

Sent via Email

August 30, 2020

Dear Mayor Harding and Members of Council,

Re: Special Meeting of Council regarding Resort Village of Minett Joint Official Plan Policy Review and draft Official Plan Amendment

With the work of the Minett Joint Policy Review Steering Committee (MJPRSC) and the Minett Working Group (MWG) now complete, we join David Pink the Director of Development Services and Environmental Sustainability in thanking all involved for their commitment and service.

This significant pause in development in Minett provides all of us, including the Mayor, Members of Council, Township Staff, the Property Owners, other stakeholders and the wider community with an extraordinary opportunity to replace what is no longer viable with a sustainable successful model for resort development that we, and the generations that follow, can be proud of for the next one hundred plus years.

Starting more than 125 years ago the Muskoka Lakes Association (MLA) recognized the unique character of Muskoka and the need to wisely develop and support resorts while also protecting and enhancing the water, the shoreline and the more broadly defined environment. Today, our mission to preserve Muskoka for future generations has never been more relevant.

The MLA and Friends of Muskoka (FOM) broadly support the progress and direction reflected in the draft Official Plan Amendment (OPA) made available on Friday Aug 28, 2020. We retain the right to seek clarifications, review the evolving details and provide additional comments. When clear and more complete views of the implications of the draft OPA are available and evident the MLA and FOM will hopefully be able to provide their full support.

Currently, we see several key opportunities to clarify and improve the utility of the draft OPA including:

- a) **Environment First** – The water, the shoreline and the broader environment is the engine that drives almost everything good that happens in Muskoka. Muskoka’s environment is a source of passion and feeds our economy. We must ensure that development in Minett contributes to environmental sustainability. We must set the pattern now for this and other resort sites.



We are supportive of the directions and policies in the draft OPA that emphasize the importance of sustainability and environmental protection although there remain a few areas where we believe additional measures or restrictions should be strengthened.

- i. Areas of Use Limitation - One such area is in Section 5.4 (incorrectly labelled 5.5) which sets out four areas to be classified as Areas of Use Limitation. The MJPRSC outlined these four areas for their protection while the draft policies 5.4.3 and 5.4.5 seek to allow engineered solutions and some leeway. The protection of these areas were not believed by the MJPRSC to constitute significant or unreasonable constraints within Minett and as such we believe that the enabling policies should be removed.
 - ii. Visual Impact – the visual impact of shoreline development or the ‘view from the canoe’ - needs to be mitigated through a variety of measures including strict adherence to TML’s building height limit of 45 feet.
 - iii. Working with the Environment – While captured in the draft OPA, we wish to emphasize the importance of working with topography and existing vegetation to preserve the view from the canoe and demonstrate respect for the waterfront.
 - iv. Build Back Better – There have been years of alteration of the waterfront in this area and recent issues related to flooding and climate change. The District’s floodplain maps have identified some flood vulnerable structures in Minett. While there may be grandfathered rights, Council should seek to ensure that development ‘*builds back better*’ to reduce risks and improve conditions for the future.
- b) **Scale / Density** – Excellent progress has been made in the draft OPA on defining the amount and type of space, and the maximum number of units permitted in each of the Minett Zones.

The draft OPA is in line with what the MJPRSC recommended for total Gross Floor Area (GFA) in all areas, although proportionally more in the waterfront area than the MJPRSC recommended. We would like to see a reduction in waterfront GFA and would support that reduction coming from non-accommodation unit space and allowing a greater percentage of waterfront GFA to be allocated to units.

Further, the share of total GFA in each zone (RC1, RC2, VC, R1 and R2) should be specifically delineated to avoid all of the permissions being built in one zone.

- c) **Resort Hamlet** – The MLA and FOM believe that Minett should continue to be designated as a Hamlet. Minett has a history going back more than 100 years as a Hamlet that is also home to several resorts. Already operating in Muskoka are three Resort Villages (Deerhurst in Huntsville, and Taboo and Muskoka Bay in Gravenhurst). Minett has none of the key attributes of these Resort Villages including immediate access to four lane highways, the airport, labour market, healthcare, education and other essential services, including municipal services. These Resort Village attributes cannot be easily or prudently acquired by Minett. Resort Village is defined in TML’s Official Plan as “a planned community, serviced by piped municipal sewer and water facilities, in which the focus of use is four season tourist commercial, recreational resort and related commercial activities...” As we do not recommend municipal servicing for Minett and the density that will attract, we believe Resort Village is not an appropriate label for this area. Minett is and should remain a Hamlet or, if you wish, call it a Resort Hamlet.
- d) **Conditions for Commercial Use** – The MLA and FOM support the inclusion of clear definitions, and monitoring and enforcement provisions to ensure the resort is operated as a commercial resort with restricted use by the unit investors, owners and their families, especially during the summer season. We support the tests for commerciality in Appendix XX and encourage Council to adopt the additional conditions from the Villas and Touchstone condominium agreements that are missing from the Appendix. If resort residential units are permitted, they should be placed in the centralized rental program should the owner choose to rent them, not on Airbnb or a similar rental platform. We seek further clarification and enhancement of the monitoring and enforcement provisions, tools and their funding to ensure that the resort units are commercially used initially and far into the future.
- e) **Residential Subdivisions on the Waterfront** – The MLA and FOM remain strongly opposed to residential subdivisions on the waterfront. However, as part of a comprehensive, clear and detailed phased plan, once the initial resort phase is fully completed and operational, the construction of a limited number of residential units may be supported by the MLA and FOM if subject to detailed and comprehensive condominium agreement provisions backed up by significant letters of credit in favour of the Township and the District.

