



THE DISTRICT MUNICIPALITY OF MUSKOKA

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
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May 19, 2021

David Pink
Director of Planning
The Corporation of the Township of Muskoka Lakes
1 Bailey Street, P.O. Box 129
Port Carling, Ontario P0B 1J0

VIA EMAIL ONLY

Dear Mr. Pink:

**RE: DISTRICT OF MUSKOKA COMMENTS – DRAFT TOWNSHIP OF MUSKOKA LAKES
OFFICIAL PLAN AMENDMENT 56 (RESORT VILLAGE OF MINETT)**

Thank you for the formal circulation of the draft Township of Muskoka Lakes Official Plan Amendment 56 (OPA 56) - Resort Village of Minett received on April 20, 2021. The comments attached to this letter are intended for Township Council's consideration as part of the May 28, 2021 public meeting process. District staff have reviewed the draft OPA 56 primarily for consistency with the Provincial Policy Statement and conformity to the Muskoka Official Plan. However, some technical comments have been included where a clarification of policy intent may be beneficial. Recognizing that there are several possible approaches to adjusting local policies to ensure consistency and conformity with Provincial and District land use documents, suggestions or recommendations outlined herein are general in nature.

We would also like to acknowledge the considerable amount of work that has been undertaken over the past several years on this important initiative, in particular the efforts of the Minett Joint Policy Review Steering Committee and Ad Hoc Working Group, Township staff, and the consultants on developing revised policies for the Resort Village of Minett. We anticipate the need for continued involvement in this project and would be pleased to schedule a meeting with Township staff and the consultant to further discuss the content of this correspondence if desirable.

Yours truly,

A. Valentine

Summer Valentine, BSc, MPL, MCIP, RPP
Director of Planning

CC Samantha Hastings, Commissioner of Community and Planning Services, District of Muskoka
Fred Jahn, Commissioner of Engineering and Public Works, District of Muskoka
Nick McDonald, Meridian Planning Consultants

Managing Our Legacy Together



**District of Muskoka Comments on the Draft
Township of Muskoka Lakes Official Plan Amendment 56 (Resort Village of Minett) as
Circulated on April 20, 2021**

Provincial Policy Statement (PPS), 2020 Consistency

District staff's review of draft OPA 56 did not reveal any apparent consistency issues with the PPS.

Muskoka Official Plan, 2019 (MOP) Conformity

Revised Development Concept Framework

The Resort Village of Minett is currently designated as a Special Policy Area in the MOP, which includes a high level policy framework addressing the principles, function and general development plan for the settlement area. While draft OPA 56 does technically conform to the applicable Special Policy Area policies in the MOP, the existing MOP policies are reflective of and specifically describe a previously approved development concept referred to as "Red Leaves Resort", which is no longer acceptable to the community. The draft OPA 56 would result in a reduction in density and contains significantly more detail regarding environmental protection, character preservation, and recreational carrying capacity, among other matters compared to the previously approved policy set. As the Township is early in the formal planning process, significant changes to the draft OPA 56 are possible as a result of public feedback. Therefore, District staff would recommend that conformity to the Special Policy Area designation in the MOP be revisited later in the process. We further understand that Township Council may request a companion amendment to the MOP to improve the alignment between upper and lower tier land use policy for Minett.

Tourism and Recreational Focus

The MOP states that a major portion of the Resort Village of Minett is to be for tourism and recreational uses and that residential uses shall represent a "lesser extent" of planned development. Therefore, Township Council should be satisfied that the combination of the density and permitted land use policies in draft OPA 56 are sufficient to ensure that function of Minett as node with a distinct recreational, tourist commercial and limited residential character can be maintained. District staff recommend the further differentiation between the Resort Village of Minett and other settlement areas in the Township through draft OPA 56 and/or the comprehensive review of the Township Official Plan, particularly at its relates to implementation of the growth and settlement targets set out in the MOP.

