

Sent by email

January 18, 2022

The District Municipality of Muskoka
Planning and Economic Development Department
70 Pine Street, Bracebridge, Ontario
P1P 1N3

Attention: Lisa Marden, Director of Planning

Dear Ms. Marden:

**Re: Comments from the Muskoka Lakes Association and Friends of Muskoka on
Draft Township of Muskoka Lakes (the “Township”) Official Plan Amendment 56
(Resort Village of Minett) (the “Minett OPA”)**

If you have not already received it, we expect that you will shortly be receiving a further draft of the Minett OPA from the Township for comment. We refer to the District’s comment letter (the “District Letter”) dated May 19, 2021 to Mr. David Pink, Director of Planning at the Township (a copy of which is included herewith).

Comments re District Letter

We provide you with the following comments with respect to the latest draft of the Minett OPA, having regard to headings set out in the District Letter:

1. Revised Development Concept Framework. We suggest that the Minett OPA is now far enough along in the process and that it would be an appropriate time for the District to address conformity with the Muskoka Official Plan, 2019 (the “MOP”).
2. Tourism and Recreational Focus. No comment.
3. Resort Commercial Tests. (a) We believe that the resort commercial tests in the MOP found in Section F6c) should also apply to the Resort Village of Minett. (b) We understand that, as a result of the additions of Sections C1.6.1.8 and C1.6.2.8 to the Minett OPA, the appendices (which contain extensive use provisions and other tests that apply to resort commercial accommodation units) now form part of the operative portion of the Minett OPA. (c) As a result of recent LPAT decisions, we believe that the level of detail included in the Minett OPA is necessary and appropriate.

4. Municipal Servicing. (a) The current draft of the Minett OPA now contains a servicing schedule for Minett. Please see Section C1.4.6.1 and Appendix A. (b) Please consider whether the addition of the policies in Sections C1.4.6.3 and C1.4.6.6 are sufficiently specific to address the type of development to be permitted within Future Service Areas in accordance with the framework of the MOP. (c) The current draft of the Minett OPA now recognizes or designates the future location of the municipal wastewater plant. See Section C1.4.6.5 and Schedules B, C and D. However, it still does not designate the future location of the municipal water plant. (d) We agree that, in order to improve transparency regarding the proposed location of major infrastructure, the schedules in the Minett OPA should be revised to designate lands as “Institutional”. We refer to Section C1.6.4.1. At our suggestion, “waste management” was added to the draft. We also understand that a prior owner, Mr. Fowler, had agreed to donate lands for a fire hall in Minett. This should similarly be depicted on the schedules.
5. Mandatory Connection. Section C1.4.6.4 has now been amended to provide that the Legacy Cottages Resort is required to be connected to municipal services, once available.
6. Flood Hazards.

(a) The Minett OPA now refers to the District’s flood plain mapping (see Section C1.5.3.7). However, it does not illustrate their location on the schedules, as recommended by the District. It proposes to defer this to the Township’s implementing zoning by-law. We suggest there is no reason for this deferral and that this mapping should be included in the Minett OPA.

(b) We agree with the District’s comment in the District Letter that, while the draft Minett OPA lists lands subject to flooding as an Area of Use Limitation, **no** detailed policies are included in the draft document. While there is a “Wetland” designation in Section C1.5.2, and Section C1.5.2.3 provides that no development shall be permitted within wetlands, with certain exceptions, we are concerned that there is no specific tie-in between wetlands (in Section C1.5.2.3) and flood plain mapping (in Section C1.5.3.7).

(c) At our suggestion, additional use restriction policies were added regarding steep slopes. However, there still remains no policy language regarding land subject to periodic or seasonal flooding (ie. flood plain lands), areas of erosion or slope instability and prominent knolls and adjacent slopes visible from the water, etc. (see Section C1.5.3.1 a), c) and d)). (d) As proposed in the District Letter, we also suggested a specific reference to Section I of the MOP, which addresses flood prone lands, natural hazards and other constraints. We surmise that the Township is relying on the general language recently added to the second paragraph of Section C1.1, which states that “In the event of a conflict between Section C1 and the policies of the District Official Plan, those of the District Official Plan shall prevail, unless the policies of Section C1 are more restrictive in which case the more restrictive policies shall prevail.”

