

June 30, 2022  
Seguin Township  
5 Humphrey Drive  
Seguin ON  
P2A 2W8

Dear Mayor MacDiarmid and Councillors,

### **Official Plan Review - Input on March 2022 Draft**

The Muskoka Lakes Association (“MLA”) appreciates this opportunity to provide comments on the March 2022 draft of the Townships’ new Official Plan.

#### Environment-First

The MLA applauds the Township for giving the environment the priority over economic and social development through its Environment-First philosophy in the draft OP’s Vision, Goals and Objectives.

#### Objectives (s. 2.2)

We question Objective 2.2 14):

“14. To establish a balanced relationship between development and nature by preserving natural features and ecological systems and protecting people and property from environmental hazards.”

Since development by its nature will be destructive of the natural environment, we suggest the following wording instead:

“To ensure that development is done responsibly to preserve and protect natural features and ecological systems and protect people and property from environmental hazards.”

There are objectives duplicated in the list.

The wording of the objectives uses the terms significant environmental features but later in the document significant natural heritage features and areas is used as per the Provincial Policy Statements (the “PPS”). If this is to be generic in the desire to protect a variety of environmental features and areas we suggest removing ‘significant’ which has its interpretation. Or if not, just use the PPS wording (although we support the protection of more than just significant PPS features).

#### Natural Heritage System (s. 2.3)

2.3.1 The terms Natural Heritage System and Natural Heritage and Areas seem to be used interchangeably, but we note that they are different. Natural features and areas as per the PPS are often the foundations for a natural heritage system but that system will be built with other features and areas as the system tends to be contiguous and continuous while features and areas are typically not.

2.3.1. 2) and 3) We note that these are essentially the same with 3 being more comprehensive.

2.3.1 5) We suggest different wording to this portion of the policy:

“The intent of the Natural System is to maintain, as a permanent landform, an interconnected system of natural areas and open space areas that will preserve areas of significant ecological value **while providing, where appropriate**, environmentally sustainable opportunities for resource use and extraction, rural residential and accessory uses, and recreation uses.”

The way we read this is that the natural system *will provide* opportunities for resource extraction etc. The Natural Heritage System (the “NHS”) is usually a hands off area so is it suggesting that they will be located in the NHS or that sufficient lands outside the NHS will continue to provide for ....? Passive recreational uses are usually the only thing that is compatible with the NHS, especially given its core of significant natural features and areas as per the PPS. This is where the NHS needs some clear definition and description in the policy.

2.3.2 While we agree with the inclusion of natural features and areas as per the PPS, Sequin has included objective 2.2 9) *To minimize the loss or fragmentation of woodland features and the habitats and ecological functions they provide* yet that is not featured prominently in 2.3. We recommend enhanced wording to relay the importance of our forests for watershed, water quality, water quantity, habitat and as the foundation for natural heritage systems. If we only include areas of significance in the OP then the forests are at risk.

To protect a natural heritage system, policies for protection of linkages should be provided as linkages do not typically have the same significance of inflexibility of place that the features and areas have.

2.3.2 2) The policies sound like an NHS has been developed already but it is not depicted on Schedule A. Greater clarity should be provided on its status.

2.3.2 4) We note that f should be removed as it contradicts 2.3.2 3)

2.3.3 and 2.8 Please clarify what an environmental protection area is relative to the natural heritage areas and the natural heritage system . There is no definition and it appears to overlap with the NHS and features. Separating these designations in the document lends further confusion. The schedules are too small and basic to determine their nature.

2.3.11 2) With regard to our earlier comment about “significant” we support this policy group requiring Environmental Impact Study Requirements and Adjacent Lands but seek clarity on how “significant” will be defined for items d) e) and g).

2.3.12 Environmentally Friendly Design - we are supportive of including a section on this but believe that 1 is weak relative to 2, 3 and 4 all focussed on bird friendly design. We note it could include tree preservation, slope protection, blasting, green infrastructure (e.g. green roofs, permeable surfaces) or at least reference other sections where such materials may be housed.

2.4.5 It is probably worthy of a statement or policy that identifies that the District of Muskoka uses a different water quality model now for Rosseau and Joseph and how that works with Sequin who is continuing with the Lakeshore capacity model.

2.5.1 2 Rather than “shall identify” we request considering changing this policy to “applicants shall plan design, clearing, grading, blasting and construction to prevent disturbance to landform character” in the interest of clarity.

#### Clearing and Grading Best Practices (s. 2.5.2)

We suggest that sediment and erosion controls be added to s. 2.5.2

#### Permitted Uses in Shoreline Area Designation (s.2.7.1)

We suggest adding marinas to 1 b), to be consistent with s. 2.7.2.5 1).

#### Dark Sky Lighting (s. 2.7.2.12 (20))

We applaud the Township for including policies requiring development on the waterfront to be dark sky compliant. However, we recommend that the policies be revised to include dark sky lighting standards that have evolved to deal not just with light trespass, but also shielded fixtures, light glare, clutter and skyglow. The International Dark Sky Association describes these standards, which also provide that exterior lighting be of minimal intensity, minimally intrusive colours, and only when needed.

We encourage the Township to consider a requirement for outdoor lights to be turned off after 11pm other than for reasons of safety or security.

We recommend the Township adopt a dark sky lighting by-law with details of the dark sky lighting requirements and defined terms.

#### Environmental Protection Area Designation (s. 2.8)

Please see our comments under s. 2.3.3

#### Aggregates and Natural Heritage System (s. 3.19.2.12))

We applaud the Township for policies that prioritize protecting the environment over aggregate extraction in 3.13 as well as: “3.19.2.12 ..New development within the Natural System is strongly discouraged by this Plan, given that one of the underlying philosophies of this Plan is that the protection of the environment shall take precedence over the development of these same lands.”