Resort Commercial Tests

The MOP currently contains tests to ensure that resort uses are and remain commercial in nature for the long-term. Over the past several years, these policies have been the subject of considerable debate and are in the process of being updated through the District's Resort Policy Review project. While the outcome of that project will not be known until later in 2021, it should be noted that the resort commercial tests in the MOP found in Section F6 c) are limited to application within the Waterfront, Rural and Community designations and therefore do not apply to Special Policy Areas such as the Resort Village of Minett, as confirmed by the LPAT. At this time, the only resort commercial tests pertinent to Minett are found in Section J5.4.3 v) of the MOP, are specific to mixed use resorts on municipal services, and do not address availability to the travelling and vacationing public.

Although draft OPA 56 contains extensive use provisions and other tests that apply to resort commercial accommodation units, these are included as appendices. Appendices may contain additional information that assists with the interpretation and implementation of an official plan, but would not constitute operative parts of such plans. Further, the appendices contain a level of detail that would not normally be expected in a policy document. For these reasons, it is recommended that Township Council consider including broad policies or tests either in OPA 56 or the parent Township Official Plan that address the long-term maintenance of the commercial nature of resorts. With the District's Resort Policy Review, Township of Muskoka Lakes Official Plan Review and OPA 56 processes all occurring separately but concurrently and each with overlapping interests in resort development and redevelopment, establishing conformity may be challenging and interim approaches may need to be considered.

Municipal Servicing

The draft OPA 56 as circulated does not contain a servicing schedule for Minett, nor does the MOP. Therefore, District staff have identified that additional work is required to establish a servicing schedule as part of the OPA process, which would identify the portion of the Resort Village of Minett that is intended to be serviced by municipal water and wastewater infrastructure in the near term (i.e. Full Service Area) and the portion of the Village that will be designated as a Future Service Area. In particular, specific policies are required to address the type of development to be permitted within Future Service Areas in accordance with the framework of the MOP.

In addition, the draft OPA 56 schedules do not appear to appropriately recognize or designate the future location of the municipal water and wastewater plant. In the existing Schedule J1 to the Township Official Plan, the parcel is designated as "Institutional". Similarly, to improve transparency regarding the proposed location of major infrastructure, consideration should be given to revising the OPA 56 schedules to designate the lands as "Institutional".

Mandatory Connection

Draft OPA 56 requires that the existing private communal water and wastewater system within the Resort Commercial Three designation (i.e. Rosseau Resort) be decommissioned and connected to municipal services when they become available. However, the proposed policies do not require, but rather encourage, a similar connection when services become available to the Resort Commercial Area Four designation (i.e. Legacy Cottages Resort). It is a goal of the MOP that Future Service Areas will ultimately be provided with full municipal services over time. To operationally support this goal, the District's mandatory connection by-law would require that all development abutting existing or newly installed municipal services be connected, unless specific cost and time-limited exception criteria are met. The draft OPA 56 policies would not appear to be consistent with that approach and to ensure conformity with the MOP, any property that abuts municipal water and wastewater infrastructure would be required to connect to such services.

Flood Hazards

The Muskoka River Flood Plain Mapping Study (Hatch, 2020) identifies areas prone to flooding in the Resort Village of Minett, including a significant portion of the proposed Village Core and northerly extent of the Resort Commercial One designation. Given the potential impacts on future development, it is strongly recommended that Township Council consider including the flood prone areas in a restrictive designation and illustrating their location on the OPA 56 schedules. Further, while draft OPA 56 lists lands subject to flooding as an Area of Use Limitation, no detailed policies are included in the draft document. Because the relevant MOP

policies would apply in the case where more restrictive policies are not being proposed in local documentation and recognizing the importance of this issue to the Township from both an environmental and human health perspective, a cross reference should be included to Section I of the MOP, which addresses flood prone lands, natural hazards and other constraints.

Environment Protection and Lake System Health

Draft OPA 56 includes extensive policies in these subject areas and clearly states that the environmental protection and lake system health policies in Section C of the MOP also would apply to all development and redevelopment in Minett. However, some of the proposed policies in draft OPA 56 appear to be more permissive than the MOP (e.g. OPA 56 Sections C1.5.5.1, C1.5.2.3, D1.4.2.2 j)) or repetitive of MOP requirements (e.g. OPA 56 Sections C1.5.1.3, C1.5.1.5, C1.5.3.2 b)). Further, through the comprehensive review of the Township of Muskoka Lakes Official Plan, it is District staff's understanding that sections are to be included which also address environmental protection and lake system health. Therefore, it is recommended that the Township confirm that OPA 56 only includes policies that would be more restrictive than either the MOP or the general policies in the Township Official Plan. This would provide a clear and tiered approach to policy application and reduce duplication.

