

August 29, 2017

**District Municipality of Muskoka
70 Pine Street,
Bracebridge, On
P1L 1N3**

Attn: Planning and Economic Development Committee

Dear Committee Members:

RE: Muskoka Official Plan Review

The Muskoka Lakes Association (MLA) has reviewed the document District of Muskoka Official Plan Draft dated May 3, 2017. The MLA had previously commented on the document Towards Establishing Planning Policy Directions October 21, 2016,- see our letter of January 25, 2017 and provided comments on District of Muskoka Official Plan Draft dated May 3, 2017 section D6 Resorts Development, –see our letter of May 17, 2017.

We have since attended the District open houses, stakeholders meetings, and have had the opportunity to consider comments from other participants.

We offer the following comments on the District of Muskoka Official Plan Draft dated May 3, 2017 hereinafter called the OP:

Some of these comments are substantial. Others are minor points for clarification.

With regard to the substantial comments especially as it relates to the provision of private communal services for resorts, the MLA requests the opportunity to discuss these comments further with District planning and engineering staff together with other interested parties and with including representative of the Ministry of the Environment and Climate Change, approvals branch who are responsible for communal septic approvals. This ideally can be done in person while staff are finalizing their second draft of the OP. The MLA intends to follow up with staff to arrange such a meeting.

Overall comments

Throughout the document there is a lack of clarity as to policy statements and description. For example, Policy Direction B is clearly description until the sentence “With this in mind, the MOP should establish as a first principle that development activity be undertaken in a manner that preserves and enhances the features, functions and interconnections of the natural environment that sustains what is Muskoka for future generations.” The draft OP requires a final careful editing to ensure that the policies are clearly stated and that there is a clear distinction between policy and description, between what is required and what is only desirable. The section, How to Read this Official Plan, would be improved by additional

definitions for OP terms such as “principle”, “target” and clarification that neither statements form policies requiring compliance.

Section A. Future of Muskoka: Long Term Vision

The MLA participated in the OP review resulting in the vision statement and guiding principles. We understand that the existing policies resulting from that review have been repeated here verbatim. We have no further comments on the vision statement.

However, we have read the comments from the aboriginal community and agree that somewhere in the Official Plan, perhaps in the introduction or background, there should be recognition of Muskoka’s historical roots and the aboriginal community. This becomes more important providing a basis for E. Traditions of Muskoka: Cultural Heritage Resources.

Policy Direction A6 “made in Muskoka approach” causes us concern and confusion. The Provincial Policy Statement PPS recognizes the diversity of Ontario and that local context is important, however it does not suggest that the minimum standards of the Ontario’s legislation be overridden. Our concern is that a “made in Muskoka approach” could be interpreted or be used to interpret that provincial legislation on matters effecting provincial interests and/or policy such as regulations for environmental protection, safe water protection, climate change, and other provincial legislative policies could be ignored. If that is not the case then the OP needs to be clearer as to what is a “made in Muskoka approach” and why it is needed to be a policy. The criteria that the results are “outcome oriented and evidence based” is unclear as to its meaning and how the criteria would be satisfied.

Section B Sustainable Muskoka

The PPS states that Ontario “depends upon planning for strong sustainable and resilient communities.”

In Muskoka, as in many other northern communities in Ontario, there is a need to provide policies that will sustain communities, based on a sustainable economy. In declining municipalities or municipalities with low growth such as Muskoka, policies to sustain the community is equally as important or more important than policies to control growth.

The OP contains few policies devoted to sustaining existing communities. In fact, the statement, “the settlement areas in the District are the focus of growth” ignores the challenges of low or no growth, out migration of young people, reduced labour force, an aging population, and the loss of economic vitality in the economic sector from the closing of manufacturing plants, the out migration of retail dollars to other centers in Ontario, the influence of online buying further reducing the presence of retail stores on the main streets and the diminishing economic activity of Muskoka’s resort industry. Objectives B1 all address the need to manage growth. None address issues of sustainability or decline of economic vitality.

Section B18 Promoting sustainable development and healthy communities: provides some policies to promote healthy communities but it does not address the issues of out migration, economic stagnation and decline.

