

March 4, 2022

Township of Muskoka Lakes  
1 Bailey Street  
Port Carling ON P0B 1J0

Dear Mayor Harding and Councillors,

**MLA and FOM Comments on October 2021 Draft Official Plan**

The Muskoka Lakes Association (MLA) and the Friends of Muskoka (FOM) have reviewed the October 2021 draft of the updated Official Plan (OP) for the Township of Muskoka Lakes (the Township) and offer our comments in the attached **Submission** that we sent on February 15<sup>th</sup> to the Township's consultant, Mr. Nick MacDonald, and Director Pink.

The MLA and FOM appreciate all of the work and consultation that has gone into the current draft and we are grateful for the opportunity to provide feedback at this juncture.

Our Submission is accompanied by:

**Appendix 1** – A table of our review of the draft OP, identifying policies and accompanying rationale that may benefit from revised language, and areas of policy that it may be worth adding

**Appendix 2** – Comments from North South Environmental, who we commissioned to review the natural environment policies on our behalf

**Appendix 3** – Letter from our legal counsel, Borden Ladner Gervais, explaining reasons for restricting the re-zoning of non-resort properties to resort commercial to the time when the Township undertakes a comprehensive review of its Official Plan

**Appendix 4** – A redlined draft of Part F – Commercial Accommodation, showing our suggested changes

Thank you for reviewing our contributions to this latest version of the OP and, as always, we would be happy to meet with you to discuss any of our comments.

Sincerely,

**Friends of Muskoka**



Laurie Thomson, President

**Muskoka Lakes Association**



Deborah Martin-Downs, President

February 15, 2022

Mr. Nick MacDonald  
Meridian Planning  
[nick@meridianplan.ca](mailto:nick@meridianplan.ca) Via email

David Pink  
Director of Development Services Environmental Sustainability  
[dpink@muskokalakes.ca](mailto:dpink@muskokalakes.ca) Via email

Dear Nick and David:

Re: MLA FOM Comments on October 2021 Draft TML Official Plan

The Muskoka Lakes Association (MLA) and the Friends of Muskoka (FOM) have reviewed the October 2021 draft of the updated Official Plan (OP) for the Township of Muskoka Lakes (the Township) and offer the attached comments for your consideration.

The MLA and FOM appreciate all of the work and consultation that has gone into the current draft and we are grateful for the opportunity to provide feedback at this juncture.

We are very pleased to see the environment forward directions of the OP. Environmental objectives or policies lead most of the sections and take the precautionary approach to shoreline development which will serve the municipality well. Our lakes, shorelines and wildlands are a finite resource. Land use change should be approached carefully, particularly where increased intensity of use is considered.

We are in support of the policy changes that further the work of the District OP in the areas of: protecting the environment; focusing growth in the urban areas on municipal services; addressing the need for more stringent policy requiring best practices to protect lake system health; enabling watershed planning; the development of a natural heritage system and incorporating policies for climate change and sustainable development.

We have attached **Appendix 1** which provides a thorough review of the draft OP in table form. In it we have identified policies and accompanying rationale that may benefit from slightly different language and have also identified some areas of policy that are missing (e.g. standard storm water management requirements). We apologize in advance for the length of the table!

Most of the natural environment policy direction comments are informed by work we commissioned North South Environmental to do on our behalf. They are experts at applying natural heritage policy for municipalities. Their comments have been included in Appendix 1 and **Appendix 2** provides more detail in their opinion letter.

Coming out of this review there are some overarching or important policy issues we highlight here.

1. If the Township truly wants to move toward sustainable development, then a greater commitment to developing and implementing the change desired is needed. While Sections B and L10.1 **require** the implementation of sustainable development practices, the remainder of the policies in L10.4 and 10.5 use wording like *consider*, *encourage*, *should*. While many of the tools needed to move this way, like green development standards, have not yet been developed for use by the Township, a clear commitment to creating and implementing them should be included in the plan.

Further, the plan needs to consolidate the sustainability directions. Green development standards are really not different than sustainable development. Climate change policy is mixed into sustainable development. To make it easy to find and apply, consider combining into one category – Sustainable Development - within which green development standards and climate change are embedded.

And, if these new ways of designing and building are to be enabled, they need to be reflected in other policy sections (e.g. servicing should reflect or reference water conservation measures enabled in sustainable development).

2. With the advent of the District's new floodplain mapping, there is a need to reflect some policy directions that are not just based on the provincial policy statement. For example, E4.10 a) leaves direction around redevelopment within the flood hazard to zoning by-laws without providing any indication of the principle or limitation that may be anticipated. Further L4, and specifically L4.2.4, does not address redevelopment at all. In the absence of a conservation authority, municipalities should be incorporating policy that will reduce risk and liability. The MNR 2002 Technical Guide River and Stream Systems and conservation authorities have policies that could provide direction.
3. Storm water management has become critically important for contaminants entering the lakes as well as volumes that must be managed differently with climate change. While we appreciate the inclusion of and focus on low impact development, the policy directions are not complete and need to be reviewed with a practicing storm water engineer.
4. As was evidenced during the District OP Review conducted four years ago, resorts are a major issue for members of the FOM and the MLA. Our members are very concerned about the potential impact of dense and excessive waterfront development on the environmental integrity and character of the Township.

While we support many of the proposed resort policy changes, we recommend retaining some of the current OP policies and including some of the proposed Minett OPA policies regarding new resort development, as well as introducing a restriction to limit the redesignation of new resort commercial areas to the time when the Township undertakes a comprehensive review of its Official Plan. We attach a letter (**Appendix 3**) from our legal counsel at Borden Ladner Gervais ("BLG") outlining strong arguments in favour of adopting this precautionary approach to converting otherwise zoned waterfront properties to new waterfront resorts. We have also attached a redlined draft of Part F-Commercial Accommodation as **Appendix 4**.

If the Township adopted this approach, Council would be able to determine at the time of each Official Plan review how much additional land would be needed for resorts for the upcoming planning period. It would facilitate analysis of resort demand when land use is reviewed as a whole, rather than on a piecemeal basis. Restricting conversion to every 5 to 10 years would allow a measured, planned expansion, if any, and the Township would be relieved of the onerous requirement of conducting a detailed review every time an individual application

comes forward. It would also allow consideration of changes to the wider resort industry due to downzoning and short term rentals.

5. We note that there are many sections where similar policies are stated, one perhaps more detailed or with slightly different wording than the other. These may confuse or at worst contradict and make the document longer of course. We have identified these where we noticed them. Further there is some inconsistency in terminology use (e.g., *natural areas and features*) that would benefit from an edit. Again, we have noted some areas where corrections are needed.

Thank you for reviewing our contributions to this latest version of the OP and as always, we would be happy to meet with you to discuss any of our comments.

Sincerely,

**Friends of Muskoka**

**Muskoka Lakes Association**



Laurie Thomson, President

Deborah Martin-Downs, President

cc. Barb Bridgeman, Chair Planning Committee

**Attachments:**

Appendix 1 - Table of Comments on specific Policies re: TML Draft OP October 2021

Appendix 2 – Township of Muskoka NH Policy Review Comments North South Environmental

Appendix 3 – Opinion Letter BLG

Appendix 4 - Redlined draft of Part F-Commercial Accommodation

**Appendix 1.** Table of Comments on specific Policies re: TML Draft OP October 2021

| Draft Policy Oct 2021   | Comment MLA and FOM  | Suggested alternative wording  |
|---|--|--|
| <b>Part A: Applicability, Purpose and Organization of the Official Plan</b> | A8 d) could be clearer in defining the purpose of Sections B1 to B7  | <i>Sections B1 to B7 of this plan provide a general framework to be considered in decision-making and a context for the specific objectives and policies contained in Sections C to M of this plan.</i>  |
|   |  |  |
| <b>Part B: Vision and Policy Objectives</b>                                 |  |  |
| Section B1 The Vision   | The natural environment is the foundation upon which Muskoka Lakes relies for sustainable communities, lifestyle, health, and economy. Given that a healthy environment of natural beauty is central to all else in the municipality, and climate change will pose new challenges, it is reasonable that the environment be the primary criteria for planning decisions, putting “Environment First.”  | We strongly recommend a clear statement in the Vision Section that environment be the first consideration in planning decisions to ensure that future generations will be able “to live and gather in a breathtaking natural environment, enjoying recreation, history, and small-town character.”<br>Consider incorporating the “Environment-First” philosophy. |
| B2 b)<br>General policy objectives  | The Plan should embrace a precautionary approach to natural heritage management given the prominent theme of environmental protection. The precautionary approach places emphasis on protecting the natural features, functions, and character of the Township, consistent with the statements found in Part B of the Plan. In the context of the Plan, it is our opinion that adoption of the precautionary principle should include, at a minimum: | Recommended that the defined term ' <i>natural heritage features and areas</i> ' be used where applicable throughout the Plan<br><br>Check the document for consistency of intent in the language of the policy directions   |

| Draft Policy Oct 2021                     | Comment MLA and FOM   | Suggested alternative wording  |
|---|---|--|
|   | <ul style="list-style-type: none"> <li>• Assumptions of significance until demonstrated otherwise (e.g., for unevaluated wetlands)</li> <li>• Requirements for study / studies to assess sensitivity and potential impact (e.g., an Environmental Impact Study)</li> <li>• Adopting a systems-based approach to support and inform the evaluation of impact(s)</li> </ul> <p>Further we suggest that General Policy Objectives are added that:</p> <ul style="list-style-type: none"> <li>- Speak to demonstration of leadership with respect to the natural environment and climate change.</li> <li>- Speak to the prevention of over development through operational policies that take a systems-based and precautionary approach.</li> <li>- State the commitment to identify an NHS for the Township</li> </ul> <p>b) ‘Require the implementation of sustainable Development practices.’</p> <p>The policies for many sustainable development elements in Section L10.5 are made optional/should/encouraged</p> |  |
| Section B3 Sustainable Development Policy | Recognizing the Township’s waterfront areas as both a significant natural asset and as the location for the majority of the resource-based recreational development, an objective of  | Add a policy objective on sustainable waterfront development and lakeshore capacity. |

| Draft Policy Oct 2021                | Comment MLA and FOM  | Suggested alternative wording  |
|--------------------------------------|--|--|
|                                      | <p>sustainable waterfront development and lakeshore capacity should be included in Section B3.</p> <p>Add policy objectives that:</p> <ul style="list-style-type: none"> <li>- Direct development away from 'natural heritage features and areas'</li> <li>- Prevent overdevelopment outside of focused growth areas (designated Urban Areas and Community Areas in the Plan)</li> </ul> <p>Policy a) and b) are essentially the same but b provides more detail</p> <p>In keeping with the Environment forward view of the policies suggest a) become an environment policy</p> <p>e) vague –what does a resilient community look like?</p> <p>g) and h) are also similar with g providing more direction</p> | <p>a) <u>Protect the natural environment as the foundation of sustainable development</u></p> <p>e) <u>Incorporate green infrastructure into community design (ie street trees, natural area protection, low impact stormwater systems</u></p> <p>g) <u>...through means such as energy efficiency, use of low impact building materials, flood and weather proofing of structures</u></p> |
| Section B4 Housing Policy Objectives | We are highly supportive of policy to support creation of attainable and affordable housing in appropriate locations.  |  |
| Section B7 Climate Change            | There are numerous policy objectives under this section that provide context for the waterfront policies and which have specific and important direction to support and preserve the natural environment. However, it is our opinion that the relevance of the direction provided through these policy directions is of importance not only to climate change but also to water quality and  | Consider adding wording about preventing property damage:<br>xvi) <u>Requires that the implementing zoning by-law include updated flood plain mapping to protect public health and safety and prevent property damage.</u>   |

| Draft Policy Oct 2021 | Comment MLA and FOM   | Suggested alternative wording   |
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|                       | <p>quantity, biodiversity, preservation and long-term sustainability of natural heritage features and areas, sustainable communities, etc.</p> <p><b>This section needs to focus on what is unique and required above and beyond</b> best practices such as phasing or development occurring where infrastructure exists. <b>This section lacks focus, commitment and organization around key climate change themes</b></p> <p>a) Could be a better overview statement – see suggested wording</p> <p>xi) and xiv) are basically the same policy but as noted above are not directly the result of climate change</p> <p>c) we are uncertain about what ‘<i>shall work toward the implementation of a climate change lens</i>’ means. The policies require ‘<i>consideration</i>’.</p> <p>The time to act is now and while we appreciate that the township may not have tools at its disposal right now, language needs to be more committal for effective implementation</p> <p>a) xvi provides more detail around flooding than<br/>c) vii – flood plain mapping has been completed by the district and needs to be</p> | <p>a) <u>..recognizes that more and deliberate effort will be needed to address local climate change mitigation and adaptation, including extreme weather, carbon reduction, building design standards</u></p> <p>c) v) <u>protection and promotion of green infrastructure</u></p> |



| Draft Policy Oct 2021                               | Comment MLA and FOM   | Suggested alternative wording |
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|   | recognized and incorporated especially for climate change   |                               |
|   |   |                               |
| <b>Part D: Natural Heritage and Water Resources</b> |   | See also Appendix 2           |
| D1<br>D1.1.   | Include the requirement for an OPA to update the Plan to reflect and integrate the NHS in land use planning once completed  |                               |
| D1.1. g)  | Features and areas are to be protected, at minimum, in accordance with the policies of the PPS. Where policies of the Plan are more restrictive, they shall take precedence. Inclusion of the statement “... <i>or mitigated to the greatest extent possible</i> ” in Objective g) may result in non-conformity with the PPS. This should be revised. |                               |
| D1.1 i)   | While we support the intent of Objective i) it is difficult to implement. We also note that it is not well reflected in the operational policies of Section D.  |                               |
| D1.1 m)   | Clarity should be provided in Objective m) that any such development shall be in accordance with natural heritage policies of the PPS and /or the Plan whichever is more restrictive (e.g., no  |                               |