Development Setbacks and Buffers

The Lake System Health policies of the MOP establish minimum setbacks for structures and septic systems, as well as a minimum length and depth for natural shoreline buffers. The minimum requirements may only be reduced if certain criteria are met. Most notably, there are specific exceptions that would apply within Urban Centres or Communities, but not Special Policy Areas such as the Resort Village of Minett. As Minett is Special Policy Area and also a settlement area, clarification is requested regarding whether it is the Township's intent that the Lake System Health policies of the MOP that would provide more flexibility in Urban Centres and Communities should also be applied to the Resort Village of Minett. If in the affirmative, this would likely require an amendment to the MOP.

Technical Matters

Reference to "Community"

As noted above, Minett is designated as a Special Policy Area in the MOP. Community Areas are a different designation, with separate policies that govern land use, growth and change. While colloquial use of the word "community" appears throughout draft OPA 56 does not result in a conformity issue with the MOP, this choice of wording has caused confusion at the LPAT regarding which MOP policies apply to Minett. Consideration should be given to referring to Minett as a "village" or "special policy area" throughout OPA 56 rather than a "community".

Transportation

Two District Roads traverse the Resort Village of Minett: District Road 7 (Peninsula Road) and District Road 28 (Juddhaven Road). Cross references to the MOP are included in draft OPA 56 respecting environmental protection and servicing. As the MOP policies addressing development adjacent to District Roads would also apply in Minett, a cross reference to Section K of the MOP may be helpful as detailed transportation policies are provided therein, including minimum frontage requirements for new lots on District Roads.

Condominium Roads

Private condominium roads are a permitted form of access in draft OPA 56, provided that they are connected directly to a publicly owned and year-round maintained road. OPA 56 also indicates that such roads are to be designed and constructed to provide for emergency vehicular

access to the satisfaction of the Township. As the District of Muskoka provides paramedicine and ambulance services, any proposal for private condominium road access should also consider District requirements for emergency access.

Scale and Type of Commercial Uses

The MOP permits “non-resort” commercial uses at a scale that serves and complements the character of the Resort Village of Minett. The proposed permitted commercial uses in the Village Core are well articulated in draft OPA 56 and respond appropriately to this high level direction. However, within the Resort Commercial designation, OPA 56 states that “retail and service commercial uses” are permitted. More clarity regarding the type and scale, particularly of permitted retail uses, may be beneficial.

Non Red Leaves Lands

Approximately one-third of the land area in the Resort Village of Minett is proposed to be designated as “Non Red Leaves Lands”. Draft OPA 56 does not currently contain any detailed land use policies regarding permitted uses, maximum densities, unit/GFA caps or phasing applicable these lands. OPA 56 states that an official plan amendment would be required prior to any development within this designation, except for expansion of existing uses. It is District staff’s understanding that these are essentially “placeholder” policies until consultation with the affected landowners occurs and that future drafts of OPA 56 will include more detailed direction for growth and development of this part of the Village.

Waste Management

The District of Muskoka Engineering and Public Works Department has identified the need for an approved waste depot in the Resort Village of Minett. While short-term solutions may exist for waste pick-up at Wallace Marine, long-term planning for a waste depot location should be considered as part of the OPA 56 process. Potential options for site location could include the future municipal water and wastewater plant or Township owned lands.

Resort Ownership Arrangements

The proposed appendices to draft OPA 56 appear to assume that all resorts within Minett will proceed via condominium description with individual unit owners. If the use provisions and other tests set out in the appendices are to be applied to all resorts regardless of the ownership arrangements (i.e. traditional single entity owner, fractional, timeshare, condominium ownership, etc.), they should be reviewed and revised to ensure that the language is flexible enough to be meaningful in all situations.

Rental Arrangements

The proposed appendices to draft OPA 56 consistently require the operation of a rental “pool”. It is District staff’s understanding that a rental pool has a specific meaning within the resort industry regarding how costs and profits are shared. Unless the Township is intending to require the use of a pooling arrangement, consideration should be given to using a broader term such as a rental “program”.