

**Friends of Muskoka Comments
to TML Council's Planning Committee
on the Official Plan Review
August 16, 2019**

My name is Susan Eplett, and I am here today as a director of Friends of Muskoka (FOM) to speak on its behalf. FOM appreciates this opportunity to give you our thoughts on policies that we and our supporters believe should be included in the Township's next Official Plan (OP).

We and our over 4,000 supporters understand the different stakeholder challenges the Township faces, but we also believe that without a community that protects and enhances the natural environment and water quality that are the hallmarks of Muskoka's unique character, we lose the best driver of our economy.

The science is telling us that the quality of our lake water is going to get worse as our climate changes. Algal blooms will become more frequent. Our forests will become more vulnerable to disease and pests. The best way to protect against this is to ensure we use our land responsibly, and build cautiously and to very high environmental standards.

This OP is the opportunity for our community of permanent and seasonal residents to become a leading edge protector of the natural environment. We should be a role model for the rest of Ontario, and the world beyond, as to how to protect a watershed in a changing and uncertain world. Now is the time for a bold new Official Plan that places the environment firmly in the forefront.

Many of us have provided our thoughts on the vision for our new OP at the July visioning session and in the online survey. Today I would like to mention some particular policies that we believe should be included in the OP to address the challenges we face.

- Establish an **Environment First philosophy** in the Township. This will ensure that the environment is given priority when decisions are made by the Township, including approving new zoning bylaws, bylaw amendments, and development approvals. By environment we mean the natural rocks, trees and clean rivers and lakes, as well as the natural character of treed shorelines, low density built-form, relative peace and quiet on the lakes and dark night skies. An Environment First philosophy is the key to preserving the environment that is the foundation for the Township's economy, and the reason people want to be here.
- Adopt a **precautionary approach to shoreline development**. Science has told us that climate change will negatively affect our lakes. There will be more intense storms, more run-off, more spring flooding, and more algal blooms due to the warmer water. Scientists now recommend a cautious approach to shoreline development, which will put even more stress on our lakes. Especially since we cannot unbuild what has been built.
- Provide a **hard cap on waterfront development**, that is determined based on a Recreational Carrying Capacity calculation. For our smaller lakes, follow the RCC model that has been upheld and proven to be successful in Seguin Township. For our three large lakes, divide them into separate RCC zones where bays and lengthy narrow areas are a separate RCC zone. For example, bays such as Brackenrig Bay, Bala Bay, Foot's

Bay, and Wallace Bay, and narrow stretches such as the Little Joe River would each be a separate RCC zone. For open areas of water, include only a certain area of water off the waterfront for the RCC calculation; for example the first 300 feet of water.

- **Prohibit condominium ownership of resort commercial units for properties that are not on municipal water and sewage service.** Doing so will protect our lakes from potential septic system issues under multiple ownership. This will also prevent the creation of high density residential development on properties zoned as commercial, as we have been seeing at Villas of Muskoka, Touchstone and Legacy. Not doing so, will invariably put all other TML commercially zoned properties at risk of becoming residential subdivisions.
- **Provide clear definitions and criteria for residential use versus commercial use.** This will save the Township, developers and the public the time and cost of disputing whether or not a development on a commercially zoned property is in fact commercial or residential.
- **Require commercial resorts to provide onsite staff housing,** so responsibility for staff stays with the resort and not in other areas of the community.
- **Use mandatory words for environmental protections,** such as “shall” and “will” – not words such as ‘should’ that allow protections to be avoided, or that make enforcement difficult.
- **Impose penalties on property owners who fail to comply with an order of the Ministry of the Environment, Conservation and Parks (MOECP).** Make them meaningful, escalating penalties since our environment and even the public’s health is at risk. Where an MOECP order is issued to a commercial resort for an inadequate or faulty private septic system, deny applications for the resort to develop additional units, so resorts have a meaningful incentive to maintain an adequate septic system.
- **Support and encourage businesses to locate in our urban areas off the waterfront** – Port Carling and Bala – so our permanent residents are able to have year round employment. This includes offering appropriate tax incentives and taking advantage of provincial and federal funding programs.
- **Strengthen the controls on development on the waterfront** in order to help protect our environment and preserve the “View from the Canoe” which is so important to our natural character. This includes:
 - Increase the buffer of native vegetation along the shoreline and make them mandatory, to protect our lakes from stormwater runoff. Require adequate shoreline vegetation as a condition to obtaining a building permit.
 - Prohibit fertilizers being used within 66 feet (20 metres) of the shoreline, to protect our lakes from fertilizer runoff.
 - Include all surfaces that prevent stormwater retention in lot coverage calculation, including sloped lawns, tennis courts, hard surface paths and decks, in addition to buildings.

- Seek provincial approval to putting a sunset clause on grandfathered structures to prevent rebuilding in locations contrary to current by-laws.
- Prohibit enlargements to grandfathered structures in locations where current zoning rules prohibit structures.
- Increase the minimum frontage for any NEW waterfront lots that are created by subdividing existing lots: 300' and 1 acre for the mainland, which is consistent with the 300' required to build a two storey boathouse; and 500' and 3 acres for island properties.
- Repeal old zoning bylaw amendments (for example, 5 years old) where the permitted development has not yet occurred, and is more permissive than current development standards.
- Require regular septic system inspections and maintenance and a penalty for non-compliance. Many municipalities in the U.S. require inspections every three years.
- Require annual reporting to the MOECP on private communal septic systems, because economic factors often discourage appropriate maintenance and lead to environmental and public safety concerns.
- Prohibit the alteration of the shoreline through blasting, other than very minor blasting such as one cubic meter for every area of shoreline that is 50 feet along the shore and 66 feet (20 meters) back from the shore.
- Maintain the one dwelling unit per property rule, plus boathouse and sleeping cabin; to do otherwise is a slippery slope.
- Provide strong enforcement mechanisms to ensure that property owners, builders and contractors comply with the Township's rules.

At the July visioning session for this OP, the consultants asked an intriguing question: If you were to pick up a newspaper in 2040, what would the headline say about what this new OP accomplished? FOM believes the headline would read:

“Muskoka Lakes is a role model for other lakefront communities. TML’s 2020 OP ensured the preservation of Muskoka’s unique natural beauty, clean waters and character, staving off overdevelopment of its waterfront while still drawing job-creating businesses to its vibrant urban areas.”

FOM looks forward to helping in any way we can to make this headline a reality.