The policy B6 further erodes sustainable development principles by directing all new permanent dwellings to urban centres. B6 “It is a policy of this plan that a target of 70% of new dwellings occupied on a permanent basis be directed to urban centres.” To be sustainable, Muskoka needs to give consideration to maintaining all its communities and settlement areas, in all areas, rural, waterfront, and community, as well as urban centres.

Policy B6 supports the out migration from the smaller communities and rural areas within Muskoka to the 9 urban centres, depleting the vitality of the smaller communities and the rural area. While we understand the needs for municipal educational and medical services which cannot be met in the smaller communities to locate in the urban centres, to direct 70% of new growth to urban centres is the equivalent of suggesting that the majority of new growth and economic development in Ontario should occur in the GTA, to the detriment of attracting growth in Muskoka.

B6 states that these numbers are targets, otherwise known as wishful thinking. In addition our experience with targets in lower tier official plans namely the Twp of Muskoka Lakes OP is that the targets are satisfied as long as there is an increase, even as little as a 1% increase towards the target – that is if 1% of all new development is directed to urban centres the target is satisfied. Perhaps better terminology than target should be considered.

Policy B2 – B6 all address growth, growth of population and growth of employment. The Tables are based on the District 2013 Growth strategy – a study that many acknowledge was overly optimistic in predicting population and employment growth. Perhaps by the time the new OP is finalized a new growth study to be undertaken in 2018 is completed with more reliable numbers.

The OP contains new permanent population projections, new seasonal population projections, and new permanent dwelling projections to 2036. Why are there no seasonal population dwelling projections? The various building departments issue permits based on seasonal or permanent occupation so the base data is available.

The seasonal population EXCEEDS the permanent population. Annually it contributes to the Muskoka economy through municipal and district taxes and through its buying power of local consumer goods and services. The District undertakes periodic second home studies to estimate the economic value of the seasonal population. The seasonal population is also a user of district and municipal services, relying upon the district and its municipalities to build and maintain roads, fire and emergency services, municipal water supply, and wastewater treatment facilities as well as waste disposal facilities.

Just as an estimate of permanent population is necessary to ensure the provision of long term services, an estimate of seasonal population growth is also needed especially as the existing seasonal population of 83,000 exceeds the permanent population of 60,900. To not consider the future needs and the impact of a seasonal population which numerically exceeds the permanent population is unacceptable.

If the district wished to retain targets and direct permanent dwelling growth to urban centres, should the district also direct seasonal dwelling growth to the waterfront and rural areas. Such a policy would focus attention on the requirements for seasonal population growth whose preferred locational requirements would help sustain the smaller communities and rural centres in Muskoka.

Section D Economic Development Policies

D6 Resort development

The MLA continues to be concerned that the proposed new policies for resort development providing as a “principle” but not a requirement, “ that a minimum of 50% of the guest rooms and/or units in a resort generate a turnover of occupants,” ie be available to tourists, will generate private multi unit residential communities thinly disguised as resorts. With no enforcement abilities at the district level, resorts will

increasingly be ONLY occupied by residents. The economic benefits of a vibrant tourist economy will be lost. And the traditional natural Muskoka waterfront, the focus of so many appropriate and green policies and regulations over the years, will be lost as an urban residential community evolves on the waterfront

Already in the past year there have been 3 resort community developments in various stages of development which are offering individual units for sale under a condominium plans geared to residential occupancy.

A proliferation of high density residential recreational projects would change the Muskoka waterfront for all time. It would lead to demands for reduced regulation of waterfront boating facilities and potentially could affect water quality and the ability of the lakes natural processes to maintain and/or restore its health. The MLA believes that commercial resorts should be 100% commercial. Allowing percentages of commercial residential hybrids based on differing site by site criteria will be nearly impossible to monitor, let alone enforce. While supporting Muskoka's resort infrastructure is a worthy goal, these new developments bear little resemblance to traditional resorts. Preserving the natural waterfront which is the source of Muskoka's economic draw must be the district's prime concern, not propping up its failing resort operations.

D6.5 Servicing

In addition to the above, the MLA is concerned with the provision of private communal sewage services and private communal water services or private individual on site sewage services and private individual on site water services. We are worried about the potential deleterious effects such services can have on water quality and Muskoka's natural environment .