We recommend that policies be included that prohibit aggregate operations in close proximity to the waterfront, and requires them to be in close proximity to a provincial highway. For example, Township of Muskoka Lakes' draft Official Plan Section K4 prohibits mineral aggregate operations within 2,000 metres from either the waterfront area boundary or an urban centre, and requires them to be located in close proximity to a Provincial highway to minimize impacts on the rural area.

### Resorts

We recommend there be a prohibition on new resorts on islands, as Township of Muskoka Lakes has in its official plan.

We also repeat the request we made in our October 26, 2020 letter to Council that there be conditions of use on condominium units to ensure the resort remains commercial. In our 2020 letter we attached the conditions of use recommended to Township of Muskoka Lakes by the Minett Joint Policy Review Steering Committee, and recommended they be included. For example, condominium unit owners should be permitted to occupy their units for a maximum of 26 weeks per year, and a maximum of 4 weeks during July and August. This will ensure the units are available for rental by the resort, and help its commercial viability.

### Recreational Carrying Capacity (s. 2.4.7, Appendix III)

We applaud the Township for extending the recreational carrying capacity calculation to distinct bays on larger lakes:

“Distinct bays having connections to a larger portion of a waterbody less than 60 metres wide shall be considered as a separate waterbody for the purposes of the capacity calculation.” (Appendix III 1(iii)).

We would be interested in knowing the basis for 60 metres, and whether a larger width was considered. There may be bays on larger lakes that may benefit from an RCC calculation as a limit on additional development.

### Responsible and Affordable Community Services (s. 6)

6.2 Objectives: We note that this section does not include stormwater management and facilities which are becoming increasingly expensive for communities where they are not maintained or built to manage for current runoff quantities.

6.3 General Policies: We find the use of general policies that are reasonably detailed both repetitive and potentially conflicting with the more detailed policies contained in later sections in the document. We question whether 'General' is meant to be the minimum requirements or general statements, such as stormwater management will be required .....

6.3.8 and 6.3.9 We note that these section numbers are used twice.

6.3.9 c) does not mention pre-post requirements or provincial requirements which would be basic requirements that should be captured in general policies .

6.7.2 and 6.7.3 We note that these section numbers are used twice. We are very supportive of 6.7.3 on page 137 which states: “In the Shoreline Areas and Settlement Areas all development and redevelopment shall use appropriate sewage systems and where recommended by a Site Evaluation Report, a tertiary treatment system that reduces or eliminates phosphorus and nitrate from reaching the shoreline shall be used.”

6.8.2 c) and d) Please include in each section, or a separate item that requires incorporating a treatment train approach incorporating low impact development techniques.

6.8.2 e) We request that this speak specifically to appropriate sediment and erosion control measures being applied throughout the pre construction (clearing and grading) and construction phases.

6.8.3 We note that this section states “All stormwater management facilities shall be placed in the Environmental Protection Zone in the Implementing Zoning By-law to reflect the potential for these lands to be flooded”. Stormwater management facilities should not be in the flood hazard. While facilities may become inundated during significant events they should be located outside the flood hazard limit. We believe that wording or intent needs to be clarified here.

6.8.3 We note that there should be a new bullet beginning at “Stormwater management facilities for condominium developments...”

Height and Density Bonus Provision (s. 7.18)

We question whether section 7.18 should exclude permitting increased height or density on waterfront development, given the impact on shoreline character and the environment.

Community Planning Permit System (s. 7.19)

We note that the OP provides that the Township may identify an area or the entire Township as a community planning permit area (s. 7.19 (1)).

We are concerned that section 7.19 (6) provides that, where a Community Planning Permit By-law has been enacted, Council may delegate its decision-making authority respecting Community Planning Permit applications and its authority to execute, amend and release Community Planning Permit agreements to an employee of the Township. We question the appropriateness of delegating Council’s decision making authority to an employee of the Township, although we understand the administrative benefit of delegating to Township employees the authority to execute and release agreements approved by Council or a committee of Council.

New water access lots on Lake Rosseau and Lake Joseph (s. 7.17.5 (e))

Section 7.17.5 (e) provides that: “Access to water access lots on Lake Joseph or Lake Rosseau may be provided from a marina, provided written confirmation from the marina is obtained which indicates that adequate mainland parking and boat mooring is available to provide access for the additional development”

A concern has arisen that written confirmation from a marina may not be sufficient to establish that adequate mainland parking and boat mooring is available for a new water access lot. This issue was considered by the Township of Muskoka Lakes during their recent OP review, and we and other members expressed concern about the adequacy and enforceability of marina letters. It was requested of TML that they include additional policies, which they have done in their OP draft #3, in section E4.4.4. We request that the Township include comparable policies to:

- require an enforceable lease (as opposed to a letter) with a marina relating to existing parking and boat docking (as opposed to parking and/or docking that does not yet exist and may not be created); and
- require leases to be renewable at the option of the lessee and assignable to a future owner of the property

Non-Conforming Uses (s. 7.5)

Policies 7.5.1 and 7.5.3 provide clear guidance for dealing with non-conforming uses over the longer term which we support.

Complete Applications (s. 7.9)

We recommend including a Boating Impact Study to the list of studies which may be required to be submitted under 7.9.11.

We would be pleased to provide additional information on this point, if it would help.

Defined Terms

We recommend that key terms be defined, to help ensure the policies are clearly understood and to assist with enforcement.

Thank you for receiving our comments. As always, we will be happy to elaborate further. We look forward to participating in the next stages of this review.

Sincerely,



Susan Eplett  
Vice-President and Chair, Government & Land Use Committee

Cc: Craig Jeffrey, Municipal Clerk