Local Community Area

#### K4 Application Requirements (ie. Mineral Aggregate Operations)

New mineral aggregate operations shall not be permitted are strongly discouraged within 2,000 metres (6,561.6 feet) from the boundaries of the Waterfront Area designation or because of concerns about the impact of new mineral aggregate operations on water quality, the environment and the general character of the Waterfront Area. Any Amendment to this Plan to establish a new mineral aggregate operation within 2,000 metres (6,561.6 feet) of an Urban Centre kilometres of the Waterfront Area shall demonstrate that these concerns are minimized to the satisfaction of the Township. In addition new mineral aggregate operations should be located in close proximity to a Provincial highway to minimize impacts on the rural area.

**MLA/FOM Comment:** The District OP does not permit aggregate operations in the waterfront area so the Township OP, with the 2 km development restriction, is consistent with the District in this regard. Furthermore, in our opinion, a prohibition on mineral aggregate operations within 2 km of a waterbody is consistent with either the existing 2020 Provincial Policy Statement (PPS) or the draft 2023 PPS (excerpts below). Neither policy precludes environmental protection. Furthermore, the more restrictive 2023 policy is not yet in force. We believe the Township should clearly communicate to the Province that it wants to prioritize its waterfront environment by prohibiting mineral aggregate operations within 2 km of its shorelines.

2020 PPS:

Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts

PROPOSED PPS 2023 policy (NB: this policy has yet to be passed)

4.5.2 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

### N3 CHANGING ZONE STANDARDS

**MLA/FOM Comment:** The MLA and FOM requested that you carry forward current OP policy that will provide a policy basis for the Township to deny zoning by-law exemptions and insist on strict compliance. We request that you carry forward policy F1.6.8, which reads:

“Due to carefully planned origins of certain provisions of the zoning by-law, exemptions may not be granted for lot coverage, oversized sleeping cabins, additions to second dwellings/sleeping cabins, front yard setbacks for non-complying structures, reduced side yard setbacks for two storey boathouses or sundecks on a boathouse, and shoreline structure widths. These origins must be considered in relation to any such application.”

### N5 SITE PLAN CONTROL

~~d) In accordance with the Planning Act, no development shall be undertaken within a site plan control area until the Township has approved the necessary information and materials sufficient to display matters set out in Sections 41(4) and 41(5) of the Planning Act, including but not limited to:~~

~~ix) Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design; and~~

~~x) The sustainable design elements within, or adjacent to, an adjoining municipal right of way, including without limitation landscaping, lighting, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.~~

~~j) All exterior finishes shall be of a natural appearance, primarily of wood, stone, or materials resembling such. Brick facing will be limited in the Waterfront Area and Core Commercial designations. Concrete block and steel finishes, will be discouraged except in certain industrial/commercial applications.~~

~~k) Architectural features such as dormers, covered porches, open rafter ends, and wooden shakes will be encouraged.~~

**MLA/FOM Comment:** Sections N5 (d), (j) and (k) relating to exterior finishes of buildings were deleted from the approved OP. We question why this happened as we believe the intention was to have some control over waterfront and community character. We request these sections be reinstated.

## F Commercial Accommodation

### F2 Objectives

- c) Support the development of single-owner commercial accommodation uses and discourage carefully manage the development of commercial accommodation uses by way of Plan of Condominium outside of the Urban Centres;

**MLA/FOM Comment:** Discussions in the OP working group and at committee were clear that single-ownership of resorts was preferred and that development by way of plan of condominium outside the Urban Centres with municipal servicing was to be discouraged. We had been advocating for the prohibition of commercial condominium ownership as a form of tenure. The previous language approved by the prior Council reflected the compromise reached. We request that the original wording be reinstated.

### F3.2 USES PERMITTED IN A COMMERCIAL RESORT

- a) Principal uses The principal permitted use in a commercial resort outside of the Urban Centres are resort commercial accommodation units (as defined in Section F3.3) of visitors and guests in facilities such as lodges, resorts, hotels, cabins and lakefront villas. The use of resort commercial accommodation units as a commercial resort for year-round or seasonal dwelling unit uses shall not be permitted. The implementing Zoning By-law may establish maximum unit sizes or unit equivalencies as required

**MLA/FOM Comment:** We believe the word “residential” is missing in a) as follows: “The use of a commercial resort for year-round or seasonal **residential** uses shall not be permitted.” Otherwise, the sentence does not make sense.

