

ONTARIO MUNICIPAL BOARD

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	YMCA of Greater Toronto
Subject:	Amendment to Zoning By-law No.87-87 - Failure of the Township of Muskoka Lakes to announce a decision on the application
Existing Zoning:	Waterfront Commercial-Private Camp (WC4A.5)
Proposed Zoning:	Waterfront Commercial-Private Camp (WC4A1)
Purpose:	To increase the permitted gross floor area from 500 square feet per acre of land to 1,000 square feet per acre of land
Property Address/Description:	1090 Gull Wing Lake Road
Municipality:	Township of Muskoka Lakes
Municipal File No.:	ZBA – 27/10
OMB Case No.:	PL140390
OMB File No.:	PL140390

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	YMCA of Greater Toronto
Subject:	Site Plan
Property Address/Description:	1090 Gull Wing Lake Road
Municipality:	Township of Muskoka Lakes
OMB Case No.:	PL140390
OMB File No.:	PL140546

MINUTES OF SETTLEMENT

B E T W E E N:

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES
(hereinafter referred to as the “**Township**”)

– and –

YMCA of Greater Toronto
(hereinafter referred to as the “**YMCA**”)

– and –

CLEAR LAKE PROPERTY OWNERS ASSOCIATION
(hereinafter referred to as the “CLPOA”)

– and –

MICHAEL McCLENNAN
(hereinafter referred to as “McClennan”)

– and –

BOB STEPHENS, GRAY CAVANAGH AND MICHAEL SILVER
(hereinafter referred to as the “Participants”)

WHEREAS on September 7, 2010, the Township received an application for a Zoning By-law Amendment from the YMCA to rezone the Camp Pine Crest lands from Waterfront Commercial-Private Camp (WC4A.5) to Waterfront Commercial-Private Camp (WC4A1 or WC4A1.5 or WC4A2) (the “**Zoning By-law Amendment**”);

AND WHEREAS a Public Information Meeting was held at the Camp on May 5, 2012;

AND WHEREAS on April 16, 2014, the YMCA appealed to the Ontario Municipal Board (the “**Board**”) the Township’s failure to make a decision on the Zoning By-law Amendment Application within 120 days;

AND WHEREAS on May 2, 2014, the YMCA submitted an application for Site Plan Approval (the “**Site Plan**”);

AND WHEREAS on June 18, 2014, the YMCA referred to Township’s failure to make a decision on the Site Plan to the Board;

AND WHEREAS on October 17, 2014, Council of the Township did not approve the Zoning By-law Amendment;

AND WHEREAS representatives from the Township, the YMCA, the CLPOA, and Michael McClennan and Participants, Gray Cavanagh, Bob Stephens, and Michael Silver participated in a mediation session with Mediator Peter Pickfield on March 23, 2015, and agreed to resolve all issues associated with the appeal of the Zoning By-law Amendment and the Site Plan.

NOW THEREFORE for good and valuable consideration and the payment of Two Dollars (\$2.00), the receipt and sufficiency of which is hereby acknowledged by each Party, the parties hereto, through their legal counsel, hereby agree as follows:

1. The above recitals are true and accurate.

2. The Township, the YMCA, the CLPOA, McClennan and the Participants agree that they will jointly request that the Board allow the appeal of the Zoning By-law Amendment, in part, and approve the modified Zoning By-law Amendment, in the form attached as Appendix "A" to these Minutes of Settlement. Each Party and the Participants shall consent to the approval of the attached Zoning By-law Amendment by the Board.
3. The Township, the YMCA, the CLPOA, McClennan and the Participants agree that they will jointly request that the Board approve the details of the Site Plan, in the form attached as Appendix "B" to these Minutes of Settlement. Each Party and the Participants shall consent to the approval of the attached Site Plan by the Board.
4. The YMCA agrees to:
 - i) Submit up-dated and current reports on traffic and environmental impacts;
 - ii) Facilitate annual meetings, potentially coinciding with Annual General Meetings of the CLPOA or other groups of residents, to, among other things, discuss the YMCA's plans and future projects, offer site tours and discuss other relevant issues;
 - iii) Support, and manage if requests by any of the CLPOA, Gull Wing or Echo Lake associations, a "Strategic Water Quality" testing program for Clear, Gull Wing and Echo Lakes, which will involve water testing, inspection of septic tanks and the health of shoreline vegetation; fund water testing along with the YMCA's shoreline; and display results from the tests on its website;
 - iv) Undertake the phosphate and e. coli reduction activities recommended in the Aecom Environmental report dated March 24, 2015, as conditions to the Site Plan approval;
 - v) Actively participate in the CLPOA Roads Committee, with the goal of dining a long-term solution to shared concerns about road safety, which may include a new access road to Gull Wing Lake Road and the camp;
 - vi) Restrict new construction and materials deliveries to the off-season between Thanksgiving and June 15th, while preserving the ability, upon notice to the Township and the CLPOA, to address emergency repairs, time-limited, grant-funded projects, or unforeseen circumstances ;
 - vii) Position "Road Safety Stewards" at the narrows on summer camp turnover days to remind all users to slow down, drive safely and share the road;
 - viii) Offer and encourage the use of school buses to bring summer campers to camp from the Greater Toronto Area (and to consider allowing parents to travel on the

- buses) to encourage fewer independent vehicle trips, and to generally encourage parents to reduce their vehicle trips to the camp;
- ix) Upon initiation by the Township, to provide a financial contribution to the study or studies needed to assess the feasibility of establishing an alternative access route to Gull Wing Lake Road and the camp; and
 - x) Following the Mission of the YMCA of Greater Toronto, YMCA Camp Pine Crest will not operate as a commercial resort open to the travelling public; rather, as a year round youth and family camp and outdoor centre offering programmes of outdoor skills development and opportunities for personal growth, community involvement and leadership.
5. The YMCA, CLPOA and the Gull Wing Lake and Echo Lake associations, and the participants agree that in the conduct of their operations and activities, they will respect the interests of each other including but not limited to: minimization of noise, minimization of light, maintenance and improvement of the water quality and the ecology of the surrounding lakes, enhancement of shoreline vegetation and a natural looking shoreline from the lakes, and protection of the Torrance Barrens Conservation and Dark Sky Reserve.
6. The Township agrees to:
- i) Enforce all laws, regulations and other rules regarding load limits and speed on Clear Lake Road within their jurisdiction;
 - ii) Consider sanding but not salting Clear Lake Road;
 - iii) Initiate the study or studies needed to assess the feasibility of establishing an alternative access route to the camp; and
 - iv) Consider establishing a Reserve fund with an annual allocation designated for future relocation and improvement of the road to the camp and Gull Wing Lake.
7. The Parties and the Participants agree that the YMCA shall provide any land use planning evidence that the Board may require in considering the approval of the Zoning By-law Amendment and the Site Plan.
8. Each of the Parties and Participants shall bear their own costs with respect to the appeals and other matters addressed in these Minutes of Settlement and no Party or Participant shall seek or request an Order from the Board for costs against another Party or Participant.

9. These Minutes of Settlement are binding upon the Parties and the Participants hereto and their respective successors and assigns.
10. These Minutes of Settlement comprise the whole of the understanding between the Parties and the Participants and are not subject to or in addition to any representations, warranties or agreements, whether written, oral or implied.
11. These Minutes of Settlement may be executed in counterparts and may be delivered to the other parties by personal delivery, electronic transmission or facsimile transmission.
12. The Parties agree that an original, signed copy of these Minutes of Settlement shall be filed with the Ontario Municipal Board.

IN WITNESS WHEREOF the parties hereto have executed these Minutes of Settlement.

DATED this day of April, 2015.

**THE CORPORATION OF THE TOWNSHIP OF
MUSKOKA LAKES**

Per: Barriston LLP
Lawyers for the Township of Muskoka Lakes

Harold Elston

YMCA of Greater Toronto
Per: Debbie Sevenpifer, CFO

Debbie Sevenpifer,

Clear Lake Property Owners Association

I have authority to bind the Association

Michael McClennan

Bob Stephens

Gray Cavanagh

Michael Silver