| Draft Policy Oct 2021 | Comment MLA and FOM   | Suggested alternative wording  |
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|                       | development in significant wetlands, no negative impact for other significant features, etc.).  |  |
| D1.2                  |   | <b>Habitat for Endangered and Threatened Species</b> should be included in the list.   |
| D1.3.1 b)             | <p>The categorization of wetlands in b) is not entirely accurate. In provincial mapping, wetlands may be categorized as ‘Provincially Significant’ as determined through the completion a formal evaluation and as designated by the province, ‘Evaluated – Other’ which includes those wetlands as have been evaluated and determined to be <i>not</i> significant at the provincial level, and ‘Unevaluated’ which includes those wetlands that have yet to be evaluated using provincial guideline(s). This distinction is important for policy implementation and application of a precautionary approach.</p> <p>It is strongly recommended that a precautionary approach be taken for ‘Unevaluated’ wetlands.</p> | Suggest the addition of a policy which clearly states that ‘Unevaluated’ wetlands are to be treated as Significant unless it has been demonstrated through an evaluation that the wetland is ‘not significant’ |
| D1.3.3 b)             | As written, b) could be interpreted as implying that it is not feasible to assess SWH and would be in conflict with policy D1.3.3 g.  | It is recommended that language be refined to speak to the <b>limited available mapping of SWH</b> and the requirement to assess presence of these functions and the features that provide them.               |
| D1.3.3 c)             | We recommend that c) be removed. It would better serve the plan to refer to relevant guidance documents prepared by the province and as may be amended from time-to-time to   | Suggest removal of c)  |

| Draft Policy Oct 2021 | Comment MLA and FOM  | Suggested alternative wording                        |
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|                       | provide guidance for the identification of SWH within the Township.  |  |
| D 1.3.4 e)            | We recommend that the text be simplified to indicate that some mapping is available through the Township, but that a comprehensive screening assessment using an updated species list will be required.  |  |
| D1.3.4 i) j)          | <p>It is not recommended to include a list of current Endangered and Threatened species in the Plan; as noted, species are regularly assessed and with resulting changes in designations or newly designated species and as such, will change over the life of the plan. Inclusion of a list could create implementation issues if / as it becomes out of date.</p> <p>We appreciate that j) addresses updates; however simply referring to the parent source of information would be appropriate.</p> | j) add reference to the parent source of information |
| D1.3.5 r)             | Clarification may be required under r) where minimum setbacks are identified. Specifically, definitions for 'shoreline' and 'minor accessory structures' should be considered to support implementation and direct interpretation. It is unclear why 'shoreline' development would not be required to adhere to minimum setbacks stated under this policy; if the intent is that   |  |

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|                       | greater setbacks apply, then this should be clarified.  |  |
| D 1.3.6 e)            | The language in e) which indicates that an EIS (or comparable study) <b>may</b> be required seems inappropriate as it provides the opportunity for development or site alteration to occur without due consideration for the ecological and environmental significance for which these areas were identified (see policy a) and additional context in the comment letter).  |  |
| D1.4                  | <p>It is recommended that detailed guidance with respect to the content and requirements for Environmental Impact Studies (EIS) be addressed through a guidance document separate from the Plan. Policies of the Plan should clearly indicate triggers for requiring an EIS and provide high-level direction for implementation.</p> <p>To be comprehensive one place in the plan should outline requirements of studies and identify a location for accessing guidance documents</p> <p>Refer to North South Environment comment letter for additional context &amp; discussion.</p> |  |
| D1.4 b) f)            | Policy f) is confusing and appears to conflict with policy b) re: unmapped features and areas. It is recommended that it be reworded to simply state  | <i>f) where triggered, an EIS shall be completed in accordance with the policies of the plan</i> |

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|                       | that where triggered, an EIS shall be completed in accordance with the policies of the plan. Policy c) already indicates that an EIS shall be required for mapped and unmapped features and areas.   |   |
| D1.4 c) d)            | It is our opinion that an EIS process should be triggered for both development <b>and</b> site alteration that is proposed within or adjacent to 'natural heritage features and areas' and Muskoka Heritage Areas and Sites.   |   |
| D1.4.1 a)             | It is our opinion that ii) could be interpreted as a limitation on level of field survey effort required. It is recommended that i) be refined<br>With the revision to i), ii) can be removed.   | i) <i>Collect and evaluate the appropriate information in order <u>to confirm the presence of mapped and assess for the presence of unmapped natural heritage features and areas and where present, identify the boundaries [...]</u></i> |
| D1.4.1 a) iii)        | We note that both development and site alteration are referenced in these policies. Per previous comments, we support this direction and recommend that earlier relevant section(s) of the Plan be updated to reflect the inclusion of both as triggers for an EIS.  |   |
| D1.4.1 iv)            | Policy a) iv) is not consistent with direction of the PPS. The PPS prohibits development and site alteration within significant wetlands and significant coastal wetlands and prohibits development and site alteration within significant wildlife habitat, and significant areas of natural and scientific interest (for Ecoregion 5E in which the Township occurs) unless no negative impact is |   |

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|                       | demonstrated. We support the direction to minimize impact of development provided by this policy where it applies to <i>other</i> natural features and areas (e.g., woodlands). Clarity should be provided with respect to the PPS vs. features not captured by the PPS. Through implementation of an NHS, further refinement to this policy may be warranted (e.g., for areas within and outside of the NHS). |   |
| D1.4.1 b)             | We disagree with policy b). The approach stated does not use a systems-based approach or consider the complex interactions and interdependences between features, areas, and functions.  |   |
| D1.4.1 c)             | <p>Regarding policy c): An EIS is prepared to assess impacts and recommend mitigation measures. Based on the assessment process, it <b>may or may not</b> support a proposed development or site alteration. The outcome is presupposed in this policy.</p> <p>It is recommended that a minor revision to wording of c) be made to reflect this small, but important distinction.</p>                          | <i>...should the EIS <del>not</del> support <del>of</del> a proposal for new development or site alteration within the adjacent lands it shall identify a vegetation protection zone, which</i> |
| D1.4.1 d)             | Missing a policy to indicate that TML want to indicate that they will not assume any measures  | Suggested wording: <i>Where mitigation measures are recommended in an EIS, <u>pre and post construction monitoring should be undertaken by the owner to</u></i>                                 |

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|                       | <p>until functioning as designed to protect the feature or function</p> <p>A policy to allow for compensation could be included - if it can't be done or did not work, proponent pays compensation that can be applied with other organizations or on comparable sites (eg Muskoka Conservancy) Could be enabled subject to developing compensation guidance.</p>  | <p><u>demonstrate performance in protecting the feature, function or area identified in the EIS before assumption</u></p>   |
| D1.4.2 a)             | For plan consistency, should this read 'or'  | <i>Before development <del>and</del> or site alteration</i>   |
| D1.4.2. b)            | <p>We raise the following points for clarification / revision for Policy b):<br/>Includes language re: 'supporting development applications.' As above, it is our opinion that the language should be refined to remove the assumption that an EIS will support a development.</p> <p>The language of b) appears to support informing scope of a study on lot sizing as a primary consideration. It is unclear if the development being referenced is within or adjacent to (or both) natural heritage features and areas. We find this language concerning. It can be interpreted as providing a method through which due consideration of impacts on the natural environment can be avoided. This does not</p> | <p><i>Due consideration shall be given to the <u>scope of the requirements of an EIS</u>"</i></p> <p>We strongly recommend that this policy be simplified to state that <u>the scope of requirements for an EIS will be informed by the type and anticipated sensitivity of features and potential for the proposed development or site alteration to impact the feature.</u></p> |

| Draft Policy Oct 2021 | Comment MLA and FOM  | Suggested alternative wording   |
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|                       | <p>support the vision and direction elsewhere in the Plan.</p> <p>A statement such as the one suggested provides flexibility for scoping and provides clear direction that it is the features and potential risks associated with the proposed work that will inform the scoping.</p>  |   |
| D1.4.2 c)             | <p>Policy c) references ‘development’ in one location and ‘development or site alteration’ in another. It is assumed this should consistently refer to <i>‘development or site alteration’</i>.</p> <p>Policy c) appears to largely duplicate the intent of b), however the language used, and interpretation is clearer than what is provided in b). It is recommended that these two policies be combined with clarification and simplification as per the preceding comments.</p> |   |
| D1.4.2 e)             |  | Define or explain qualified professional  |
| D1.5                  | <p>In our opinion, net gain should not be used as a mechanism to justify compensation to address impacts. The mitigation hierarchy places weight on avoidance first, and then may consider minimization, mitigation, and compensation (in order of preference).</p> <p>In all instances, the requirements of the PPS shall be met; where policies of the Plan are more</p>   | <p>We recommend that language be revised to reflect currently defined terms to act as transitional policies until such time as the NHS is identified and policies updated to reflect.</p> |



| Draft Policy Oct 2021 | Comment MLA and FOM  | Suggested alternative wording |
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|                       | <p>restrictive, they shall take precedence.<br/>Consideration should be given to stating this clearly within the Plan.</p> <p>We note that this section refers to the 'natural heritage system', which is not yet identified for the Township.</p>   |                               |
| D1.6.2                | <p>b) It is our understanding that Crown Lands are not permanently protected from development and as such, inclusion here may be misleading or incorrect. If it is the intent to treat Crown Land as protected, then clarifying language with this intent / direction should be added.</p> <p>Ensure consistency of descriptors in c) and d) or just end at reference to the other sections</p>  |                               |
| D1.6.3 general        | <p>Introductory text could be interpreted that only areas of natural vegetation may be identified as linkages. For example. in this area aquatic linkages may also be part of the natural heritage system.<br/>It is presumed this is not the intent; clarification is recommended.</p> <p>Further, this jumps right into development <b>or</b> site alteration of the linkage. Concern regarding the qualifying language here. Linkages are a critical component of a natural heritage system and</p> |                               |

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|-----------------------|---|--|
|                       | <p>protection for the function of the linkages is important.</p> <p>See North South Environmental comment letter for additional information.</p>  |  |
| D1.6.3 last paragraph | <p><i>In a case where all or part of a linkage area is retained as per the above,...</i></p> <p>This phrase would indicate / imply that there are instances where no portion of the linkage is retained as 'natural'.</p>   | <p>We recommend that the text be revised to state that <i>'compatible land uses [...] could be considered in <u>portions</u> of linkage areas if it can be demonstrated that the long-term ecological function of the linkage area would be retained'</i></p>  |
| D1.6.4 b)             | <p>Suggest that there should be a policy that discourages development or site alteration within an enhancement area</p> <p>We recommend that some direction with respect to enhancements to 'natural heritage features and areas' should be addressed in the plan as a transitional measure and to provide direction for enhancement of the natural environment is an existing as well as future priority after identification and implementation of an NHS</p> | <p>Add a policy before b) that directs development or infrastructure away from enhancement areas. Consider rewording b) to:<br/><u>Where development, site alteration or infrastructure must be located within the enhancement area it shall be supported by an Environmental Impact study that:</u></p> |
| D1.6.4 b) iv) c)      | <p>We do not agree with this policy in b) iv) or c). Stormwater management facilities are generally not compatible within enhancement areas so it should not be explicitly enabled. They may be considered a complimentary use encouraged to be placed adjacent to enhancement areas or natural heritage features and areas (with</p>   | <p>iv) could be reworded to:<br/><u>assesses the compatibility and impacts of the proposed development or servicing to ensure that the intended ecological function of the enhancement area is achieved.</u><br/>Consider rewording c) by removing the last line around compatible land uses</p>         |

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|                       | <p>appropriate consideration of buffers / vegetation protection zones). There may be circumstances where a storm water facility is required to be located near or in an enhancement area to maintain a specific feature but these would be identified in an EIS,</p>  |   |
| D 1.7.2.              | <p>We recognize that cumulative impacts can be difficult to assess. Policies in these sections should provide clear direction that requires cumulative assessment be included to the extent that they are currently measurable and scoped to a level appropriate to the proposed development or site alteration.</p> <p>Refer to the North South Environmental comment letter for additional discussion.</p>                  |   |
| D2.1                  | <p>Policies under this section have limited references to climate change. It is recommended that policies of this section be reviewed through a climate change lens and additional reference and requirements to consider a changing climate be integrated. Water resource system(s) and management of the system and its component elements, features and areas are of key relevance to climate change for the Township.</p> | <p>Add climate change to general policy directions and throughout</p> |

| Draft Policy Oct 2021                               | Comment MLA and FOM   | Suggested alternative wording   |
|---|---|---|
| D2.2  | f) <i>Planning for efficient and sustainable use of water resources, through practices for water conservation and <b>sustaining</b> water quality</i><br>Sustaining is vague  | <i>protecting or improving</i> are better words than sustaining   |
| D2.2 g)   | Should this not direct application of the District Lake System Health policies? Sounds like its optional  | Ensure <i>application of the <u>District of Muskoka Lake System Health policies at the local scale</u></i>    |
| D2.3 a)   | <b>a) Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.</b><br>Mary Lake had development proposed near sensitive surface water features and wetlands which were approved despite opposition<br>Operations that ensue from the development must be considered in this direction – boats, motors, swimming, wakes. | Add wording around consideration/ evaluation of uses that accompany such development                          |
| D2.4. Watershed and subwatershed planning<br>c) vi) | MLA and FOM are very pleased to see the support for the watershed planning efforts underway by the District and Muskoka Watershed Council<br>c) iv) consideration is too weak -<br>c) vi) Scenario modelling should include climate change and watershed management options   | c) iv – <i>assessment of climate change impacts</i>   |
| D2.4. d)  | d) <i>A subwatershed plan, or its equivalent, shall be included as a requirement to inform</i>  | Expand to include the major components of the watershed plan just at a more focussed scale than the watershed |

| Draft Policy Oct 2021 | Comment MLA and FOM   | Suggested alternative wording  |
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|                       | <p><i>the identification of the <b>natural heritage system</b> and the development of policies to protect the <b>natural heritage system</b> when completing major Secondary Plans or Comprehensive Development Plans</i></p> <p>Subwatershed plans are much more important than just refining a natural heritage system. They can be effective for water management – drought, flood, maintenance of water quality – like causation studies at this or catchment scale</p> |  |
| D2.5.1 a)             | <p>a) The list of considerations for stormwater planning in the PPS is better and more future forward and supportive of many elements in the plan</p> <p>Suggest replacing with PPS wording</p>   | <p>PPS 2020 Planning for stormwater management shall:</p> <p><u>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</u></p> <p><u>b) minimize, or, where possible, prevent increases in contaminant loads;</u></p> <p><u>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</u></p> <p><u>d) mitigate risks to human health, safety, property and the environment;</u></p> <p><u>e) maximize the extent and function of vegetative and pervious surfaces; and</u></p> <p><u>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</u></p> |