### F3.3.2 USE RESTRICTIONS OUTSIDE OF URBAN CENTRES

- ~~a) *While the Township's preferred form of tenure for resorts is single ownership (that is, no ownership of individual units by unit owners), Outside of the Urban Centres, it is recognized that a flexible approach may be considered provided all resort commercial accommodation units generate a turnover of occupants through mandatory rental pools/programs, exchanges, timesharing, fractionalized ownerships or other similar means as stipulated in this section of the Plan.*~~

**MLA/FOM Comment:** The previous Council wanted to discourage condominium ownership and preferred single ownership resorts. There was significant discussion about this over a couple of

years and the MLA and FOM strongly supported this approach. The reasoning is that it is very difficult to enforce commerciality for condominium ownership and residential subdivisions on the waterfront are strictly prohibited. We request that the original wording be reinstated.

### F3.4.2 RESORT DEVELOPMENT REQUIREMENTS

- a) These policies apply to new resorts and when existing resorts are proposed to be expanded or redeveloped. If an expansion or redevelopment is proposed, the requirements of this section shall be commensurate with the magnitude of the expansion.

**MLA/FOM Comment:** The added sentence is very subjective and broad. What does “commensurate with the magnitude of the expansion” mean? We note that appropriate qualifying language is already to be found throughout this section. For example, Section F3.4.2 f) applies only to “new **major** development or redevelopment...”. We suggest that qualifications layered upon qualifications is not appropriate. We request this be specifically defined, or preferably removed, from the policy set.

## L9 PROMOTING SUSTAINABLE DEVELOPMENT AND HEALTHY COMMUNITIES

**MLA/FOM Comment:** We remain disappointed that in L9 b) the Township is still not committing to develop the tools necessary to push for more sustainable development. Council declared a climate emergency and this summer we were given a front row seat to what that means in Canada, Ontario, and Muskoka. Council must be prepared to lead on this if we are to shift our way of thinking and actions. Please change this wording to *“the Township shall also ~~consider developing and implementing~~ a range of appropriate mechanisms and tools...”*

### F3.4.1 a) APPLICATION REQUIREMENTS

**MLA/FOM Comment:** We concur with the comment in the District’s comment letter (signed by Ms. Elizabeth Purcell, Manager of Planning) on the OP dated August 29, 2022, stating that: “Additionally, it is recommended that a requirement is included to identify intended tenure arrangement upfront.” We are concerned that some resorts are developed initially as a single-ownership resort and then application is made to the District for condominium approval. To address this comment from the District, we recommend the following sentence be added to the

end of Section F3.4.1 a): “The form of tenure for a new resort shall be established at the time of such amendment.”

## 2. Housekeeping Suggestions

### D2.5.2 GENERAL STORMWATER MANAGEMENT POLICIES

f) All buildings are designed for efficient water use using conventional methods, such as ultra-low flow fixtures and dual flush toilets and other innovative water saving measures like waterless urinals, and grey-water recycling systems;

**MLA/FOM Comment:** D2.5.2 f) is not a storm water policy - it is a water and wastewater or a sustainability policy. We suggest relocating it under section L9.5 so that it can be seen and applied.

### F3.4.2 RESORT DEVELOPMENT REQUIREMENTS

h) Strong linkages to the waterfront shall be developed and dockage shall be provided to accommodate transient visitors arriving by water, with such new dockage being supported, **where necessary**, by a boat impact assessment study and recreational carrying capacity study completed to the satisfaction of the Township. As a general principle, the development of new docking facilities for the exclusive use of unit owners shall not be permitted.

**MLA/FOM Comment:** We suggest “**where necessary**” be replaced with “**where requested by the Township**”. This will eliminate debate on when this requirement is necessary.

### L3.8 Consultation with Indigenous Communities

**MLA/FOM Comment:** Typo in opening paragraph. Change ‘scared’ to ‘sacred’.

### L4 Natural Hazards

**MLA/FOM Comment:** L4 contains the Natural Hazards policies and L4.2.4 DEVELOPMENT AND SITE ALTERATION outlines the policies. L15.3 Flood Hazards and Shoreline Structures should be moved under L15.3 to ensure all relevant policies can be read together. Further, there is no definition of ‘minor expansion’ of structure - and no reference that it will be defined in by-laws which is the wording used elsewhere in the document



#### 14.2.1 PERMITTED USES (in Urban Residential Areas)

**MLA/FOM Comment:** Several uses were struck off this list and one in particular we believe should remain. Permitting **small-scale convenience retail and restaurants** would promote more livable, walkable communities that are less reliant on motor vehicles, a key goal of sustainable towns and cities. We request that this use be reinstated.

#### 14.2.4 DEVELOPMENT AND SITE ALTERATION (exceptions to prohibition to build in a floodplain)

ii) Where the development is limited to uses that by their nature must locate within the floodway, including docks and boathouses, flood and/or erosion control works or **minor additions** or passive non-structural uses that do not affect flood flows.

**MLA/FOM Comment:** We request that the OP include a definition of “minor additions” as this could be open to interpretation.

Thank you for this opportunity to provide 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  
Derrick Hammond, Chief Administrative Officer  
Nick McDonald, Meridian Planning Consultants