If water quality is diminished, the economy is diminished, eroding the value of each person's property and compromising Muskoka's economic future. At the same time the MLA is aware that the cost of providing municipal and water services in Muskoka is among the highest in all Ontario.

Policies D6.5c) and d) attempt to address this concern, by ensuring that private services have a district oversight. In the past, this oversight has been minimal and several resort developments either expanded or were approved for expansion without adequate district oversight and approval. The policies attempt to address these issues but in the MLA's view greater clarity can be provided as to the private developer's responsibilities and those of the approval agencies. To ensure that the costs of a treatment system failure are not borne by the public, the MLA believes that the district should be consistent about requiring substantial securities and guarantees from the builder/developer- ultimately the condominium corporation and holding them through the working life of the plant.

The MLA wishes to discuss this further prior to the next version of the OP with the appropriate staff and agencies.

E Traditions of Muskoka; Cultural Heritage Resources

The MLA is pleased to see the inclusion of policies relating to cultural heritage resources in the plan.

We hope that Muskoka's rich cultural past will be identified and preserved in the future through active identification by concerned citizens and organizations. In addition, the MLA hopes that the recognition of Muskoka's cultural heritage and in particular the new tools provided by the province in acknowledging and preserving cultural landscapes will increase their identification and protection.

Policy E7 recognizes the impact that municipal public works and infrastructure can have on destroying the natural landscape. The language of encouragement in policy E7c needs to be strengthened and should include all service providers including municipalities, provincial wide agencies(such as Ontario hydro and telephone) and emerging technologies (such as cable and internet providers) to place and maintain equipment in in such a manner and in locations that do not detract from the visual character of the cultural and natural resources.

Either in this section, or in section J Transportation there should be policies recognizing and protecting Muskoka's forested scenic corridors from intrusive built form along the Districts road network.

F Ecosystems of Muskoka Natural Heritage and Water Resources

Similarly, Section F, while incorporating some former policies is a new section to the plan.

The province has increased the awareness of the significance of the role wetlands play in protecting preserving and cleaning the environment. Too often wetlands are considered swamps to be drained and filled. The province should be encouraged to provide funding and /or grants to experts to identify wetlands and other significant natural features in Muskoka similar to the resources provided to identify and preserve areas in southern Ontario such as the Oak Ridges Moraine.

The OP policies of several recent District OPs and the policies of the conservation authorities of Ontario can provide additional examples of suitable wording for preservation and protection of Muskoka's natural heritage. Attached is a chart providing additional MLA comments and recommending suggested wording.

F2.5 Watershed and Subwatershed planning The district's involvement and support for the Muskoka River Water Management Plan should be referenced.

G Muskoka's other resources

The OP should include a requirement that plans for the rehabilitation of aggregate sites, pits and quarries be prepared and adopted as part of the approval process NOT after the activity ceases only. The Twp of Muskoka Lakes has had the most recent experience with a new quarry application. Their reports should be reviewed for added comments and policy directions.

G4 Forrestry A policy should be added regarding tree preservation and the district's intent to regulate tree cutting through a tree cutting by-law in addition to the area municipality's tree cutting by-law for private lands.

In addition either in this section or elsewhere in the OP, there should be policies concerning dark sky mitigation techniques which could lead to a District wide Dark Sky by-law protecting the Districts natural beauty and in particular give added protection to maintaining the night sky in the Torrence Barrens.

H Protecting Muskoka Natural Hazards and other constraints

H1.7 Use Prohibitions

A policy should be added to prohibit water and waste water treatment facilities to locate in hazardous lands WITHOUT proper mitigation and safety features to contain the effect of a spill into the adjacent waterway.

I Muskoka settlement pattern

The MLA commented on a number of these policies in our letter dated January 25, 2017. In addition to our comments in January we offer the following:

14 Waterfront areas

Many of these policies are a repeat of the existing Official Plan and should be reviewed in detail to determine their relevancy in 2017 especially as the area municipalities have taken on added planning functions.

For example, policy 14.4.2 c “New residential shoreline lots will have a minimum lot area of 0.4 hectares and a minimum water frontage of 60 metres” belongs in the area municipalities official plans and zoning by-laws. It is both too detailed and impossible to implement with every rezoning and consent application considered by the local area municipality. Policy 14.4.2 g provides sufficient guidance to the area municipalities and should remain in the district OP.