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|  |  | Attenuation might be better stated as <u>abstraction and reuse</u> ,  |
| vi) Consider the impacts of climate change in the design | Consider is not strong enough; needs to be calculated in and measures of safety applied  | <u>Incorporate climate change impacts into the design of the facilities</u>   |
| D2.5.2 – general   | <p>This is the only place we can find in the document where the requirements for stormwater management are defined. It needs a comprehensive treatment and ideally with the expertise of a swm engineer.</p> <p>Further this section is labelled SWM <b>CONSIDERATIONS</b> but nowhere is there any <b>requirements</b> set for SWM</p> <p>The basics of stormwater management, such as pre to post quantity control, meeting water quality standards of MECP, township guidance documents or other.</p> <p>We could not find in previous OP but have included some language from Markham OP</p> <p>The preamble is very focussed on LID which is great to see but overlooks the comprehensive nature of stormwater being a cradle to grave activity and needing to be integrated with servicing.</p> <p>This is a good place to set the stage for the new way of doing business as it is done to protect the environment but then needs to be woven into the other aspects of the plan which has been largely successful.</p> | <p><u>-That all stormwater management reports submitted to...in support of applications for development, redevelopment or site alteration, identify best management practices that will meet or exceed the minimum design criteria specified for flood control, erosion control (as specified in a sediment and erosion control report), water quality treatment and infiltration (water budget) identified in XXX Stormwater Management Guidelines and Engineering Design Standards, other applicable agency requirements and any large-scale supporting studies.</u></p> <p><u>- To require all stormwater management facilities to be designed and constructed to meet or exceed provincial requirements for stormwater management best practices and in accordance with XXX Stormwater Management Guidelines and Engineering Design Standards.</u></p> <p><u>-That all proposed development, redevelopment or site alteration shall have erosion and sediment control measures in place to the satisfaction of XXX.</u></p> <p><u>-That construction practices and sediment control measures during construction shall be implemented, monitored and maintained to the satisfaction of..... in accordance with best management practices.</u></p> |

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|                       | We suggest addressing the basics for water quality and quantity protection for the environment here and leave the design and engineering aspects to the servicing section of the Plan   |   |
| D2.5.2                | ... <b><i>in addition to wet end of pipe facilities</i></b> – End of pipe facilities may not be required and need should be determined based on control requirements. They could be dry facilities that are used as parks or parking lots   | <p><i>Proposals for development or redevelopment <del>shall be designed</del> <u>base their stormwater management design on a treatment train approach suitable for all phases of development including clearing, servicing, building, establishment, and long term operations.</u></i></p> <p><i>Sediment and erosion control measures shall be installed, monitored and maintained during all phases of construction. Low Impact development Practices <del>shall be employed</del> <u>at the lot level and for conveyance systems (e.g bioswales, infiltration trenches, rain gardens) in addition to end of pipe facilities if required to manage stormwater on-site.</u></i></p> |
| D2.5.2 a)             | <p>Rainwater can be collected for domestic use as identified in policies f and g to reduce potable water use</p> <p>a) and e) are providing the same direction</p> <p>Not all of the storm water runoff can be captured as there may be natural features that require the runoff to be sustained</p> <p><b>Need to add a policy or items that specifies that abstraction of rainwater needs to be informed by a water balance analysis to ensure sustainability of features reliant on runoff</b></p> | <p><i>... <u>to collect rainwater for reuse on site to offset potable water requirements (e.g. irrigation, toilets) and reduce excess stormwater runoff</u></i></p> <p>Add a policy on water balance for natural features and areas</p>   |
| D2.5.2 b) c)          |   | Storm water management <b>features</b> should be <b>facilities for consistency</b>  |

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| D2.5.2 f) and g)          | These are not about storm water management – belong both in servicing and sustainable development sections of the document<br>Further these two are similar and could be combined  | Delete here and move to sustainable development or building   |
| D2.5.2 h)                 | <i>Landscaped areas are located to optimize water <b>infiltration</b> potential</i><br>Not all sites are suited to infiltration – use standard wording   | Use the same language as L10.5 <i>maximize/or / optimize <u>infiltration, filtration, absorption and detention</u> and <u>reduce phosphorus loading</u> f);</i>                                       |
| D2.5.2 j) k)              | J and k are basically saying the same thing – minimize paved/impermeable surfaces and maximize permeable surfaces. Suggest combining as they are confusing<br>Again, infiltration is not the only value – detention, filtration, evapotranspiration as well as infiltration can be achieved                            | <i><u>minimize paved/impermeable surfaces and maximize permeable surfaces, including engineered and green infrastructure / or / natural systems (e.g. bioswales) to manage storm water runoff</u></i> |
|                           |  |   |
| <b>Part E: Waterfront</b> |  |   |
| E1                        | Consider adding a policy which promotes nature-inclusive design or other integrative planning approaches that reduce the overall impact of development in the natural setting of Waterfront Areas. It is understood that language which ‘promotes or encourages’ is appropriate for a policy direction of this nature. |   |
| E1 h)                     | Protect fish and wildlife resources  | <i>Protect fish and wildlife <u>populations, their habitats and linkages</u></i>  |



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| E1 n)  | Suggest that consideration be given not just to waterbodies, but to targets or thresholds with respect to natural features and areas and, upon identification, within the natural heritage system  |  |
| E1 c)  | “Encourage” needs to be stronger   | <i>Prioritize the conservation of the overall landscape, including but not limited to tree cover, tree lines and natural vegetation....</i>  |
| E2 Location – retain boundary where a road is between 150 m and 195 m of a waterbody | The Current OP in Section B Waterfront, Section 1.2 b) states “b) where a road is between 150 metres (492 feet) and 195 metres (650 feet) of a waterbody, the road shall form the boundary.” This was put in place due to an OMB decision and should remain.   | Add wording to include in the Waterfront Area any lands bounded between a road and a waterbody where the road is located between 150 m (492 feet) and 195 m (650 feet) from the waterbody. |
| E4.1   | Clear links or references to terminology and natural heritage and water resource policies are needed here for clarity and continuity in the Plan   |  |
| E4.1 c)  | c) should include specific reference to natural heritage policies to ensure that features and areas are protected / managed in accordance with policies of the plan. Language within this policy that ‘ <i>features shall be conserved to the extent feasible</i> ’ would apply only to those features not protected under other policies of the Plan. |  |
| E4.1 d)  | <i>" and support for fish habitat and wildlife habitat, among others. Where development occurs in the Waterfront Area, it should enhance and protect,</i>  | It is recommended that reference be made to ' <b>natural heritage features and areas</b> ' rather than specific features for consistency throughout the Plan.                              |

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|   | <p><i>where possible, those qualities that contribute to character.”</i></p> <p>It is recommended that language be refined to make clear that natural heritage features and areas are to be protected and where possible enhanced in accordance with policies of the Plan (e.g., Part D) and that for features not protected under policies of the Plan, the Plan can encourage the identification and implementation of opportunities to protect and where possible enhance them.</p> |  |
| E4.2.1 Context – use of “redevelopment” | <p>Redevelopment in Section E appears inconsistent with <b>redevelopment</b> in the M13.5 definitions section. In the Waterfront Area, redevelopment of existing properties represents the majority of development so policy must be clear that this applies to significant alterations or enlargements to existing buildings on existing lots and not just the creation of a new lot, new uses, or new units as outlined in the definitions section in M13.5.</p>                     | <p>E4.6 clarifies that in the Waterfront Area redevelopment includes significant alterations to existing buildings and structures on an existing lot. This is not consistent with the definition in M13.5 which defines <b>redevelopment</b> as the creation of a new lot, change in land use, or construction of buildings and structures within communities. The definition in M13.5 should be re-examined to broaden it and ensure consistency with policy for the Waterfront Area.</p> |
| E4.2.2 b)                               | <p>This section states that “the vegetative buffer should stretch across the entire water frontage and be at least 15 metres (49.2 feet) in depth from the normal high water mark and where redevelopment is proposed, the shoreline buffer should be achieved to the extent feasible through ecological enhancement where possible.”</p>  | <p>Clarify that the <i>vegetative buffer shall stretch across the entire water frontage</i>. FOM/MLA also propose the following change: “<i>where redevelopment is proposed, the shoreline vegetative buffer as it exists shall be <u>protected and retained during redevelopment to the extent feasible.</u></i>”</p>   |

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| E4.2.2 g)                               | Policy regarding redevelopment of existing properties should include a direction to improve compliance with current Zoning By-Law provisions as a property is redeveloped.   | Consider adding policy on this to E4.2.2 g.  |
| E4.2.3.2                                | Some of the lakes listed have fairly common names and we have been taken to task over which Bass Lake – would be good to identify where they are – are they all in TML or as per the district list?                                  | Within <b>TML</b> the following lakes are to have causation studies completed  |
| E4.2.3.2 Causation Studies              | We feel it is reasonable not to permit lot creation while a lake is subject to a causation study and until the completed study identifies that the lake can accommodate further lot creation.  | Amend item b) to read <i>“Until such time as a Causation Study for the lakes listed in Section E4.2.3.2 a) is completed <u>which demonstrates additional lot creation is permitted</u>, no new lot creation shall be permitted.”</i><br>Amend item f) to read <i>“Should a Causation Study determine that the primary cause of or principal contributor to the water quality indicator is related to development, additional protection ..... may proceed without negatively impacting water quality <u>or to prohibit</u> or appropriately limit additional development.”</i> |
| E4.3 Regulations Based on Lake Category | We support continuation of regulation based on the Township’s Lake Category classification system initiated to recognize differing lake character, settlement history and lot development.   | Header for Category 2 Lakes on table E4.3 a) should be clarified to read <i>“<u>Medium-sized and/or Significantly Developed Lakes and Rivers</u>”</i>  |
| E4.3 b)                                 | We suggest that more research is needed on this issue. Perhaps a 500 square metre limit is not appropriate in the case of larger lots with increased setback capacity. Percentage of amenity space could be based on a sliding scale | We request more detailed research and analysis to ensure percentages are reasonable.   |

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|  | <p>specifying permissions for the first 20 m setback, between 20 and 60 m setback and then total lot. If a firepit area less than 20 square metres (215.3 square feet) is to be permitted within 20m of the high water mark, each lot should be limited to 1 (one) per property.</p> |   |
| E4.3 d) e) and f)                      | <p>It should be noted that the shoreline structure provisions apply only to residential properties. Commercial shoreline structures are covered in Section L16</p>   | <p>It would be clearer to add the word <i>residential</i> to the three categories ie:<br/> d) The following special policies apply to <u>residential properties</u> on Category 1 lakes;<br/> e) The following special policies apply to <u>residential properties</u> on Category 2 lakes;<br/> and<br/> f) The following special provisions apply to <u>residential properties</u> on Category 3 lakes.</p> |
| E4.4.4 Water Access Lots               | <p>Deeded water access for new lot creation is a difficult policy.<br/> We support a thriving marina industry.</p>   | <p>The proposed Transportation Master Plan should be referenced with enabling policy in this section or another.</p>  |
| E4.4.5 Dividing Lots for Existing Uses | <p>This provision carries through policy in the current Official Plan. Consideration of restricting habitable building development allowances on the resultant lots is appropriate.</p>  |   |
| E 4.5.1 General                        | <p>It is recommended that reference to policies of the plan requiring an EIS for development or site alteration within or adjacent to natural heritage features and areas will be required and reference to those policies be included here for continuity within the Plan.</p>      |   |

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| E4.5.2 Existing Undersized Lots | Wording gives rise to confusion about definition of “undersized.”   | Add a definition of “undersized”  |
| E4.5.3 Islands Less than 0.8 ha | Current OP prohibits development, unless an island is just slightly less than 0.8 ha. We support carrying forward those provisions.   | <p>Consider returning to existing provisions: <u>Due to concerns of character, visual impact, environmental impact, access, and service provision, islands less than 0.8 hectares (2 acres) shall not be developed for residential purposes and shall be limited to a picnic shelter and a dock, or existing development as of the date of adoption of this Plan. Where development is being considered for islands slightly less than 0.8 hectares (2 acres) in size, the following matters shall be examined in an Environmental Impact Study accompanying a Zoning By-law Amendment application:</u></p> <ul style="list-style-type: none"> <li><u>a) retention of tree cover;</u></li> <li><u>b) protection of critical fish and wildlife habitat;</u></li> <li><u>c) adequate soil depth and site suitability for a septic system;</u></li> <li><u>d) satisfactory long-term access and service delivery;</u></li> <li><u>and,</u></li> <li><u>e) subdued visual impact and appropriate location of building envelopes.</u></li> </ul> |
| E4.5.4 ii)                      | Blasting is not noted   | Add <u>blasting discouraged or limited</u>  |
| E 4.5.4.iii)                    | <p><i>For lots with steep slopes &gt;40%, an Environmental Impact Study for development that addresses specific mitigation measures shall be required...</i></p> <p>There are limitations to development on steep slopes. This policy is enabling not directing development away from them.</p> | <p><u>Development will be discouraged on lots, or the portion of lots with steep slopes....</u></p> <p><u>An engineering and environmental impact assessment will be required to identify building and servicing requirements to reduce tree removal, blasting and visual impact</u></p>  |

