

May 6, 2022

Township of Muskoka Lakes
Planning Committee
1 Bailey Street
P.O. Box 129
Port Carling ON P0B 1J0

Dear Chair Bridgeman:

Re: Recreational Carrying Capacity in the new Official Plan

We refer to Meridian Planning Consultants' memorandum dated March 15, 2022 on the new Official Plan under Part H - Recreational Carrying Capacity (RCC). Meridian notes that, through the Township's survey, respondents were asked if they supported the establishment of caps on the creation of new lots and the expansion of existing commercial uses on lakes where the recreational carrying capacity has been exceeded. Meridian also notes that 77% of survey respondents said yes and 23% said no.

These survey results were highlighted by the Muskoka Small Lakes Coalition (MSLC) in their April 19th letter to Planning Committee requesting RCC as a hard cap on small lakes and bays, as well as in our April 20th letter supporting the MSLC's position.

Meridian also notes that those in opposition indicated that RCC was a subjective tool that should be considered but not made a rule. Along these lines, others have said that RCC is not "scientific".

Notwithstanding the clear direction provided by the survey, Meridian recommended that a prohibition on lot creation on lakes exceeding RCC not be implemented, as it may not be fair or reasonable, and that RCC should only be a consideration.

We wish to draw your attention to the fact that Seguin Township's Official Plan contains a prohibition on new lot creation where RCC is exceeded and that it was upheld at an Ontario Municipal Board hearing on December 22, 2016 (see the attachment).

The appellant's expert unsuccessfully argued that RCC is an unscientific measure (paragraphs 28 and 30).

In the Disposition of the Board, at paragraphs 39 to 41, the Board states, among other things, that [emphasis added]:

[39] The Board accepts that RCC is an imperfect estimate of the capacity of a lake to accommodate recreational uses. Moreover, it is clear that its efficacy as a land use control is evolving. Nevertheless, the Board heard no credible evidence to show that, in this matter, RCC is unreliable in assessing how much development Oastler Lake can sustain. More

generally, the Board finds that Council's use of RCC to limit development that would exceed the recreational capacity of a lake represents good planning.

[40] The Board finds Mr. Jackson's position that RCC is intended to be applied flexibly rather than as a "hard cap" on development cannot be sustained....

[41] Moreover, the Board finds that RCC figures are not arbitrary. They are based on a standard calculation that has been developed out of years' of research and experimentation. The RCC policies are applied consistently throughout the Township and are used by planning authorities in other jurisdictions.

Meridian comments that "restricting new lot creation on lakes that are over capacity may not in [and] of itself have a significant impact on the number of boats... since there is no way the Township can control the choices made by existing residents... in terms of the number and size of watercraft they use". However, we believe it is not compelling for Meridian to then state that "the impact of the restriction on lot creation on the number of watercraft that use the lake may be over-stated", especially in light of the OMB's findings.

This is particularly true for lakes that are already significantly over capacity with regard to RCC. In fact, to the contrary, it can be argued that RCC is already likely underestimated (due to the impact of public (and private) boat launches, parks (including provincial parks), marinas and other commercial establishments). Please also see paragraphs 37 and 38 of the OMB decision.

Furthermore, we believe that restricting new lot creation on lakes that are overcapacity is the very nature of the environment first/precautionary principle which is front and centre in this OP.

We hope these comments are helpful, and would be happy to discuss them with you.

Sincerely,



Susan Eplett
Chair, Government & Land Use Committee
Muskoka Lakes Association



Ken Pearce
Director & Secretary
Friends of Muskoka

Cc: Nick McDonald, Meridian Planning Consultants
David Pink, Director of Development Services and Environmental Sustainability