

April 14, 2016

**Mayor and Members of Council
Township of Muskoka Lakes
1 Bailey Street, PO Box 129
Port Carling, Ontario P0B 1J0**

Dear Mr. Mayor and Members of Council:

**Re: Cove Marina
Zoning by-law amendment application ZBA-46/14, BY-LAW 2015-57
Foots Bay/Lake Joseph**

The Muskoka Lakes Association (MLA) represents more than 2000 families within Muskoka, extending from Seguin Township in the north to Gravenhurst in the south, as well as Bracebridge and the Township of Muskoka Lakes. Our association includes residents on the three big lakes and the numerous small lakes within Muskoka.

The MLA understands that policy-making in such a unique area as Muskoka will always involve a measured balance of interests. How do encourage people to use the lakes and land, with their unsurpassed beauty and recreational potential, while still maintaining the natural environmental attributes that are essential to ensuring Muskoka will always be a desirable place to live, work and play?

Maintaining this delicate balance in the Township of Muskoka Lakes is everyone's job: local politicians, assisted by their staff; residents and property owners, and local associates. All have had their say over the years, and the result is a set of guiding documents that includes the District of Muskoka Official Plan, the Township Official Plan, its General Zoning By-Law, and its Strategic Plan. All of these documents speak clearly to preserving the natural environment as an essential overall priority.

As an example, the Official Plan (2012) notes that, "Through its Official Plan, the Township of Muskoka Lakes endeavours to maintain a strong sense of community while embracing economic enhancement and growth opportunities that:

- Respect the environment;
- Maintain a high level of protection for our lakes;
- Nurture the protection and conservation of significant natural and cultural heritage features;
- Contribute to a year-round sustainable economy; and
- Enhance the quality of life of all citizens."

Accordingly, the MLA is concerned about the proposal to extend two docks at The Cove Marina up to a length of 90.8 metres (298 ft.). This is more than four times the permitted length under the current or previous Comprehensive Zoning By-Law. Nor does the proponent's application offer the benefits that the township expects as a tradeoff : namely, that they "Contribute to a year-round sustainable economy and enhance the quality of life of all citizens."

Cove Marina already enjoys benefits beyond those allowed most property owners or businesses in the Township. As of last summer, the two docks in question were already 34 metres (111 feet) and 40 metres (131 feet) long, the latter being twice the length normally permitted by the Township's by-laws.

The MLA is a passionate believer in boating, docks, commercial marinas, and economic development. But we see no compelling public benefit to justify the whopping increase being requested. This application would increase the number of slips to 69, nearly three times the current capacity of 24 slips. (More realistically, given that the marina operated with 38 slips last summer, an 81% increase over last year's capacity.

Moreover, we note that nine of these slips are to be reserved for a private golf club, Oviinbyrd. In 2015, the proponent planned to lease 15 of the 19 spaces on a long-term basis to Oviinbyrd. While this is a business decision for the marina owners, the MLA wonders, if this application were approved, what steps could the Township take to ensure that no additional spaces beyond the nine were leased to Oviinbyrd in future and that the remainder of the additional spaces were available to the cottage islanders?

The MLA is concerned about the intrusion of extra-long docks into Foothills Bay, the significant increase in boat traffic it will cause on busy summer weekends, and the impact of this noise and clutter on nearby residents. We note with concern that even the proponent's Boat Impact Assessment Opinion Letter acknowledges that this expansion will add to congestion in the bay.

As well, we believe that much of this additional traffic will occur in non-peak traffic times that were not included in the boat impact study, which took place only between 9 am and 5 pm. It is likely that at least half of the golf course-related traffic will occur very early on weekend mornings in the summer, and later in the day around supper time. These times are precisely when summer residents least want to hear additional boat traffic. It is this kind of activity that people come to Muskoka to get away *from*.

In addition, as the 2015 staff report noted, extending into the more open part of the bay will create "visual impacts" for some neighboring property owners.

Most importantly, we believe most of the club members who might wish to use these docks have alternative means of reaching the golf club. For most golfers driving to the club will be faster and more convenient than taking their boat (particularly as, once they reach the dock, they will still have to transfer to a vehicle to drive the remaining 3 km to the golf club).

The May 19, 2015 opinion letter from Michalski Nielsen Associates Limited made only a vague case for this expansion, noting that Oviinbyrd “has a large number of Lake Joseph cottagers as members. For many of those members, accessing the golf course by water is much more convenient than (sic) by car.” A look at the map would suggest that only islanders in Lake Joseph, or cottagers on the northwest side of that lake, could possibly save time by boating to a shuttle to get to this golf course. It is difficult to understand why cottagers should be disturbed especially in the early mornings in order to save others a few minutes on their way to go golfing when there is an alternative.

To extend these docks beyond their previously approved lengths is not good planning. The benefits do not accrue to the public or to the year-round economy, but only to a small group.

Council is reminded that the Township Official Plan establishes the following planning principles for redevelopment of properties in “small-scale” communities such as Foots Bay:

- * Section D.2.1.3.c relates to the protection of the characteristics that define the Communities and make them attractive places to live;

- * Section D.2.2.2 states that development in the Communities will be limited to development which is compatible with the existing character of the Community and for which appropriate servicing can be provided.

- * Section D.2.2.3 states that with the exception of the resort commercial sector, the development in the communities will be at a scale and of a type that is compatible with and enhances the service function of a small community.

- * Objectives in this Designation include:

- Section D.3.2.1 to ensure that development in the Communities is compatible with the existing built and natural environment.
- Section D.3.2.2 encourages forms of development that will preserve and enhance the natural and manmade environment.
- Section D.3.2.3 directs development to areas that are well suited to accommodate those forms of development.

The MLA does not see how this extraordinary dock expansion would meet any of these requirements. It would make the bay a less attractive place to live, and the proposed expansion is out of character with anything else in the community.

In addition, Section D.4.2.4 states that “the Waterfront character within any Community is unique and reflects historic growth.” This application is rooted in serving a private establishment physically and culturally removed from Foots Bay. Why should local property owners be burdened with the noise, traffic and fuss engendered by a bylaw exemption that does not primarily serve their community?

Finally, “Section D.13.2 states that Marinas shall be encouraged to expand in a manner to provide additional boat storage thereby alleviating the pressure for docking facilities.” The MLA is pleased that Cove Marina has embraced these essential principles for minimizing the impact of waterfront development. We see no reason why the Township should approve any further extensions of dock capacity.

We recognize that there are no clear “precedents” in planning as there are in law. So the fact that SWS (formerly Wallace) Marine was granted approval for docks to extend 582 feet in length should not influence council on this issue. That 2008 decision was precipitated “in order to accommodate steamships.” Steamships are not part of this application.

Nonetheless, by-law changes that favor one property owner over another are inevitably seized upon by others as opportunities to request their own exemptions. The MLA is very concerned that approval of this application – for nearly four times the maximum dock length set out in the one-year-old Zoning By-Law – will put even more pressure on waterfront commercial areas throughout the township. It would be naïve to think this application is not being watched carefully by other marinas eager to expand.

Council should refuse this application. After four years of healthy debate over zoning by-law provisions for shoreline structures and docks, 2015 comprehensive zoning by-law supported the existing provisions. There is nothing in this application that should encourage Council to change its mind on an issue long debated and since settled.

The MLA requests that a recorded vote be taken on this application. The MLA also respectfully requests a copy of council’s decision.

Yours respectfully,

A handwritten signature in cursive script that reads "Michael Hart".

Michael Hart
President, MLA