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| E4.5.5 Existing Lots on Small Remote Lakes      | This policy was included in previous drafts and is now omitted.  | Reinstate policy discouraging and limiting development on small remote lakes as in Section B.17 of current OP   |
| E4.6 Policies on Redevelopment on Existing Lots |  | Remove the word “Policies” in title as all sections include policies.   |
| E4.6  | Definition of redevelopment is good.   | Retention of natural shoreline and re-naturalization of shoreline should be mentioned.  |
| E4.6  | Where current Zoning By-law standards are exceeded, redevelopment should be encouraged to comply with current standards.   | Add encouragement to redevelop closer to current standards.   |
| E4.7.1 Waterfront Landings                      | While there is mention of landscaping through Site Plan Control, Waterfront Landings policy should include being buffered from neighbouring properties.  | Consider adding similar provision to those for marinas: <u><i>A sufficiently sized natural buffer to ensure compatibility with adjacent residential uses.</i></u>   |
| E4.7.2 b)                                       | Two car parking spaces are an appropriate minimum per property accessed. Perhaps one boat slip would be sufficient.  | Consider reducing boat slip requirement to <u><i>1 boat slip be provided per water access lot on a property that is used as an individual water access point.</i></u>   |
| E4.8 Marina Development and Redevelopment       | We support a thriving marina industry. We support policy that encourages marinas’ viability.<br><br>There are no siting criteria for new marinas. They should not be located in wetlands or shallow bays | In order to encourage the retention of marina operations, FOM/MLA suggest including wording to the effect that any application to downzone or re-zone a marina should only occur at the time of a comprehensive review or some other Township-wide planning process such as the Transportation Master Plan process. |
| E4.9 Waterfront Contractors                     | <i>In f) The use shall be located within waterfront Communities where the use can be operated in a manner that is compatible with the neighboring uses, using the word Communities may be</i>            | Replace <i>waterfront Communities</i> with <u><i>waterfront areas...</i></u>  |

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|  | confusing as Community Areas comprise another section of the Official Plan.  |  |
| E4.10 Flood hazards<br>a)              | Conservation Authorities have policies for redevelopment in hazardous sites that could provide more guidance here  |  |
| E4.11 Boating Impact Assessments b) ii | <i>The historic level of boat traffic in the area in the period of time that these assessment have been required...</i>  | Should be plural <u>assessments</u>  |
| E4.12 Purpose of Setbacks              | In the case of properties with two distinct lake frontages on both sides, consideration should be given to appropriate setbacks on both shores.  | Add reference to equivalent setbacks on properties with two water frontages on both frontages.   |
| E5 Site Alteration                     | In accordance with the PPS, site alteration is not permitted on lands adjacent to <i>significant</i> features unless 'no negative impact' on the natural feature(s) and their ecological functions is demonstrated. Applicable to Ecoregion 5E and the Township, this includes significant wetlands, significant wildlife habitat and significant areas of natural and scientific interest.<br>We recommend that this be captured in the site alteration by-law. |  |
| E5 b)                                  | The Site Alteration By-law and the Site Plan Control By-law are to both be updated.  | Add reference to Site Plan Control By-Law.   |
| E5 c)                                  | Requiring no less than 75% of any lot to be left in an unaltered and natural state seems high for smaller properties and low for very large properties.  | Consider a sliding scale rather than a set maximum. Sample site plans in the updated by-law to illustrate how site alteration will work on a variety of lot sizes and configurations would be helpful. |

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| E6 a)                                   | Recommend that <i>Impact on natural heritage features and areas</i> be included in the list of considerations   |   |
| E6 Varying Zone Standards b)            | References further considerations for minor variances. We believe these should also be considered for Zoning By-Law exemptions.   | Consider extending these considerations to applications for Zoning By-Law exemptions.   |
| E7 Site Plan Control                    | Building elevation drawings are integral to decision-making.  | Add to b) i “Appropriate location of buildings (based on submitted building elevation drawings), structures and sewage disposal systems;”                             |
| E7 b) i)(should be iii)                 | Native tree cover and vegetation on the lot should be protected as well as maintained   | <u>protection and maintenance or establishment...</u>   |
| E7 c) monitoring                        | Long term monitoring for compliance is an excellent requirement, but must be straightforward enough not to incur an unreasonable cost for a property owner.               |   |
| E9 Recreational Carrying Capacity       | FOM/MLA believe RCC can be a useful tool and the associated importance of waterways and water access should be considered as the Transportation Master Plan is developed. | Add linkage to Transportation Master Plan.  |
| E10.3                                   | It would be helpful to reference the date of the lake plan that was relied upon to establish the policy consideration   |   |
|   |   |   |
| <b>Part F: Commercial Accommodation</b> | Please see redline draft of Part F attached, together with comments in green.   |   |
| F3.2 d) Density of Resort Development   | FOM/MLA recommend adding density restrictions based on lake frontage and acreage similar to those in Seguin Township.   | <u>Tourist commercial development may be permitted up to a maximum of one accommodation unit per 6 metres (20 feet) of total resort frontage on the waterbody and</u> |



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|                                  | As in the Minett OPA, we suggest density should be dealt with in the Official Plan, and not be deferred to the implementing Zoning By-law.   | <u>maximum density shall not exceed 10 units per hectare (4 units per acre) where a unit is defined as a rental cottage, villa or room in a hotel, motel, lodge or similar arrangement of units and each unit shall not exceed 79 square meters (850 sq ft).</u>   |
| F3.3.1 Definitions               | We recommend certain definitions contained in the Minett OPA be carried through for clarity and consistency. We also suggest that definitions be added for “Permanent dwelling unit” and “Seasonal dwelling unit” in light of experience with recent LPAT decisions.   | Reference definitions of “Unit” and “Unit Owner” in the Minett OPA.<br><br>Reference current TML ZBL definition of “Gross Floor Area”.   |
| F3.3.2b) Use Restrictions        | We recommend carrying through the language from Sections C1.6.1.8, C1.6.2.8 and the preamble of Section C1.9 of the Minett OPA regarding commercial use and maintenance being more fully set out in the implementing Zoning By-law and/or Site Plan Agreements, Condominium Agreements and the Conditions of Condominium Description. We suggest that the rules set out in the Official Plan are not intended to be a complete code. |  |
| F3.3.2b) Additional Requirements | We suggest that certain of the rules regarding condominium ownership set out in Sections C1.9A.f) and C1.9C of the Minett OPA be carried through.  | Consider adding provisions relating to rules regarding resort commercial accommodation units: <u>having access to all of the amenities, operated by central management on-site, be included in a compulsory rental program, not be accessible to the Unit Owner when the resort is closed and participate in a mandatory furniture, fixtures and equipment program, etc.</u> |

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| F3.3.2.1 e) Resort is Open Year Round                                   | We strongly recommend deleting subsection F3.3.2.1 e), or, at the very least, including an upper limit on the number of weeks that a Unit Owner may occupy a Unit in any given year. We have knowledge that this language is included in the Minett OPA, but we have fewer concerns with Minett for a variety of reasons, including that it will be on municipal services. The concern is that a Unit Owner may occupy their Unit far in excess of 26 weeks per year (and up to 52 weeks), which appears residential and not commercial.  | Consider deleting subsection e) or inserting the words <u>up to a maximum of * weeks per year</u> ".  |
| F3.3.2.2 e) Resort is Not Open Year Round                               | Same comment as in F3.3.2.1 e) above  | Either delete or insert wording as per above  |
| F3.4.1 a) New and Expanding Commercial Resorts-Application Requirements | With the significant amount of unused or underutilized resort commercial lands within the Township and economic studies confirming that additional resort commercial lands will not be required for many years, as per the BLG letter attached, <b>we recommend that rezoning of land to the resort commercial designation only be considered at the time of a comprehensive review.</b> This allows much more municipal control over new resort development, using a strategic approach (as opposed to a piecemeal approach, as applications are submitted). Due to issues concerning parking and water access regarding water access/island properties and the creation of new water access lots, marinas are a valuable resource and the conversion of marinas to other uses should be prohibited. | Consider adding: <u>Notwithstanding the foregoing, any conversion of a property not zoned resort commercial to resort commercial shall only be permitted at the time of a comprehensive review by the Township. In addition, any property zoned as a marina or primarily as a marina shall be prohibited from being converted to resort commercial use.</u> |

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| F3.4 New and Expanding Commercial Resorts                                       | Notwithstanding the preceding comment, we are very supportive of the new application requirement provisions in F3.4.1, particularly item a), which requires demonstration of the need for additional commercial resort accommodation.   |   |
| F3.4 New and Expanding Commercial Resorts - minimum lot and siting requirements | The current OP in Section B11.16 contains excellent provisions regarding minimum lot and siting requirements for new resorts that we recommend be carried forward to this OP for new (if permitted) and expanding resorts. We suggest increasing lot size to 3 hectares and water frontage to 200 metres. | See Current OP section B11.16<br><b><i>New and expanding resorts shall meet the following minimum lot and siting requirements:</i></b><br><b><i>a) generous amount of open space;</i></b><br><b><i>b) on a mainland property;</i></b><br><b><i>c) a lot area of 2 hectares (We suggest increasing this to 3 ha);</i></b><br><b><i>d) on appropriate water supply and sanitary sewage disposal systems;</i></b><br><b><i>e) a water frontage of 150 metres (We suggest increasing this to 200m); and,</i></b><br><b><i>f) a natural buffer to ensure compatibility with adjacent residential uses.</i></b> |
| F 3.4.1 c)  | There should be one place in the plan where the requirements of the studies to be undertaken and issues to be assessed are outlined so that there are no omissions – for example storm water management and sanitary servicing studies are not mentioned yet one would expect that they would be required |   |
| F3.4.2 a) Resort Development Requirements                                       | We suggest that similar requirements to that contained in Section C1.7 of the Minett OPA be included.   | This would include a development phasing plan, development agreement and site plan control, specifying, among other things, percentage resort commercial accommodation units versus commercial  |

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|  |   | and retail space and recreational amenities, phasing, and appropriate plans, studies and other matters.   |
| F3.4.2e) ii)   | Carry through provision in current OP that height not exceed the natural treeline. We also suggest that the language in Section C1.4.2.3b) of the Minett OPA be used. The maximum 14 m height restriction applies elsewhere in the Township, except Minett. | <u>Be of a low-rise built form that in no case exceeds 14 meters (including mechanical equipment) and the existing tree canopy and respects the character and scale of buildings of the past and is appropriate to its setting and terrain. [delete: with maximum height being further defined in the implementing Zoning By-law.]</u>  |
| F3.7 Condominium Resort Ceases to Carry On Business [Consider reinstating] | The OP working group recommended, and FOM/MLA agree, that this policy concerning resorts that cease to carry on business should be carried through. Reference is made to Section B11.11 in the current OP.  | Carry through wording in current OP as follows:<br><u>Where a resort that includes condominium units substantially ceases to carry on business, the following policies shall apply:</u><br><ul style="list-style-type: none"> <li>a) <u>the owners of the condominium units may, through a centralized management, continue to operate the units as part of a tourist commercial resort in accordance with the policies detailed in Section 11.11 and any and all agreements registered on title;</u></li> <li>b) <u>in the event that the condominium units are unable to be operated as part of a tourist commercial resort, use of the units shall cease until it is possible to operate them as such;</u></li> <li>c) <u>conversion of the tourist commercial resort use to residential use shall not be permitted; and,</u></li> <li>d) <u>the owners of all lands comprising the resort of which the condominium units form a part shall be considered partners with the condominium unit owners in the resort and actions that would derogate from the operation of the lands as a viable tourist commercial resort shall be discouraged.</u></li> </ul> |

| Draft Policy Oct 2021                           | Comment MLA and FOM   | Suggested alternative wording   |
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| F4 Short Term Rentals                           | We support policy on this issue as the Altus Report noted that this this segment is expected to grow faster than conventional resort accommodation and it needs to be managed to mitigate impacts on residents and other commercial accommodation businesses.   | <i>Suggest for clarity to insert parentheses in b): The Township shall explore regulatory options of short-term private cottage rentals for commercial purposes (<u>as distinguished from occasional rental of residential cottage properties</u>) through licensing, zoning by-laws or other identified tools.</i> |
| <b>Part G: Minett Resort Village</b>            | No comments at this time  |   |
| <b>Part H: Rural Area Land Use Designations</b> | We support policy that implements the Provincial Policy Statement and District of Muskoka OP provisions to protect and set appropriate limits on growth to preserve open agricultural spaces, forested lands, natural heritage features and linkages which are important for the Muskoka environment and watershed health. Specifically, we endorse Muskoka Official Plan policy on Sustainable Muskoka, Objective D1 n) <i>“Protect and support rural areas, so that they are sustained for future generations, protect large tracts of undeveloped lands and serve as a legacy to all residents of the District and remain a benefit to the overall natural environment of the area.”</i> | Suggest carrying forward provisions in current TML OP Objectives b) and c) and establish more consistent limits on lot creation. We support establishing an appropriate target that implements PPS and MOP.   |
| <b>H1 b)</b>                                    | Large tracts of undeveloped land could be the natural heritage system that TML wishes to develop and protect. Could add reference to it here  |   |

