



BY EMAIL

December 11, 2023

Township of Muskoka Lakes
1 Bailey Street
Port Carling, Ontario P0B 1J0

Attention: Bryce Sharpe, Manager of Planning and David Pink, Director of Development Services and Environmental Sustainability

Re: Follow up to Tuesday, December 5 Discussion

Dear Director Pink and Manager Sharpe:

We wanted to thank you for taking the time to review the Community Planning Permit System (CPPS) with us during the meeting you hosted on December 5. It was helpful to get a better understanding of the CPPS and the differences in comparison to the current process. We appreciated the opportunity to ask questions about the differences and appreciated you listening to the Muskoka Lakes Association's concerns.

We have had a chance to discuss the CPPS vs. a Comprehensive Zoning By-Law process internally and weigh the pros and cons of each approach, and wanted to provide you with our thoughts. The three concerns that you said have been expressed to you by applicants under the current CZBL approach are:

- Confusion with the planning process;
- Slow moving; and
- Additional work for staff to check information submitted against previous versions of an application.

We do not want to repeat information provided in Staff Report PLAN-2023-131 or our letter dated November 14, 2023 but we both agreed that moving to a CPPS process will require a significant amount of public, Council, and Consultant discussion and education. It represents a significant change to how applications will be processed.

We think it is also fair to state that the timeframe for establishing a new CPPS process/bylaw will be significantly longer than the current ZBL process/bylaw. As well, the ability for the public to be engaged in CPPS planning applications would be less than what has been available through the ZBL process. In addition, it was confirmed that information provided by the applicant for both processes would be equal.

The comparison of the two processes in the report was carried out without any discussion about how to make the current ZBL process better and/or more efficient to address concerns raised. The following summary provides some suggestions to improve the current ZBL process to address those concerns.

Confusion with the Planning Process

The ZBL process has been around for a long time, so it is assumed that confusion would only exist if a property owner is doing an application themselves and not employing a planning consultant, architect, designer etc. who should be experienced enough to guide their client through the ZBL process.

For the property-owner applicant, education would seem to be the logical solution to improve the public's understanding of the ZBL process. We appreciate the pre-consultation efforts of staff with applicants. TML has a significant amount of information for the public to review on its website that walks an applicant through the various stages of the process, how to apply and FAQs. It is likely that this information is not being adequately utilized. If there is a specific area of confusion, we suggest providing additional information on that topic. The MLA would also be happy to assist in making the information available more broadly, including by providing links on our website and conducting webinars.

We note that education of the public/Council/Consultants on a new CPPS process will be significantly more onerous and lengthy than enhancing education about the current ZBL process. If the current ZBL process is confusing, a new CPPS process will likely be even more so. In addition, all the information on the ZBL planning process available to the public will have to be redrafted. This will require significant staff time and/or additional consulting costs.

Slow Moving

Based on our personal collective experience with planning/development applications, the speed of a specific application is a function of:

- Compliance with the OP/ZBL – more conformity, the quicker the process;
- Completeness and accuracy of the application and supporting documentation;
- Readiness of the applicant and/or their agent with the required documentation;
- Understanding of the ZBL planning process; and
- Responsiveness of the applicant to questions raised by various TML departments.

While a planning application through to issuance of a building permit and SPA etc. could take 4-6 months, it is most likely due to deficiencies submitted by the applicant. Complete applications should take much less time.

Note the above factors will not necessarily be fixed by the CPPS process. While the clock may not start ticking with the CPPS process until all information is received and application deemed complete, if it

takes 2-3 months to achieve a complete application, we believe that the public will not make the distinction that the process is not slow moving and lengthy.

Additional Work for Staff to Check Information Submitted Against Previous Stages

Our understanding of this concern relates to designs, layouts, footprints, tree removal plans, etc. changing as an application moves through the ZBL approval process. We agree this is a concern, and that it would take staff more time to cross reference information submitted.

A solution for this which is used in many other “like” business sectors is to require the applicant and/or their agent to include an attestation that the information being submitted has not changed based on previous submissions and if it has changed, they would be required to detail where the changes have occurred and a rationale for the changes. The attestation would be in a form as determined by TML and not subject to change and there could be consequences outlined for submitting an incorrect attestation. This puts the onus on the applicant and/or their agent to disclose any changes of plans/documents/information submitted and would reduce staff time required to cross reference information submitted.

Concerns We Have Heard from Members

We get many calls of concern about specific applications from Muskoka Lakes Association members. Our impression is that the public has a significant interest in receiving notice of Zoning By-Law Amendments and variance applications as well as retaining third-party appeal rights. Often some very effective compromises are achieved thanks to public input. As Mr. Sharpe noted, most appeals are brought by applicants in any case and the shorter time frames for decision may well lead to an increase in the number of appeals.

When we look at TML having to implement a new OP that has been significantly updated, this in itself is a significant undertaking. We feel that the better approach is to streamline and optimize the current ZBL process. The CPPS process, in our view, would need a good two years of education and socialization with the public in order to gauge their appetite for a significant change of this nature.

Again, thank you for taking the time to speak with us about our concern with adopting a Community Planning Permit System.

Sincerely,



Ken Pearce
Vice-President, Secretary and Director

Cc: Derrick Hammond, Chief Administrative Officer, Township of Muskoka Lakes