7. Environment Protection and Lake Health. We agree that the Minett OPA should be reviewed and revised so that only more restrictive policies relating to environmental protection and lake system health are included.
8. Development Setbacks and Buffers. We do not support more flexibility when it comes to minimum setbacks for structures and septic systems, as well as minimum length and depth for natural shoreline buffers. We believe an appropriate compromise has been reached for Minett, having regard to Sections C1.5.4.3, C1.4.5.4 and C1.5.4.5. There is an opportunity to build back better.
9. Reference to “Community”. We agreed that Minett should be referred to as a “village” or “special policy area”, rather than a “community”. We understand the revised draft Minett OPA has attempted to address this comment.
10. Transportation. We understand that rather than a specific cross reference to Section K of the MOP, the Township has elected to rely on the general conflicts language in the second paragraph of Section C1.1 (see the comment in Section 6(d) above).
11. Condominium Roads. Please consider whether the reference to the “District” in Section C1.4.4.3 addresses the District’s comment.
12. Scale and Type of Commercial Uses. This comment does not appear to have been addressed. Please see Sections C1.6.1.3b) and C1.6.2.3b).
13. Non Red Leaves Lands. To address the concern that there are no detailed land use policies regarding the Non Red Leaves Lands, most of these lands have now been removed from the Minett OPA. Development on the remaining lands is now restricted to minor residential and commercial development on existing lots of record. See Section C1.6.6.1.
14. Waste Management. We agree with the District’s comment in the District Letter that a waste depot location should be considered and identified as part of the Minett OPA process. At our suggestion, “waste management” was added to Section C1.6.4.1.
15. Resort Ownership Arrangements. We recommend the District consider whether this comment regarding the need for an approved waste depot in the Resort Village of Minett has been appropriately addressed in the Minett OPA. Reference is made to Sections C1.6.1.4d) and C1.6.2.4d).
16. Rental Arrangements. We understand that “rental pool” has been changed to “rental program” in a number of places.

Additional Comments re Fiscal Impact and Infrastructure

We also recommend that the District engage a consultant to prepare a Fiscal Impact Study for Minett, at the main proponent's expense, to determine how the community and District taxpayers will be impacted by different build-out scenarios for this development.

At a minimum, road and bridge infrastructure will need to be upgraded to accommodate increased traffic. As noted in the District Letter, a waste depot location will be required in Minett. We also expect that a fire hall and/or emergency services/paramedic station will be required.

The proposed water and wastewater treatment plants will be transferred to the District to operate, so there will be operational, maintenance and capital replacement fund requirements to be addressed.

District taxpayers should not be required to fund these upgrades.

The MLA and Friends of Muskoka surveyed our members concerning Minett and the increase in traffic on Peninsula Road through Port Sandfield was one of their major concerns. In fact, 80% of respondents, representing 1,495 out of 1,869 people who use Peninsula Road, are very concerned and an overwhelming majority of Muskokans who responded (representing 3,411 out of 5,248 people) are concerned or very concerned about increased traffic to/from Minett.

Please consider what amendments to the District MOP will be appropriate in the circumstances.

Sincerely,



Deborah Martin-Downs
President, Muskoka Lakes Association



Kenneth Pearce
Director & Secretary, Friends of Muskoka

Cc: Samantha Hastings, Commissioner of Community and Planning Services, District of Muskoka
Elisabeth Purcell, Manager of Planning, District of Muskoka
Fred Jahn, Commissioner of Engineering and Public Works, District of Muskoka
Nick McDonald, Meridian Planning Consultants
David Pink, Director of Development Services & Environmental Sustainability, Township of Muskoka Lakes
John Klinck, District Chair, District of Muskoka
Phil Harding, Mayor, Township of Muskoka Lakes
Paul Kelly, Mayor, Town of Gravenhurst
Nancy Alcock, District Councillor

Allen Edwards, District Councillor
Ruth Nishikawa, District Councillor
Peter Cooper, District Councillor
Michael Peppard, District Councillor
Don Smith, District Councillor
Frank Jaglowitz, District Councillor
Barb Bridgeman, Chair, Planning Committee, Township of Muskoka Lakes