| Draft Policy Oct 2021                             | Comment MLA and FOM   | Suggested alternative wording  |
|---|---|--|
| <b>Part I: Urban Centre Land Use Designations</b> |   |  |
| I1.1 Objectives                                   | <p>We are very supportive of objectives e) f) and g), particularly <i>e) Require a high standard of design for all new development and redevelopment, to foster a sense of pride and belonging among residents, contribute to the overall desirability and quality of place of Muskoka Lakes, create gateways, landmarks, and focal points, and bring people and activities together.</i> We applaud the Township for the specific policies to promote excellence in design and character while promoting appropriate intensification.</p>                                |  |
|   |   |  |
| <b>Part J: Community Land Use Designations</b>    |   |  |
| J2  | <p>FOM/MLA support addition of language that supports preserving the “sense of place” of our Township’s Community Areas. Objectives similar to those for the Urban Centres in terms of character and tourism opportunity should be included for Community Areas such as: Support and foster the unique characteristics of the Community Areas by ensuring that new development:</p> <ul style="list-style-type: none"> <li>i) Reflects the existing small village character of the five Community Areas;</li> <li>ii) Is compatible with the surrounding built</li> </ul> | <p>Consider policy that requires a high standard of design, for all new development and redevelopment sympathetic to existing character, to <u><i>foster a sense of pride and belonging among residents, contribute to the overall desirability and quality of place of Muskoka Lakes, create gateways, landmarks, and focal points, and encourage tourism for long-term prosperity.</i></u></p> |

| Draft Policy Oct 2021                          | Comment MLA and FOM  | Suggested alternative wording  |
|--|--|--|
|  | environment;<br>iii) Protects existing neighbourhoods; and,<br>iv) Conserves cultural and built heritage resources.  |  |
|  |  |  |
| <b>Part K: Mineral Aggregate Resource Area</b> |  |  |
| K3.1 b)  | This policy seems unclear - non-infrastructure related extraction <i>may be</i> subject to a needs and location assessment? Given the prevalence of granite in Muskoka it is conceivable that such operations could be located just about anywhere.  | Err on the side of caution that at minimum a location assessment is required   |
| K4   | The following statement is presented as an application requirement and in what appears as a preamble <i>New <b>mineral aggregate operations</b> shall not be permitted within 2,000 metres (6,561.6 feet) from the boundaries of the Waterfront Area designation or within 2,000 metres (6,561.6 feet) of an Urban Centre</i><br>This is an important limitation to the development of aggregate resources and we would suggest that it be incorporate in K3.2 as is c) which provides limitations to adjacent development | Add <u><i>New <b>mineral aggregate operations</b> shall not be permitted within 2,000 metres (6,561.6 feet) from the boundaries of the Waterfront Area designation or within 2,000 metres (6,561.6 feet) of an Urban Centre'</i></u> to K3.2 |
| K4 Application Requirements                    | Skeleton Lake Cottagers had requested that the provision in the current OP be carried forward “  | Carry forward language in Section E14.7 of current OP:   |

| Draft Policy Oct 2021                       | Comment MLA and FOM  | Suggested alternative wording  |
|---|--|--|
|   |  | <p><i>The siting of an Aggregate Pit should be based on the following criteria, in addition to all requirements of the Aggregate Resources Act:</i></p> <p><i>- Site is in close proximity to a provincial highway;</i></p>  |
|   |  |  |
| <b>Part L: General Development Policies</b> |  |  |
| L1.1 a) i)                                  | <p>Stormwater management should also be addressed in General Development Policies – servicing. Even if green infrastructure / low impact design is to be relied upon it requires design and demonstration that it will meet municipal and environmental requirements. Storm water should be added to servicing policies or cross referenced to water resources policies D2.5, but we believe it belongs in both. Some of the options presented for water conservation rely on the integration of storm water, waste water and potable water (one water approach)</p> | <p>Consider adding policy under L1. to address Stormwater Management<br/> <i>Planning for <u>water, stormwater and sewage services</u> shall:</i><br/> Then incorporate specifics for stormwater in the sections following, including linkage to Sustainable development/green development standard policies</p> |
| L1.4 Individual On-Site Sewage Services     | <p>Add requirement that restricts use of holding tanks.</p>  | <p>Add to policy a) that holding tanks shall not be used to service development except for short-term remediation of a health hazard.</p>  |
| L2 Scenic Resources                         | <p>Term “pastoral” could be replaced with a more descriptive phrase.</p>   | <p>Part b) suggest replacing pastoral with open countryside to read <i>These areas include significant cliffs and rock faces, waterfalls, rapids, landmark buildings, <u>open countryside of fields and woodlots</u> and vistas of the undeveloped landscape.</i></p>  |



| Draft Policy Oct 2021                         | Comment MLA and FOM  | Suggested alternative wording   |
|---|--|---|
| L2 a)   | We note that the resource identifying Scenic Resources and landscapes of outstanding scenic value, as part of the Muskoka Heritage Areas Program (Muskoka Scenic Evaluation 1992) is 30 years old. Is there a more recent assessment of the Township's scenic resources? | TML should include a commitment to update the study using contemporary methods and standards.   |
| L2 c)   | <u>Development in Scenic Areas shall only proceed by zoning amendment.</u>   | Consider carrying through this requirement from the current OP to item c).  |
| L3.3.1 Heritage Conservation                  | Heritage Conservation Districts and Cultural Heritage Landscapes may also be designated under Part V of the <i>Ontario Heritage Act</i> .  | Add to 3.3.1 b) <i>Heritage resources identified through this inventory and study process... may be designated in accordance with Part IV <u>or Part V</u> of the Ontario Heritage Act...</i>   |
| L3.3.3  | If it is determined to be in the public interest, a property or landscape may be designated without requesting the owner's consent.  | Suggest change wording to f) <i>The Township may <u>require the designation under the Ontario Heritage Act</u> of any property listed as worthy of conservation as a condition of official plan amendment, rezoning, or Site Plan Approval.</i> |
| L3.6 Heritage Conservation Districts          | Muskoka Lakes has a Heritage Conservation District in Bala and a Plan was written to guide development.  | Consider including reference to the Bala Heritage Conservation District and the HCD Plan.   |
| L3.8 Consultation with Indigenous Communities | We are very supportive of this policy set.   | 3.8 a) consider adding decision under the Ontario Heritage Act as well.   |
| L3.9 c)                                       | Cultural heritage resources may not all have architectural attributes.   | Consider removing the word " <i>architectural</i> " and leaving <i>integrity</i> .  |
| L4.2 Natural Hazards                          | MLA supports these objectives and sees this as an important policy set in light of Climate Change. Development and Site Alteration b) ii references policy E11 regarding development in the floodway should be E4.10.  | Re-number policy referenced to E4.10.   |

| Draft Policy Oct 2021                                | Comment MLA and FOM   | Suggested alternative wording  |
|--|---|--|
|  | Although not in the PPS, drought is also a natural hazard and should be included given recent history.  |  |
| L4.2.1 Where Development Shall Generally Be Directed | Consider impact of significant ice damage on shoreline structures during breakup with increased water levels or flows.<br>Suggest that wildfire be treated separately from flood hazards as it is in the PPS  | Consider adding ice damage below: <i>a) Hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards <u>and accompanying ice related erosion or damages...</u></i>   |
| L4.2.2   | Add hazardous forest types for wildland fire<br>There is a clear potential for increased wildfire due to climate change and invasive species killing more trees   | <b>Hazardous forest types for wildland fire:</b> means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time. |
| L4.2.4   | This is missing policies addressing additions or alterations to existing buildings or structures and replacement of buildings or structures located in flood plains; and<br>policies addressing such public and private works that must located in flood plains by nature of their use. | Add policies addressing additions or alterations to existing buildings or structures and replacement of buildings or structures located in flood plains; and policies addressing such public and private works that must located in flood plains by nature of their use.         |
| L4.3.4   | Good policy to provide rationale and scope for these assessments  |  |
| L5 Forestry<br>a)<br><br>b) iii)                     | Could also add encouragements for the province to manage the forest for reduction of wildland fire risk<br>Good place to link back to the Natural Heritage System   |  |

| Draft Policy Oct 2021                         | Comment MLA and FOM   | Suggested alternative wording   |
|---|---|---|
| L6.1 Township Roads and Active Transportation | Consider adding reference to the Transportation Master Plan to be undertaken when this plan is completed  | .   |
| L6.4  | Could also add encouragement or intent to work with other levels of government to ensure safe walking or cycling routes on District or provincial owned and operated roads that can link with the local systems   |   |
| L6.5  | Could use a point on recognizing the need for safe parking, access and amenities at trail heads   |   |
| L6.6.1 a) iv                                  |   | Updated Section referenced. It is not E8  |
| L7.4 Garden Suites                            | Only one dwelling and sleeping cabin are permitted in the Waterfront Area so this policy should be similarly limited as are “Additional Dwelling Units” in L7.3   | Add to end of b) <u>Notwithstanding the above, garden suites are not permitted in the Waterfront Area.</u>  |
| L8 Home Businesses                            | The current OP identifies permitted home-based businesses as: <ul style="list-style-type: none"> <li>• professional offices</li> <li>• personal services</li> <li>• artisans/studios</li> <li>• day care</li> <li>• bed and breakfast</li> <li>• repair services (excluding vehicles, water crafts, heavy equipment, and aircraft repair).</li> </ul> | FOM/MLA suggests carrying forward a specific list from the current OP   |
| L10.1 c)<br>L10.3<br>L10.4 a)                 | “In addition to the above, the Township shall also <b>consider developing and implementing</b> ”<br>“... <b>consider</b> the adoption of a set of performance measures”   | In addition to the above, the Township shall <u>also consider developing and implementing</u><br><u>Develop and adopt...</u><br><u>Create green development standards</u> |

| Draft Policy Oct 2021                    | Comment MLA and FOM   | Suggested alternative wording   |
|--|---|---|
|  | <p><b>“Encourage</b> the development of green development standards”</p> <p>If TML truly wants to move this way then a greater commitment to developing and implementing the change desired is needed</p> <p>There is some inconsistent language between L10.1 and L10.5. L10.1 requires application/implementation of the policies while L10.4 and 10.5 use encourage/consider language. While we recognize that some of what is contained in the latter may not be applicable for all applications, perhaps more explanation or a change in language is required.</p> |   |
| L10.4 Green Development Standards        | <p>Green development is not different than sustainable development – there needs to be some consistency in language and intent. L10.5 makes no reference to Green Development Standards and uses different language and direction (e.g. L10.4 c) iv) versus L10.5 i)</p> <p>Neither can afford to be optional or aspirational. It is time to be intentional recognizing that the tools have not yet been developed but could be pursued with great haste if TML has the will</p>  |   |
| L10.4 c)                                 | Add bird friendly design standards  |   |
| L10.4 c) vi)                             | <p>Broaden the language as it cannot just be about infiltration</p> <p>Use the same language as L10.5 f)</p>  | <p><i>Requirements for the application of stormwater management at the site level to maximize infiltration, <u>filtration, absorption and detention</u> and reduce phosphorus loading</i></p> |
| L10.5 Design and Sustainable Development | We are very supportive of the new policies covered by L10.3 – L10.5. Shoreline vegetative buffers should be added to 10.5.  | Consider adding shoreline vegetative buffers to item L10.5 g)   |

| Draft Policy Oct 2021     | Comment MLA and FOM   | Suggested alternative wording  |
|---------------------------|---|--|
|                           | <p>However, all of these are encouraged rather than required or subject to green development standards that will be developed.</p> <p>This section is missing mention of water conservation including reuse</p>   | <p>Strengthen commitment through more directed language</p> <p>Add water conservation and reuse</p>  |
| L10.5 i)                  | Should reference dark sky lighting standards – inconsistent with L10.4  |  |
| L 12 Communication Towers | No comment/direction on lighting  |  |
| L13.1.2                   | <p>Preamble mentions accessibility but yet is not specifically itemized in the list of considerations. Lists should be complete in what is to be considered</p> <p>d) This list is not about climate change only – would be better to include climate change under Sustainable development and then it would be more inclusive with clearer language; alternatively add sustainable development to d)</p> |  |
| L14 Dark Skies            | <p>Policy c) could be clarified to ensure redevelopment is understood to be included.</p> <p>Policy d) should provide that exterior lighting will not cause <b>light trespass</b>, rather than just 'avoid' trespass.</p> <p>Policy e) should include a requirement that exterior lighting minimize <b>glare</b> and avoid <b>light clutter</b> and <b>skyglow</b>.</p>                                   | <p>c) <i>In addition to the above, dark sky lighting policies apply to all <b>development and redevelopment...</b></i></p> <p>e) <i>In all cases, lighting must be designed to direct downwards rather than outwards, <u>to minimize glare and light clutter, and avoid skyglow. Lighting shall be of minimal intensity, minimally intrusive colour, and only when needed.</u></i></p> <p>Consider adding these defined terms:</p> |

