

January 17, 2024

BY EMAIL

Planning Committee  
Township of Muskoka Lakes  
1 Bailey Street  
Port Carling ON P0B 1J0

Dear Chair Bosomworth and Members of Planning Committee:

**Re: Planning Committee Agenda January 19, 2024, Item 8 a  
Comprehensive Zoning By-law Update, Community Planning Permit System**

The Muskoka Lakes Association (MLA) and Friends of Muskoka (FOM) are writing further to our November 14, 2023 letter to reinforce that we do not support the proposal for a Community Planning Permit System (CPPS). The MLA has retained professional planning advice from Stephen Fahner B.A. (Hon.), A.M.C.T., CMMIII, M.C.I.P., R.P.P. of Northern Vision Planning Ltd. who has had experience advising on applications within the two municipalities in Muskoka with this type of system.

Mr. Fahner has provided the opinion that in the early days of Development Permit Systems (such as the one adopted by Lake of Bays Township), it was an effective tool to address tree conservation, site alteration, fencing and lighting. Since that time, many municipalities – including Township of Muskoka Lakes – have enacted bylaws to better control these matters.

Huntsville is the only other Muskoka municipality which has adopted a Community Planning Permit System to date. Mr. Fahner has provided his opinion: “Most recently, the Town of Huntsville has passed a Community Planning Permit Bylaw. What made this appropriate for their situation is the fact that the Town did not have a previously enacted Tree Preservation or Site Alteration Bylaw. The new CPP Bylaw will now give the Town the ability to govern these activities.”

Mr. Fahner also noted: “in the case of the Township of Muskoka Lakes and other municipalities, a Tree Conservation Bylaw and a Site Alteration Bylaw have been passed under the Municipal Act. These Bylaws are more effective as enforcement tools as they provide for more detail and provide for Stop Work Orders and Orders to Comply.”

We repeat our concern that a CPPS removes public notice of certain types of planning applications (by way of delegated Staff approvals), the public’s ability to provide input in a public forum, and the public’s right to appeal a decision related to many Zoning Bylaw

Amendments. In the December 14, 2023 presentation by Manager Sharpe, it was noted that 20% of Zoning Bylaw Appeals were filed by someone other than the applicant. Given the time and expense involved in appealing an application, including retaining professional advice, we believe this 20% figure demonstrates how important it is for neighbours to have notice of planning applications and the ability to have input into the decision.

The MLA and FOM prefer the checks and balances provided with public input under the current system that results in a purposeful and paced process, often resulting in compromise and better outcomes for each of the unique properties involved because Muskoka Lakes' topography and lot configurations are in no way homogeneous. Shortening the amount of time for a decision to be made to 45 days is not a goal for us, and is far less important than maintaining these checks and balances provided by the current system.

Mr. Fahner stated in his memo that the Township of Lake of Bays has had the most experience with this type of Permit System in Muskoka. He had the opportunity to discuss the system with the Planner at the Township of Lake of Bays. He told Mr. Fahner that "the most time-consuming matter related to the Development Permit Bylaw was explaining the bylaw to people." Most people are familiar with the concept of Zoning and Zoning Bylaws, but a Development Permit Bylaw or CPP Bylaw is considerably different.

In his memo, Mr. Fahner questioned whether the current system warrants a CPP Bylaw. His opinion is:

"Given that Site Plan Control has been reinstated, a Tree Preservation and Site Alteration Bylaw are in place at the Township, administration of the of the CPP Bylaw will be burdensome to staff, and many of the Township residents (particularly waterfront residents) are likely not desirous of streamlining the development approval process, I question the necessity of enacting a CPP Bylaw. Planning staff are currently challenged by the implementing of the updated Official Plan and do not need additional administration time in the process."

"In my opinion, although the Community Planning Permit system has certain advantages, the Township of Muskoka Lakes, through other recently enacted Bylaws, currently has tools in place which makes the advantages of the system very marginal over what exists today. The increase in administration will diminish the advantages the CPP Bylaw brings to the table."

In addition to the marginal CPPS benefits Mr. Fahner notes, if the Committee does not delegate more decision making authority to staff under the CPPS, staff themselves confirmed any benefits over what exists today are minimal. Taking into consideration all factors, there seems to be little imperative to change.

We respectfully request Committee and Council to proceed with instruction to update the existing Comprehensive Zoning Bylaw which we understand could be completed in much less time than drafting and rolling out a new CPP Bylaw. We believe this is the most effective way for the policies in the new Official Plan - especially those prioritizing the natural environment that the community values so greatly - to be implemented as soon as possible.

Thank you for considering our comments.

Sincerely



Susan Eplett  
President, Muskoka Lakes Association



Laurie Thomson  
President, Friends of Muskoka

Cc: Bryce Sharpe, Manager of Planning  
David Pink, Director of Development Services & Environmental Sustainability  
Derrick Hammond, CAO