

April 28, 2023
Environmental Registry of Ontario
PlanningConsultation@ontario.ca

Dear Ministry of Municipal Affairs and Housing,

The Our Muskoka Stakeholders Association has reviewed the proposed Bill 97: the proposed Housing Homebuyers, Protecting Tenants Act, 2023, alongside Bill 23.

Our Muskoka Stakeholders Association (OMSA, Our Muskoka) is a group comprised of local business owners and residents who want to have input into the development and implementation of the Township of Muskoka Lakes and the neighbouring Township's planning and development policies. We assist in educating and informing property owners in a respectful inclusive manner, working with advice from experienced professionals who understand the planning context. Our objective is to ensure that all perspectives are represented and that there is a balanced approach to managing development and planning decisions. Our Muskoka wants all property owners to understand the potential impacts of proposed changes to planning policies and by-laws.

Schedule 6 of Bill 97 proposes to amend Section 41(2.1) [Site Plan Control] of the Planning Act to consider a parcel of land that contains no more than 10 units to be "development" if the parcel of land is located in a prescribed area. We understand that a future proposed regulation will identify lands located within 120 metres of the shoreline and 300 metres of a railway line in a prescribed area, and accordingly, Site Plan Control will apply to the development of parcels that contain less than 10 residential units in these areas.

If Bill 97 is passed as proposed and the prescribed area is defined to include shoreline properties, Our Muskoka believes that the local municipalities in the District of Muskoka will continue to require site plan agreements for most waterfront buildings and development. Our Muskoka's major concern with this proposed change is the number and size of buildings that are subject to site plan approval, the length of time required to obtain site plan approval, and the requirements contained in site plan agreements.

Before Bill 23, local municipalities in Muskoka required site plan approval on all waterfront properties for the principal dwelling and some accessory buildings such as garages, sheds, etc. Before Bill 23 was passed some local municipalities were proposing to increase the number and type of accessory buildings and structures that were subject to site plan control. Our Muskoka believes that only the principal buildings should be subject to site plan approval and accessory buildings should be exempt.

Bill 23 amended the Planning Act to further limit the matters which can be considered through site plan approval. Before Bill 23, the Planning Act also specified the matters that can be considered in a site plan agreement, however, the local municipalities in Muskoka frequently required additional requirements that went beyond the matters permitted to be considered by the Planning Act (i.e. the use of buildings, review of species at risk and fish habitat, etc.). Most applicants simply accept the municipality's site plan requirements to avoid further delays and the need to start construction with a limited building season. The construction of waterfront residential development is a core part of the local economy and is directly impacted by delays.

Some Muskoka municipalities are even proposing to expand their site plan control requirements on waterfront properties to include such matters as the storage of hazardous materials, and municipalities are also requiring monitoring and reporting by the property owners or an independent third party retained by the municipality at the cost of the owner to confirm long-term compliance (+10 years) with any site plan agreement. Our Muskoka believes that Bill 97 and the proposed regulations must clearly indicate the matters that can be included in a site plan agreement for a single waterfront lot and if long-term monitoring and reporting at the expense of the landowner are permitted. We request that any regulations associated with the proposes to amend Section 41(2.1) of the Planning Act clearly identify the site plan matters which can be considered in a prescribed area for lots with less than 10 units, and if long-term monitoring can be required for site plan agreements at the landowner's expense.

Our Muskoka also has concerns that municipalities are requiring landscaping details such as tree plantings to enhance the visual appearance of waterfront properties. Bill 23 proposed to remove

architectural details of buildings (except as permitted by the Building Code) and aesthetic aspects of landscape design from the Planning Act, however, it appears landscaping details can still be required on the lands. We request that Bill 97 and any regulations clearly state that the aesthetic aspects of landscape design are not permitted to be included as a condition of site plan approval.

When building, it is essential to have definitive timelines to prepare a development plan, coordinate trades and materials, and manage job site workflow. It is critical for local businesses to know when site plan approval will be granted, and work can begin. The Planning Act currently includes timing requirements for municipalities to review and approve site plan agreements, however, the local municipalities in Muskoka rarely meet the timing requirements and approval takes more than 3 months in many cases. This amount of delay is unacceptable and has negative impacts on local employers and employees. Our Muskoka believes it is essential that site plan approvals be granted within the Planning Act timelines and Bill 97 and any regulations should compel municipalities to meet this requirement and include strict penalties if they do not.

Our Muskoka believes that municipalities require clear, unambiguous direction about what buildings and matters can be included in a site plan agreement for lands with less than 10 units in the prescribed area, and a requirement requires site plan approval to be granted within 30 days of a complete application.

Respectfully,

Alyxandra Brown

Alyxandra Brown on behalf of OMSA
Executive Director,

OUR MUSKOKA
STAKEHOLDERS ASSOCIATION