| Draft Policy Oct 2021                                | Comment MLA and FOM   | Suggested alternative wording   |
|--|---|---|
|  | <p>Policy e) should also provide that exterior lighting be of minimal intensity, minimally intrusive colours, and used only when needed.</p> <p>These four bolded terms should be defined according to the standards of the <a href="#">International Dark Sky Association</a>.</p> | <p><b>Light trespass:</b> When light falls where it is not wanted or needed, ie on neighbouring property.</p> <p><b>Glare:</b> Intense and blinding light that reduces visibility and causes discomfort.</p> <p><b>Clutter:</b> Excessive groupings of light sources that are bright and confusing.</p> <p><b>Skyglow:</b> The brightening of the night sky over inhabited areas.</p> |
| L16 Shoreline Structures                             | d) i should reference E4.3  | For ease of use, consider referring to Lake Category Table in E4.3 a) as well as policies d) e) and f)  |
|  |   |   |
| <b>Part M:<br/>Implementation and Administration</b> |   |   |
| M4 b)  | Include enabling policy that provides for the Site Plan Control Bylaw.  | <i><u>These matters are to be implemented in a Site Plan Control Bylaw made pursuant to, and under the authority of, Section 41 of the Planning Act.</u></i>  |
| M4 Site Plan Control d)                              | Item d) mentions exterior design and sustainable design elements. Landscaping, lighting, and stormwater management which are directly relevant to shoreline development are not mentioned here.   | Add to this section the requirement for <u>Township approval of landscaping, lighting and stormwater management, particularly in areas of shoreline development.</u>  |
| M4 Site Plan Control h)                              | The Planning Act 41 (5) provides that drawings for residential buildings may be required “if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required.”          | Clarify that the Waterfront Area has been specifically designated in this plan as an area wherein such drawings (elevations) are required. Consider adding wording encouraging buildings to be low profile.   |

| Draft Policy Oct 2021          | Comment MLA and FOM  | Suggested alternative wording   |
|--------------------------------|--|---|
| M4 Site Plan Control j)        | Some Core Commercial Areas in Bala and Port Carling have brick heritage buildings and it may be appropriate to use a similar brick finish on infill buildings in those areas.  | Consider removing limitation on brick facing in the Core Commercial areas in j): <i>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 <u>and Core Commercial designations.</u></i>  |
| M5                             | Registration on title of Site Plan Agreements will ensure that future owners of the property are bound by the terms.   | Enabling wording should be included to provide for registration of Site Plan Agreements on title.   |
| M5 Community Improvement Plans | Add reference to Part IV Community Improvement in the Planning Act and a general introduction before listing objectives. For example: "It is the Township's intent to implement a program of community improvements, as defined in the Planning Act by: <ul style="list-style-type: none"> <li>• Establishing and maintaining physical infrastructure which is necessary and appropriate for the various areas within the municipality, including storm drainage, roads, active transportation routes, lighting, public realm improvements, community facilities, and</li> <li>• Encouraging community-building and pride in Township lands in general.</li> </ul> | Consider wording such as <i><u>The purpose of a Community Improvement Plan (CIP) is to assist in redevelopment and physical improvements that encourage economic growth and community-building. CIPs may be developed on a priority basis as opportunities arise in order to maintain, rehabilitate and improve urban centres, community areas and corridors within the Township to augment attractive places in which to live, work, recreate and visit.</u></i> |
| M6.2 Temporary Use By-Laws     | The Township will need to be satisfied that the temporary use will cease upon expiration of the by-law.  | Consider adding wording providing that temporary use will cease upon the expiration of the by-law   |
| M10.2                          | Requirements for some studies have been outlined or partially outlined throughout the document. This is the complete list of studies but without detail for their completion. A reference  |   |

| Draft Policy Oct 2021 | Comment MLA and FOM  | Suggested alternative wording  |
|-----------------------|--|--|
|                       | to where to find guidelines for the completion of these studies would be helpful to include; would also suggest reordering some to lump like studies together in categories  |  |
| M11                   | <p>We are very supportive of CDP's to ensure an integrated approach to development and mitigation. The minimum requirements outlined under g) do not address infrastructure/ servicing nor the integration of natural and built environments</p> <p>The District of Muskoka Official Plan has a list under D14.2 that is more reflective of the components and integration that should be sought under this requirement. Alternatively, we have provided suggested wording taken from earlier Minett Policy work undertaken by the steering committee.</p> | <p>a) <u>Planning background, scope and focus of the work plan;</u></p> <p>b) <u>Study boundaries and justification;</u></p> <p>c) <u>Overview of existing information and applicable policy;</u></p> <p>d) <u>Description and analysis of natural systems and ecosystem functions within and outside of the NHN requiring protection, restoration, or enhancement. (Site, Surface water, groundwater, erosion, natural heritage, water balance)</u></p> <p>e) <u>Identification of development limits, rationale/justification for the limits, summary of mitigation measures, and summary of net ecological gain based on the ecological evaluations</u></p> <p>f) <u>Description of proposed development and required infrastructure</u></p> <ul style="list-style-type: none"> <li>• <u>storm water management, underground servicing, roads/crossings, trails, other infrastructure, grading</u></li> </ul> <p>g) <u>Develop mitigation measures and implementation strategy to protect natural features and areas before, during and after development</u></p> <p>h) <u>Monitoring strategy for performance compliance and efficacy of environmental protection measures</u></p> |



| Draft Policy Oct 2021         | Comment MLA and FOM   | Suggested alternative wording  |
|-------------------------------|---|--|
| M12 Parkland                  | FOM/MLA applaud the inclusion of the Parkland policy set in the Implementation Section.   |  |
| Part M13 Definitions          | <p><b>Development</b> definition needs to be more comprehensive and include redevelopment as well as buildings and structures in general, not just those requiring Planning Act approvals.</p> <p><b>Redevelopment</b> should include significant expansions to existing buildings and extended to other areas, not just communities.</p> | Add definition of <i>qualified professional</i>  |
| Definition “Gross Floor Area” | Since there are at least 6 references to Gross Floor Area maximums and restrictions in this plan, it should be defined.   | Consider clarifying definition: <u>Gross Floor Area (GFA) shall be defined in accordance with the current Zoning By-law, as may be amended by the implementing Zoning By-Law .</u> |

# MLA/FOM comments dated January 2, 2022

Legend:

1. Proposed additions in red and deletions in ~~red-strikeout~~.
2. Comments in [green].

## PART F - COMMERCIAL ACCOMMODATION

### F1 INTENT OF THIS PLAN

Muskoka Lakes has long been a premiere destination for tourists from around the world and visiting and staying in Muskoka Lakes in the many different types of commercial accommodations offered has become part of the Township's rich cultural heritage legacy. 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, it is the intent of this Plan to consider additional commercial accommodation uses, provided:

- a) Accommodation uses such as hotels, motels, tent and trailer parks, cabin rental establishments and resorts are planned from the outset and continue to be commercial in nature and available to the travelling public to continue attracting visitors to the area; and
- b) Accommodation uses in the form of short term rentals respect the residential character of the various communities in the Township.

### F2 OBJECTIVES

It is the objective of this Plan to:

- a) Support the continued commercial use of properties used for commercial accommodation uses;
- b) Encourage and support commercial accommodation uses that demonstrate sustainable economic, social, and environmental practices and in all instances where such practices might be incompatible, protection of the environment shall take precedence;

- c) Support the development of single-owner commercial accommodation uses and discourage the development of commercial accommodation uses by way of Plan of Condominium outside of the Urban Centres;
- d) Carefully manage the redevelopment of commercially-zoned properties that are currently not used for commercial accommodation purposes by ~~limiting limited~~ their use in the implementing zoning by-law;
- e) Ensure that existing and new resorts are commercial in nature at the outset and ~~are planned to~~ operate as commercial uses in the future, so that travellers and vacationers continue to visit the Township and contribute to the local economy;
- f) Protect environmentally sensitive areas and ensure that where development is permitted, its design and construction shall be done in a manner that limits site disturbance and protects natural features and functions, protects the tree canopy, and protects and enhances the natural features and their functions that contribute to the character of the lands in the vicinity of the commercial accommodation use;
- g) Ensure that new commercial accommodation uses are appropriately located and developed in a manner that minimizes impacts on the environment and water quality and are designed to be sympathetic with the character of the surrounding area; and
- h) Retain existing and viable commercial accommodation uses to support the continued economic vitality of Muskoka Lakes, while being open to their conversion to residential use, provided the density and scale of the residential development is consistent with the character of the adjacent areas.

## **F3 COMMERCIAL RESORT DEVELOPMENT**

### **F3.1 CONTEXT**

- a) In 2020, there were 32 operating resorts in the Waterfront Area designation in the Township, with all but one fronting on the shoreline of a lake. The combined water frontage of the 31 operating resorts is about 5,900 metres (19,356 feet), which is a very small fraction of the total water frontage. Also in 2021, there were 20 properties in the Waterfront Area designation that were zoned to permit commercial accommodation uses, but which were not operating. All but one of these 20 properties front on a lake and have a combined water frontage of 2,900 metres (9,514 feet).
- b) Resorts are considered distinct from both residential developments (seasonal or permanent) and other types of roofed commercial accommodation establishments such as hotels, motels, ~~and~~ bed and breakfast operations ~~and tent and trailer parks~~.

In this regard, and for the purposes of this Plan, resorts are defined as commercial establishments that:

- i) Provide roofed accommodations **to the Travelling & Vacationing Public** that includes a range of services, facilities and/or resort-related amenities on-site such as restaurants and wellness activities within a vacation-oriented setting ~~where the focus is on the travelling public~~; [The purpose of resorts is to provide accommodation to the travelling and vacationing public. It is not just a focus.]
- ii) Are professionally managed, with all **Resort commercial** accommodation units available to the **Travelling & Vacationing Public** ~~travelling public for reasonable periods of time~~ and which are included in a mandatory furniture, fixtures & equipment program;
- iii) Provide access **to the Travelling & Vacationing Public** to a significant natural or human-made tourism asset; and
- iv) Emphasize a recreation experience for the **Travelling & Vacationing Public** ~~travelling public~~.

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

- a) Principal uses permitted on a resort property are **Resort** ~~resort~~ commercial accommodation units (as defined in Section F3.3) in facilities such as lodges, resorts, hotels, cabins and lakefront villas. The use of **Resort** ~~resort~~ commercial accommodation units as a **Permanent dwelling unit** ~~year-round~~ or **Seasonal** dwelling unit [Recommend defining “permanent dwelling unit” and “seasonal dwelling unit”. The necessity for such definitions was made clear in the Touchstone and Villas LPAT decisions.] shall not be permitted.
- b) Secondary permitted uses include:
  - i) Housekeeping, management and staff accommodations;
  - ii) Retail and service commercial uses that are functionally integrated into the resort; and
  - iii) Uses that promote wellness activities and recreation opportunities and facilities such as a wellness centre, trails, plazas and public squares, public open private spaces, seating areas, beaches and sport facilities, and private leisure clubs that are recreational in nature.
- c) All **Resort** ~~resort~~ commercial accommodation units are required to generate a turnover of occupants through mandatory rental pools/programs, exchanges,

timesharing, fractionalized ownerships or other similar means as stipulated in Section F3.3. Within an Urban Centre only, ~~Resort~~~~resort~~-related residential dwelling units and ~~Residential~~ ~~residential~~ dwelling units (as defined in Section F3.3) may be permitted subject to Section F3.3.2.

- d) Commercial resort development may be permitted on the basis of 6 meters (20 feet) per Resort commercial accommodation unit frontage on the water body and a maximum density that does not exceed 10 Units per hectare (4 Units per acre), utilizing a baseline Unit size of 850 sq. ft. ~~The density of commercial resort development is controlled through the implementing zoning by-law. Following the approval of this Plan, the Township shall review the implementing zoning by-law to determine if further restrictions on density within 60 meters (196.8 feet) of the shoreline are required.~~ [Density is an extremely important issue for our membership. As was the case for the Minett OPA, we recommend that it be addressed in this Official Plan. Substantially the same language is included in the Seguin OP. See also Section F3.4.2i) below.]

## F3.3 DEFINITIONS AND USE RESTRICTIONS

### F3.3.1 DEFINITIONS

The following definitions apply in this Section of the Plan:

- a) ~~Gross Floor Area (GFA): shall be defined in accordance with the implementing Zoning By-law.~~
- b) ~~Permanent dwelling unit: means, with respect to a person, that person's principal residence, being the residence where the person is entitled to vote as a resident elector for purposes of the Municipal Elections Act (Ontario).~~
- c) ~~Seasonal dwelling unit: means a residence used on a seasonal basis for recreational purposes only and which is not a Permanent dwelling unit. [See the comment in Section F3.2a) above.]~~
- d) Residential dwelling unit: means a room or suite of habitable rooms located within a building and operated as a household unit, used or intended to be used as a domicile by one or more persons that contains cooking, dining, living, sleeping and sanitary facilities exclusively for the use by the owner and/or persons designated by the owner on a primary or seasonal basis.
- e) Resort commercial accommodation unit: means
- i) A unit without full kitchen amenities; or
  - ii) A self-contained unit in a standalone structure with its main access via a front

door, that contains no more than 1 kitchen and 3 bedrooms; or

- iii) A unit in structures with 2 or more units, with its main access via a private entrance from outside a building, or from a common hallway or stairway inside a building, that contains no more than 1 kitchen and 2 bedrooms.
- f) Resort-related residential dwelling unit: means a ~~Residential residential~~ dwelling unit that forms part of a functionally integrated resort entity.
- g) Travelling & ~~Vacationing Public vacationing public~~: means persons who seek overnight accommodation. Unit ~~Owners owners~~ of property within a resort, whether that property is a ~~Resortresort~~-related residential dwelling unit or a ~~Resort resort~~ commercial accommodation unit, are not considered members of the ~~Travelling & Vacationing Public travelling & vacationing public~~ while occupying their property within the resort.
- h) Unit: includes any Resort commercial accommodation unit, Resort-related residential dwelling unit and Residential dwelling unit. For the purposes of calculating Unit equivalencies in accordance with Section F3.2d), a baseline Unit size of 850 sq. ft. (79 sq. m.) Gross Floor Area shall be counted as a single Unit. Units with greater than 850 sq. ft. (79 sq. m.) Gross Floor Area shall be counted as multiples of 850 sq. ft. (79 sq. m.). By way of examples, a Unit with 425 sq. ft. (39.5 sq. m.) Gross Floor Area shall count as 1 Unit, a Unit with 1,275 sq. ft. (118 sq. m.) Gross Floor Area shall count as 1.5 Units, a Unit of 2,250 sq. ft. (237 sq. m.) shall count as 3 units. Minor deviations from the measurements contained in this definition can occur without an amendment to this Plan, provided the intent of this Plan is maintained.
- i) Unit Owner: means, in the case of owners who are not individuals, each person who owns an interest in such Unit (whether through use of corporations, partnerships, trusts or other entities owned or controlled by such a person). For the purposes of evaluating owner usage of their Units in accordance with Section F3.3.2, "Unit Owner" shall include the individual owner(s) and/or the individuals who own an interest in such property as described above and shall include members of their immediate family and their guests. [The definitions for "Gross Floor Area", "Unit" and "Unit Owner" are derived from the Minett OPA and are included here for consistency.]