The MLA questions whether policies on cluster development are still relevant. We are also aware that backlot development has become a concern in some municipalities specifically Lake of Bays and suggest that these policies should be revisited.

Finally we note policy a) “Multiple unit residential development may only be permitted in association with a resort in accordance with the policies of this plan.” Presumably this is to permit the townhouse multiple unit residential development built in association with the Muskoka Sands Taboo Resort. Is it the intent that this policy applies to the Muskoka Beach development by Fromm in Gravenhurst which is outside of the waterfront area. Multiple unit residential development occurs to our knowledge in other urban areas of Gravenhurst not within the waterfront designation and not in association with a resort. We expect it occurs in other municipalities, such as Bracebridge, in their urban areas. A review of the intent of this policy in conjunction with the resort policies should be undertaken.

The MLA understands that site specific Policies 15.2 Muskoka Beach and 15.3 Resort Village of Minett have been repeated verbatim from the existing site specific Official Plan amendments. The area municipalities of Gravenhurst and Twp of Muskoka Lakes should comment as to whether these policies remain relevant.

J Connecting Muskoka Transportation

District roads - The MLA questions whether the specific minimum speed limits on district roads belongs in the district official plan. Any change in speed limits is hampered by requiring a District official plan amendment. Over time these regulations are best left to the District transportation committee and staff.

Policies on the following issues should be added:

Recognition and preservation of scenic corridors along the district roads.

Similarly the proliferation of signage along the district rights of way should be controlled through a district sign by-law with a policy providing for this in the OP.

J2.7 Aerodromes -Mention should be made of the need for regulation of the construction and operation of private aerodromes especially on Muskokas waterways and that their regulation is under federal jurisdiction.

J10 Active Transportation - Policies encouraging recreational trails should be added to the active transportation system

K Consents

Policy K1.2 delegates approval for consents to the area municipality Therefore policy K1.7 should be considered as a commenting agency The MLA agrees that the District should be able to enter into agreements with respect to consent applications implementing the District responsibilities for road access and provision of sewer and water treatment facilities. All other references to consent for which approval has been delegated to the area municipalities should be deleted including public participation.

L Implementation and introduction

L9 The MLA is disappointed with the lack of detail in the section public participation.

It appears that public participation is to be undertaken by the applicants to provide a “strategy for consulting with the public.” The district should reconsider the Planning Act and its newer legislation directions to improve public participation, including the ability to provide extended Notice. The District may wish to discuss with the province how to update notice provisions especially where newspaper notices are no longer viable and with introduction of the internet for access to public notices, agendas and reports.

L6 Planning advisory committee.

Although the OP makes reference to the planning advisory committee it is unclear how they “ review advice and make recommendations” to the district council. Nor does this section clarify the role of the Planning and Economic Development Committee and any overlap with the planning advisory committee. Finally in the interests of public participation, the OP is silent on how “ the advice” of the planning advisory committee made public.

In summary

The MLA welcomes the opportunity to provide input into the District’s Official Plan review.

The District planning staff and consultant are to be commended on tackling this difficult issue and we hope that over the next few months that the policies as currently proposed are refined.

The MLA requests an opportunity to discuss our comments in detail with district staff.

The MLA is especially concerned with proposals for private communal services with District oversight. In the past, the requirement and approval for communal services have proven to be problematic. The MLA wishes to explore how the district and MOECC can work together to improve the provision and reliability of communal services and include policies in the district Op to effect this.

We request notice of all future open houses, stakeholder meetings and Planning and Economic Development Committee meetings which discuss this endeavour. We also request Notice of any additional Statutory Public Meetings. Please inform us when District of Muskoka Council makes a decision on this matter and provide us with a copy of that decision and the forwarding of this file to the Ministry of Municipal Affairs for adoption and approval.

Respectfully submitted



Anne McCauley, MLA
Chair of the Political and Land Use Committee
Attachment: District Draft OP Policy MLA Comments Chart



Robert Ensor, MLA
President

c District of Muskoka Councillors, Summer Valentine, Scott Weese, Area Municipal Planning Staff