These detailed provisions and constraints for residential units will need to reside in the OPA to obtain our support and should include the following concepts:

- i. Building permits for residential units can only be issued after the completion of the first phase of the resort. Completion should include all associated amenities, infrastructure and landscaping with all deficiencies rectified and inspected and all conditions for occupancy and operation fully satisfied including reporting and monitoring protocols in place with TML related to investor/owner usage along with the other tests of commerciality.
 - ii. Building permits for additional residential use should be allocated proportionately with subsequent resort unit phases.
 - iii. Further, we also remain concerned for the large areas zoned R2 which we do not believe are supported by the Altus study and do not have the community support infrastructure to function as year-round residential.
 - iv. Resort residential units will only be allowed as part of an integrated resort where resort commercial units are subject to rental requirements that guarantee their availability to the traveling and vacationing public, such as those in Appendix XX. Other forms of ownership such as fractional and condominium ownership with permissive owner usage models should not be afforded resort residential permissions.
- f) **Servicing** – Development in Minett should proceed on private communal services so as not to encourage substantial additional density, and there should be adequate protections and securities for TML including a developer responsibility agreement and/or a legal agreement with all of the owners in a condo structure. There exists more than adequate excess capacity for projected growth in existing municipally serviced hubs and resort villages elsewhere in the Township and District. It would not make sense, nor would it be fiscally responsible, to create yet another set of potentially under-utilized municipal septic services in Minett that benefit a profit generating enterprise over community needs.
- g) **Docking** – Docking remains an issue in this area and the boating impact assessment completed by Riverstone notes the dramatic increase in boating traffic since 2007 that regularly exceeds the safe boating capacity in Wallace Bay. As we have said before, the lake is part of our transportation system and we need to assess both the ability to support more marine traffic and the impacts of adding more docking in support of new users. We acknowledge and support the provisions in the draft OPA that suggest some docking restrictions for owners and the travelling public to allow adequate docking for visitors to the amenities in Minett. However, in light of boating safety concerns raised by the Riverstone study, we cannot support the 215 boat slips as of right since we understand 95 of these boat slips are still subject to a holding clause pending measures being put in place to ensure public safety. We recommend this hold clause remain until studies have been conducted and adequate measures are in place to TML's satisfaction.

- h) **Implementation** - Much progress has been made in addressing mechanisms to ensure what was planned is designed and implemented. However, one of the key tools needed to achieve environmental sustainability on a project of this scale is requiring integrated studies, rather than a series of isolated studies, to fully understand specific plans and their comprehensive impacts. The MJPRSC's recommendations in this area (MJPRSC OPA item 23) are missing and should be included in the draft OPA.

The draft OPA continues to rely on Section F of the TML official plan. While many of the implementation tools outlined therein are important, the MJPRSC found that Section F 8, 13, 15, 20, 21 and 22 need to be presented in a comprehensive development plan that integrates all the potential impacts of the development on the area and provides mitigation measures that may be cross purpose. For example, wetlands rely on surface drainage and/or groundwater to sustain them. Storm water management or hydrogeological studies undertaken independently of the environmental impact statement (EIS) may overlook the functional aspects of this relationship and not assess impacts or design adequate mitigation measures into the plans. It is not enough to just define development limits through an EIS.

In conclusion, we think that there has been significant progress made on modifying the original policies for Minett. Together the MLA and FOM are supportive of Council moving now to broader public consultation to also inform their final decision on the OPA for this area.

We recognize that a project with this impact is well outside of the norm for elected officials and staff. We sincerely appreciate the additional and ongoing efforts made to accommodate a widely sourced set of perspectives, all with a view to increasing the probability of the community welcoming and supporting a highly successful resort with a positive long term contribution to Muskoka's sustainability - environmentally, economically and socially.

It is time for Council to clearly articulate the kind of development that they wish to see in this community, and reflecting all the knowledge that has been gained by recent development experiences, updated technical studies and the legal challenges. You have an unprecedented opportunity to get this right for Minett and for Muskoka.

Respectfully submitted,



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President, Muskoka Lakes Association



Laurie Thomson
President, Friends of Muskoka

cc David Pink, Director of Development Services and Environmental Sustainability