### F3.3.2 USE RESTRICTIONS

- a) While the Township's preferred form of tenure for resorts is single ownership (that is, no ownership of Units by Unit Owners) [We recommended additional clarity be added regarding what is meant by "single ownership". For example, a corporate or partnership structure with a "single owner" (a single corporation or a single

partnership) could be structured such that individual shareholders or partners have exclusive rights to own or use particular Units.], it is recognized that by exception, a flexible approach may be considered provided all Resort ~~resort~~ commercial accommodation units are required to 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 and provided that all fractions of a Unit and all portions of the timeshare cannot be purchased by or on behalf of one person. - [This tracks the language contained in Section 11.14 of the current Official Plan.]

- b) Where a resort ~~development~~, at any time, [We suggest that these rules should apply if a resort later converts to a condominium form of tenure.] includes condominium ownership, the Units ~~condominium units~~ shall form part of an integrated resort facility that is professionally managed and that is supplemented by a variety of on-site amenities, which shall not be granted exclusive use by Unit Owners ~~condominium unit owners~~. Commercial use and maintenance of the commercial components of a resort development are identified in Sections F3.3.2.1 to F3.3.2.3 and shall be prescribed in greater detail in the implementing Zoning By-law and/or Site Plan and Condominium Agreements. The specific conditions of the provision for the use of a Resort commercial accommodation unit by a Unit Owner shall be articulated in binding owner usage agreements signed by the Unit Owner and the resort or the condominium corporation, as applicable, if the Unit is owned individually. These conditions, together with appropriate monitoring, reporting and enforcement provisions, shall also be stipulated in the resort's Conditions of Condominium Description with the District and/or the Condominium Agreement with the Township, if a Plan of Condominium is proposed. ~~To ensure that the use of the condominium units remain commercial, the following use restrictions shall be implemented through a condominium agreement.~~ [The foregoing incorporates the language from Sections C1.6.1.8 and C1.6.2.8 and the preamble to Section C1.9 of the Minett OPA and is included here for consistency.]

### **F3.3.2.1 RESORT IS OPEN YEAR-ROUND**

- a) The Unit ~~unit~~ can be used by the Unit Owner ~~unit-owner~~ for a maximum of 26 weeks per calendar year and a maximum of 26 weeks can be blocked-out by the Unit Owner ~~unit-owner~~ in advance.
- b) The Unit Owner ~~unit-owner~~ shall be entitled to use the Unit ~~unit~~ for a maximum of 4 weeks during the months of July and August. These 4 weeks shall be taken in periods of at minimum 7 consecutive days. These 4 weeks must be reserved in advance

through the on-site or central management systems. For the balance of July and August, the ~~Unit unit~~ must be made available to rent via the resort's mandatory rental ~~program pool~~.

- c) The ~~Unit unit~~ must be made available to rent via the resort's mandatory rental ~~program pool~~ a minimum of 26 weeks per year, which includes the portions of July and August as per sub-section b).
- d) There is no minimum use of a ~~Unit unit~~ by the ~~Unit Owner unit-owner~~ and the ~~Unit unit~~ can be in the resort's mandatory rental ~~program pool~~ for the entire year.
- e) The ~~Unit Owner unit-owner~~ may exceed the maximum 26 weeks per year occupancy (up to a maximum of \* weeks per year and subject to sub-section b)) where a reservation is not made more than seven days in advance and the ~~Unit unit~~ has not already been reserved by the public. Such reservations shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of the subsequent regular rental period. [We strongly recommend deleting e) above or, at the very least, including an upper limit on the number of weeks that a Unit Owner may occupy a Unit in any given year. We acknowledge that this language is included in the Minett OPA, but we have fewer concerns with Minett for a variety of reasons, including that it will be on municipal services. The concern is that a Unit Owner may occupy their Unit far in excess of 26 weeks per year (and up to ~~52-48~~ weeks!), which begins to look residential and not commercial.]

### **F3.3.2.2 RESORT IS NOT OPEN YEAR-ROUND**

- a) The ~~Unit unit~~ can be used by the ~~Unit Owner unit-owner~~ for no more than 50% of the weeks that the resort is open and this maximum number of weeks can be blocked-out by the ~~Unit Owner unit-owner~~ in advance.
- b) The ~~Unit Owner unit-owner~~ shall be entitled to use the ~~Unit unit~~ for a maximum of 4 weeks during the months of July and August. These 4 weeks shall be taken in periods of at minimum 7 consecutive days. These 4 weeks must be reserved in advance through the on-site or central management systems. For the balance of July and August, the ~~Unit unit~~ must be made available to rent via the resort's mandatory rental ~~program pool~~.
- c) The ~~Unit unit~~ must be made available to rent via the resort's mandatory rental ~~program pool~~ a minimum of 50% of the weeks that the resort is open, which includes the portions of July and August as per sub-section b).
- d) There is no minimum use of a ~~Unit unit~~ by the ~~Unit Owner unit-owner~~ and the ~~Unit~~



~~unit~~ can be in the resort's mandatory rental ~~program pool~~ for the entire time the resort is open.

- e) The **Unit Owner** ~~unit-owner~~ may exceed the maximum 50% of the weeks that the resort is open (up to a maximum of \* weeks per year and subject to sub-section b)) where a reservation is not made more than seven days in advance and the **Unit** ~~unit~~ has not already been reserved by the public. Such reservations shall not be made more than seven days in advance of the vacancy period and must not encroach upon nor compromise the integrity of the subsequent regular rental period. [Same comment as in Section F3.3.2.1e) above.]

### **F3.3.2.3 ADDITIONAL REQUIREMENTS**

- a) **All sales documents and agreements shall affirm that the Unit is commercial in nature and cannot be occupied as a residence.**
- b) **Resort commercial accommodation units shall: i) have access to all of the on-site facilities provided by the resort, which may include a spa, restaurants, pools, tennis or other courts, trails, golf, waterfront amenities including docks, swimming area, beach, access to a variety of boats, boathouse, meeting rooms, breakfast facilities, retail facilities, common areas and conference facilities; ii) be operated by central management with a presence on-site; iii) be supported by resort facilities that are available to all guests on the property; iv) have access to ongoing services (housekeeping, security, etc.); v) have access to recreational programs associated with the amenities; vi) be included in a permanent, compulsory rental program to ensure ongoing availability of the Unit to the Travelling & Vacationing Public at all times the resort is open, and when the Unit is not otherwise entitled to be occupied by the Unit Owner, if the Unit is owned individually; vii) not be accessible by the Unit Owner when the resort is closed if the Unit is owned individually; viii) participate in a mandatory furniture, fixtures and equipment (F,F&E) program administered by the condominium corporation imposing on Unit Owners an obligation to maintain, repair and replace the F,F&E in their Units to a standard established by the resort operator and Unit Owners are not entitled to provide their own F,F&E nor to make alterations to their Units, in each case, if the Unit is owned individually. [Subsections a) and b) above are derived from Sections C1.9A.f) and B.f) and C1.9C of the Minett OPA for consistency and to help ensure the resort is commercial.]**

## **F3.4 NEW AND EXPANDING COMMERCIAL RESORTS**

### **F3.4.1 APPLICATION REQUIREMENTS**

- a) Any application to develop a new commercial resort outside of an Urban Centre shall require an Amendment to this Plan and shall be supported by evidence **satisfactory to the Township** that there is a need for additional commercial resort accommodation in the Township. **Notwithstanding the foregoing, any conversion of a property not zoned resort commercial to resort commercial shall only be permitted at the time of a comprehensive review by the Township. In addition, any property zoned as a marina or primarily as a marina shall be prohibited from being converted to resort commercial use.** [With the significant amount of unused or underutilized resort commercial lands within the Township and economic studies confirming that additional resort commercial lands will not be required for many years, as per the [BLG law firm](#) letter attached, we recommend that rezoning of land to the resort commercial designation only be considered at the time of a comprehensive review. This allows much more municipal control over new resort development, using a strategic approach (as opposed to a piecemeal approach, as applications are submitted). Due to issues concerning parking and water access regarding water access/island properties and the creation of new water access lots, marinas are a valuable resource and the conversion of marinas to other uses should be prohibited.]
- b) Any application for an amendment to this Plan to establish a new resort or to expand and/or redevelop an existing resort shall be supported by studies that are based on predictable, measurable, objective effects on the natural environment **and other matters as outlined below** [Not all studies pertain to the environment.], with these studies and their scope being identified in advance and with regard to the scale of the proposed new resort or expansion. Depending on the scale of the proposal, a Comprehensive Development Plan may be required in accordance with Section M11 of this Plan.
- c) Such studies shall address the anticipated impacts in the area affected by the proposal and in this regard, all applications shall be supported by information that address the impact of the operation of the proposal on:
- i) The **natural heritage features and areas** and related **ecological functions** on the site and in the area;
  - ii) The quality of the water in the affected lake and the hydrological features that contribute to water quality and overall lake system health, including the ground water recharge and discharge functions on the site and in the immediate area;
  - iii) Existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water;

- iv) Adjacent and nearby existing or planned land uses;
- v) The **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes and significant archaeological resources** on the site and in the area;
- vi) The recreational carrying capacity of the lake, or if it is one of the larger lakes, on any defined areas having connections to a larger portion of a waterbody that is generally less than 300 metres (984.2 feet) wide;
- vii) The transportation network in the area; and,
- viii) Nearby wells used for drinking water purposes.

### **F3.4.2 RESORT DEVELOPMENT REQUIREMENTS**

- a) To provide recreation experience, a variety of resort-related amenities and services shall be available on-site. Such amenities and services must be available to **Unit Owners ~~unit-owners~~**, guests and visitors and are required to be available to the general public where appropriate. In addition, these amenities must be tangible and include more than just the development of a beach, walking trails or similar passive features. The development of a reasonable number of amenities shall occur in the first phase as detailed in the implementing zoning by-law. **All resort development shall only proceed on the basis of a Development Phasing Plan that has been approved by the Township, in conjunction with the Master Development Agreement referred to below, before any development occurs. The intent of the Development Phasing Plan is to ensure that the relative timing and development of the component parts of the resort support the planned function of the resort as a resort commercial, tourist and recreation focused operation. The Development Phasing Plan shall, for each phase, identify the sequencing of the development of: i) Resort-related uses and amenities; ii) Resort commercial accommodation units, which shall only be developed when certain thresholds of resort-related uses and amenities have been developed in the first phase and in subsequent phases of development, with the percentage of Gross Floor Area allocated to Units being determined in the implementing Zoning By-law, with this percentage requiring a reasonable amount of resort, commercial and tourism amenities in each phase, as appropriate, to ensure the resort is commercially viable and attractive to the Travelling & Vacationing Public; iii) Resort-related residential dwelling units, which, subject to Section F3.4.3a), shall only be developed in accordance with Section F3.4.3b)iv); iv) Residential dwelling units, where permitted; v) Accommodation for employees of the businesses on-site; and vi)**

Infrastructure, roads, public use areas and public service facilities. It is intended that development shall occur in accordance with the provisions of a Master Development Agreement that shall be supported by the following to the satisfaction of the Township: i) A Development Phasing Plan identifying the location, nature and scale of proposed development, as set out above; ii) Other plans, studies and assessments and other matters deemed appropriate by the Township and the District (as it relates to the services it provides), in order to ensure identification and integration of uses, facilities and infrastructure. The terms of reference of any studies shall be reviewed by the Township for completeness before they are initiated. All development shall be subject to Site Plan Control and the following matters shall be addressed to the satisfaction of the Township: i) Appropriate location of buildings and structures; ii) Retention or restoration of a natural vegetative buffer to prevent erosion, siltation and nutrient migration; iii) Maintenance or establishment of native tree cover and vegetation as terrain and soil conditions permit; iv) Appropriate location for construction of roads, driveways and pathways, including the use of permeable materials; v) Implementation of stormwater management and construction mitigation techniques with an emphasis on lot level controls, low impact development practices and a treatment train approach to promote filtration, infiltration and detention, which may include proper re-contouring, discharging of roof leaders, use of soak away pits, other measures to promote infiltration, and silt fencing for temporary sediment control; vi) The establishment of dark sky compliant lighting on all structures with full cut-off fixtures being required in order to minimize light spillage into the surrounding environs, while maintaining safety; and vii) Securities and processes to ensure implementation and long-term monitoring and compliance with site plan agreements if required. [We suggest that similar requirements to that contained in Section C1.7 of the Minett OPA be included here.]

- b) In-person management shall be available on-site in order to respond to complaints, deal with emergencies, and assist guests and visitors. ~~The appropriate management arrangement will depend on the scale, location, on-site resort-related amenities, and desired experience of a resort.~~ [We understand this sentence is being deleted from the Minett OPA and suggest it should be deleted here, as well.]
- c) To ensure a continued contribution to the local and regional economy, proponents shall demonstrate an ability for the resort to generate a revenue stream ~~from Unit rentals~~ that sustains the commercial component of the resort such that it is viable, provides employment opportunities and sustains the provision of other goods and services by third parties in the area, all of which is intended to have a positive

economic impact.

