

# Muskoka Lakes Association

## Minett Official Plan Amendments Appeals Update



December 12, 2023

### 1. Background

In 2008, the Official Plan for the Township of Muskoka Lakes (the Township's key policy document) was updated and amended to permit over 4,000 units in Minett.

The Township has been updating its Official Plan over the last four years and it was finally approved about three weeks ago.

However, the Minett section was pulled out and dealt with separately. The process has been ongoing for several years and the Minett Official Plan Amendment (OPA) was approved in July, 2022. It had the support of Cleveland's House and the MLA, Friends of Muskoka (FOM) and the public were very involved in the process.

While still a huge number, the maximum number of units was reduced by over 50%:

- (a) Cleveland's House is now permitted up to 1,700 units, with up to about 900 units on the waterfront. These waterfront units may be 30% residential when connected to municipal services and the remainder must be resort commercial. The remaining units are across Juddhaven Road and will be residential. As noted in the Cleveland's House Open House presentation earlier this week, Phase 1 is expected to consist of only 48 cabin-style units and Phase 2 may include a boutique-type hotel with between 50 to 100 units on the location of the old Cleveland's House hotel;
- (b) the JW Marriott is permitted up to 265 units, with 221 already built; and
- (c) Legacy is permitted up to 55 units, with 43 units built or under construction.

Another key change is that there is now a unit size provision. A unit is up to 850 ft.<sup>2</sup>. A unit between 851 ft.<sup>2</sup> to 1,700 ft.<sup>2</sup> will count as two units and a unit between 1,701 ft.<sup>2</sup> to 2,550 ft.<sup>2</sup> will count as three units and so on. For example, a 4,000 sq. ft. cottage will now count as five units.

A further change is that any resort condominium units must be in a rental pool for a minimum of 26 weeks per year and a minimum of five weeks in July and August. This is a provision the community pushed for, to help ensure the resort units remain commercial.

## 2. The Appeals

Legacy and the Marriott appealed portions of Minett OPA 56 (passed by the Township) and Minett OPA 49 (passed by the District).

Although the MLA and FOM have worked closely together on the Minett OPAs and jointly funded the costs of their experts, they agreed that only one of their organizations was needed to request party status and decided that FOM would make the request, which was granted. Ken Pearce, a Vice-President, Secretary and Director of the MLA and the Secretary and Director of FOM, is acting as the representative of FOM. Cleveland's House was also granted party status.

The Ontario Land Tribunal (OLT) hearing was originally scheduled to commence on November 29, 2023 and run for seven days. It has now been rescheduled to commence on May 15, 2024 for three days.

Legacy had 10 issues and the Marriott had 12 issues, many of which were the same. A number of issues have now been withdrawn or resolved. For example:

- (a) Legacy wanted the schoolhouse lands purchased by it a few years ago behind their existing property to be redesignated as resort commercial. Presumably, they might use this property to build the remaining 12 units of their permitted 55 units, adding them to the 43 unit resort currently being built. We were concerned that this would effectively be a rezoning of this property without the usual public input. This issue has been withdrawn. It may be the subject of a future rezoning application; and
- (b) Legacy and the Marriott wanted to preserve certain zoning by-law amendments, presumably to provide greater flexibility for future developments, such as the schoolhouse lands for Legacy. This issue has also been withdrawn.

There are two issues still outstanding in the appeals:

- (a) Requirement to Connect to Municipal Services: Both Legacy and the Marriott want to delete the requirement that they must connect to municipal services when available. We understand staff believes this requirement is adequately dealt with elsewhere. However, we and Cleveland's House disagree. Mandatory connection to municipal services, when available, for existing development has been a long-standing policy of both the District and the Township. For example, it becomes exceedingly difficult to size a wastewater treatment plant when there is uncertainty as to who will connect. Our understanding is that the existing plant used by the Marriott was only supposed to be temporary. This issue needs to be clarified.
- (b) Percentage of Units that may be Residential: The old OP permitted up to 50% of the units on the waterfront to be residential, if and when connected to municipal services.

Through the OPA process, this was reduced to up to 30% for the Cleveland's House lands, but was not extended to the Legacy or the Marriott lands. Both Legacy and the Marriott requested 30% and staff have agreed. However, the Marriott recently added a new issue to the appeals, requesting up to 50%. Township staff and we remain opposed to this.

There will be more settlement negotiations and our planner and the Cleveland's House planner will be at the table. If unsuccessful, there may be mediation.

We will keep everyone posted through our email updates to MLA members and FOM supporters. We are confident that Paul Richards and John and Pam Newton will continue to keep the Minett community informed.

### **3. Questions**

If you have any questions, please email us at [admin@mla.on.ca](mailto:admin@mla.on.ca) and we will respond as soon as we are able.