- d) All resort development and redevelopment shall:
- i) Respect and be compatible with the surrounding environment;
  - ii) Not result in adverse impacts on the recreational carrying capacity and water quality of the lake as demonstrated through appropriate studies;
  - iii) Minimize disruption to, and on, existing topography and vegetation of the area when viewed from the water;
  - iv) Maintain, improve, and/or restore the health of existing natural amenities such as streams and **wetlands**, where these features exist and where possible;
  - v) Integrate sustainable development practices that maintain or enhance ecological and economic resiliency;
  - vi) Exhibit a high-quality built form that enhances pedestrian amenity;
  - vii) Locate parking and servicing areas or facilities to the side or rear of buildings and recreational areas, where possible, to minimize disruption to waterfront access and views, and reduce conflicts with pedestrians;
  - viii) Incorporate landscaping that softens the impact of built form and utilizes native species where practical and appropriate; ~~and~~
  - ix) Incorporate, 15-metre (49.2 feet) waterfront vegetative buffers and 20-metre (65.6 feet) building setbacks **from the high water mark** to protect water quality and natural shoreline character, except in the Urban Centres where additional flexibility may be desirable; -
  - x) **Meet the following minimum lot and siting requirements: A) generous amount of open space; B) on a mainland property; C) a lot area of 2 [We recommend 3] hectares; D) on appropriate water supply and sanitary sewage disposal systems; E) a water frontage of 150 [We recommend 200] meters; and F) a natural buffer to ensure compatibility with adjacent residential uses; and [We believe the current Official Plan provisions regarding minimum lot and siting requirements in Section B11.16 are excellent and should be carried through, with two recommended changes to C) and E).]**
  - xi) **Be subject to site plan control. [We recommend carrying through Section B11.1 of the current Official Plan.]**
- e) The architecture and characteristics of new major development or redevelopment shall:

- i) Limit height in proximity to the shoreline, while providing for a gradual increase as the distance from the shoreline increases, where appropriate;
  - ii) Be of a low-rise built form that ~~in no case exceeds 14 meters (including mechanical equipment) and the existing tree canopy and~~ respects the character and scale of buildings of the past and is appropriate to its setting and terrain ~~with maximum height being further defined in the implementing Zoning By-law;~~ [We suggest that the language in Section C1.4.2.3b) of the Minett OPA be used. A maximum 14 meter height restriction applies elsewhere in the Township, except Minett.]
  - iii) Be informed by a set of urban design and/or architectural design guidelines to be completed to the satisfaction of the Township;
  - iv) Utilize dark sky lighting in accordance with Township by-laws to preserve the darkness of the night sky; and
  - v) Allow for the implementation of alternative standards for development where benefits to community character or the natural environment can be demonstrated, provided any negative impacts can be effectively mitigated.
- f) All new development shall front onto a publicly accessible road, which is maintained year-round, except where development occurs by condominium description. ~~Notwithstanding the foregoing, all private condominium roads shall have access from a public year-round maintained road. Where condominium registration is utilized, roads shall be designed and constructed to Township standards and provide for emergency vehicular access to the satisfaction of the District and the Township.~~ [We suggest the exception regarding condominium roads should only apply if the additional language included in the Minett OPA in Sections C1.4.4.2 and C1.4.4.3 is also added here.]
- g) 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 by a boat impact assessment ~~study and recreational carrying capacity study completed to the satisfaction of the Township.~~ [Reference is made to Section C1.4.5.1 of the Minett OPA.] As a general principle, the development of new docking facilities for the exclusive use of ~~Unit Owners unit owners~~ shall not be permitted.
- h) Staff housing on site shall be a condition of development.
- i) The number of larger ~~Units units~~ at a resort shall be minimized and most ~~Units units~~ shall be less than ~~79 80~~ square metres (~~850 861~~ square feet) in size so that they are

designed and used by the Travelling & Vacationing Public ~~travelling & vacationing public, Who are those persons seeking overnight accommodation.~~

### **F3.4.3 RESORT-RELATED RESIDENTIAL AND RESIDENTIAL DWELLING UNITS IN AN URBAN CENTRE**

- a) Resort related residential dwelling units and residential dwelling units may be permitted in an Urban Centre only.
- b) In addition to the policies of Sections F3.4.1 and F3.4.2 above, and if resort related residential dwelling units and/or residential dwelling units are proposed in an Urban Centre, the following policies apply:
  - i) All resort-related residential units and/or residential dwelling units will be parts of a legally and functionally integrated single resort entity.
  - ii) Given the need to ensure that resort and tourism amenities are developed in the first phase and in subsequent phases of development the percentage of units that can be considered resort-related residential units and/or residential dwelling units shall be determined in the implementing Zoning By-law, with this percentage requiring a reasonable amount of resort, commercial and tourism amenities in each phase as appropriate to ensure the resort is commercially viable and attractive to the Travelling & Vacationing Public.
  - iii) For those resorts that front on a lake or river, the preferred location for the majority of the resort commercial accommodation units shall be adjacent to the shoreline in a cluster form, setback behind a communal waterfront area. Any proposed resort-related residential dwelling units and/or residential dwelling units shall not be located adjacent to the shoreline and should be separated from the shoreline by resort commercial accommodation units unless such resort-related residential dwelling units and/or residential dwelling units are part of a single building containing a mix of resort commercial accommodation units and resort-related residential dwelling units and/or residential dwelling units.
  - iv) The actual number of resort commercial accommodation units as a percentage of the total number of units shall be determined on a case-by-case basis but shall not be less than 70% of the total number of units. As a general principle, larger resorts should have a higher percentage of resort commercial accommodation units since many on-site resort-related amenities depend on this turnover to be economically viable. The location of the resort, type of

management proposed, servicing arrangement, and scale and type of amenities will also be considered in the determination of an appropriate percentage.

### F3.5 SERVICING

- a) Resorts within an Urban Centre shall be serviced by **municipal water services** and **municipal sewer services**. The full cost of installing **municipal sewage services** and **municipal water services** shall be the responsibility of the landowners ~~installing who will benefit from the installation of~~ such services. [We suggest the language in this provision should be consistent with Section C1.4.6.2 of the Minett OPA.]
- b) Resort commercial uses and ~~Resort resort~~ commercial accommodation units outside of the Urban Centres are to be serviced by a water system and a sewage collection and treatment system that is owned by a single owner in accordance with Section F2 c) of this Plan. If multiple ownerships are proposed by way of exception, such a proposal may be serviced by **private communal sewage services** and **private communal water services**, provided it is demonstrated that the use restrictions in Section F3.3.2 are to be implemented in a form that is satisfactory to both the District and the Township and all of the other policies of this Plan are met.
- c) Where **private communal sewage services** and **private communal water services** are proposed in accordance with sub-section b), the proposal shall proceed by condominium description or other form of tenure that is satisfactory to both the District and the Township and the District of Muskoka shall require as a condition of approval, all matters of District interest to be addressed including the establishment of a reserve fund or its equivalent, implementation of financial controls, operation and maintenance safeguards, and reporting requirements.
- d) As a condition of approval of **private communal sewage services** and **private communal water services**, regular monitoring of these systems to the satisfaction of the District shall be required, with this monitoring designed to protect human health, water quality, and the natural environment. The full cost of this monitoring shall be the responsibility of the owner of the **private communal sewage services** and **private communal water services**.
- e) ~~Resorts on existing private communal systems are required to be connected to municipal sewage services and municipal water services when they are available.~~ [We suggest adding this language from Section C1.4.6.4 of the Minett OPA.]

### F3.6 CONVERSION OF EXISTING RESORTS



- a) It is a goal of this Plan to retain existing resorts wherever possible. However, it is recognized that there may be a desire to convert existing resorts to an alternative use for one or a combination of the reasons below:
  - i) There is limited interest to continue operating the resort and the prospects of new ownership and/or management are limited;
  - ii) Increasing regulatory requirements have had, or are likely to have, an impact on the ability of the resort to be viable;
  - iii) Significant enhancements to the resort are required to compete in the marketplace; and/or,
  - iv) Occupancy levels have been declining.
- b) Applications to convert a resort to another use shall only be supported by the Township where a satisfactory planning justification report is provided and one or more of the following circumstances applies:
  - i) Environmental, cultural heritage features, hazards or other constraints restrict further development or redevelopment of the property;
  - ii) The provision of appropriate water and/or sewage disposal services to or on the property is not possible;
  - iii) The property does not have significant land holdings and/or shoreline frontage; and/or
  - iv) Only a portion of the property is proposed to be converted and that portion is not physically or functionally necessary for the ongoing **operation** of an existing **resort operation** or in the case of a vacant property, the removal would not restrict the future development of the lands as a resort commercial use.
- c) Where a report is required in Section F3.6 b), it shall demonstrate that:
  - i) The existing use of the property as a resort is no longer viable as a commercial enterprise, with detailed reasons provided;
  - ii) The other uses that may be permitted as-of-right on the resort property are either not viable as a commercial enterprise and/or are not feasible from a technical perspective and/or not appropriate on the lands from a land use planning perspective;
  - iii) The enhancements required to make the resort commercially viable and/or which are required to ensure that the resort complies with all current regulations are not practical and/or are not feasible; and

- iv) The loss of the commercial land base will not negatively impact the critical mass of tourism infrastructure in the Township.
- d) In addition to the above, it shall also be demonstrated that the proposed alternative use:
  - i) Is appropriate for the site;
  - ii) Is compatible with the scale and density of adjacent development;
  - iii) Is less impactful on adjacent land uses and the environment than the resort; and,
  - iv) Shall include, as a component of the redevelopment, enhancements to the **natural heritage features and areas** and functions on the site and in the immediate area.
- e) Any application for conversion shall require the provision of public access to the shoreline in some form, especially where the resort property is used to access other properties on a waterbody, except where site conditions render such access unfeasible or where sufficient public access to the waterbody is deemed **by the Township** to exist in other locations.
- f) Should conversion to residential uses be proposed, the form of the residential development proposed shall be compatible with the **density and** scale of adjacent shoreline development in the area with respect to the frontage of the lot on the water and shall not be reflective of the density afforded to resort commercial accommodations. **[Density is also an important component. Both density and scale are referred to in paragraph h) of F2-Objectives.]**

### **F3.7 CEASE TO CARRY ON BUSINESS**

- a) Where a resort that includes condominium units ceases or substantially ceases to carry on business, the following policies shall apply: i) Unit Owners may, through a centralized management, continue to operate the Units as part of a tourist commercial resort in accordance with the policies set out in Section F3.3.2 and any and all agreements registered on title; ii) in the event that the Units are unable to be operated as part of a tourist commercial resort, use of the Units shall cease until it is possible to operate them as such; iii) conversion of the tourist commercial resort use to residential use shall not be permitted; and iv) the owners of all lands comprising the resort of which the Units form a part shall be considered partners with the Unit Owners in the resort and actions that will derogate from the operation of the lands as a viable tourist commercial resort shall be discouraged. **[We recommend that this provision be carried through from the current Official Plan, Section B11.11. The concern is that if the resort ceases to operate**

it will essentially become a residential condominium, which is absolutely not permitted.]

#### F4 SHORT TERM RENTALS

- a) It is recognized that the sharing economy and short-term private cottage rentals also form an important and growing part of the tourism sector. While there are many positive benefits from this form of accommodation, certain negative aspects and an uneven application of regulations have also been identified as concerns by traditional tourism operators.
- b) The Township shall explore regulatory options of short-term private cottage rentals for commercial purposes as distinguished from occasional rental of residential cottage properties through licensing, zoning by-laws or other identified tools.

#### F5 SEASONAL TENT AND TRAILER PARKS

The development of seasonal tent and trailer parks is encouraged in the Township as an alternative form of accommodation, provided they are not located in the Waterfront Area adjacent to Lake Joseph, Lake Rosseau and Lake Muskoka. Expansion to existing tent and trailer parks on these three lakes will require an amendment to the Zoning By-law.

Any application for an amendment to the Zoning By-law to establish a new seasonal tent and trailer park shall be supported by information that address the impact of the operation of the proposal on:

- a) The **natural heritage features and areas** and related **ecological functions** on the site and in the area;
- b) The quality of the water in the affected lake and the hydrological features that contribute to water quality and overall lake system health, including the ground water recharge and discharge functions on the site and in the immediate area;
- c) Existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water;
- d) Adjacent and nearby existing or planned land uses;
- e) The **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** on the site and in the area;
- f) The recreational carrying capacity of the lake;
- g) The transportation network in the area; and,

- h) Nearby wells used for drinking water purposes.

## **F6 PRIVATE INSTITUTIONAL CAMPS**

The development and expansion of private institutional camps is encouraged in the Township. Any application for an amendment to the Zoning By-law to establish a new private institutional camp shall be supported by information that address the impact of the operation of the proposal on:

- a) The **natural heritage features and areas** and related **ecological functions** on the site and in the area;
- b) The quality of the water in the affected lake and the hydrological features that contribute to water quality and overall lake system health, including the ground water recharge and discharge functions on the site and in the immediate area;
- c) Existing topography and vegetation of the area, and the tree canopy in particular, when viewed from the water;
- d) Adjacent and nearby existing or planned land uses;
- e) The **significant built heritage resources, protected heritage properties, significant cultural heritage landscapes** and **significant archaeological resources** on the site and in the area;
- f) The recreational carrying capacity of the lake;
- g) The transportation network in the area; and,
- h) Nearby wells used for drinking water purposes.

