

January 2023



# FINAL REPORT

Streamlining Planning Approvals Through a Community  
Planning Permit System



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# EXECUTIVE SUMMARY

In March 2022, The Ministry of Municipal Affairs and Housing (MMAH) and the City of Markham entered a project agreement to explore a Community Planning Permit System (CPPS) as a tool to streamline the development approval processes within the City of Markham.

This project was undertaken with the support of funding from the Province of Ontario's third intake of the Province's Audit and Accountability Fund to help large municipalities become more efficient while delivering services to residents and businesses that are relied upon every day.

Planscape Inc. was retained to undertake the research, interviews and writing of this report on behalf of the City of Markham.

A CPPS is a planning tool added to the Planning Act in 2007. It replaces the need for separate Zoning By-law Amendment, Site Plan Control and Minor Variance planning processes with a one-permit system. The combining of these processes offers municipalities a tool by which they can streamline and simplify approval processes. The result is the issuance of one approval permit, where three separate approvals would be needed in what this report will refer to as the "traditional" planning approaches.

The investigation was undertaken in four phases:

1. Legislative Review
2. External Municipal Experience Interviews
3. Identification of Opportunities within the City of Markham
4. Cost / Benefit Analysis

The process concluded that there are 5 key findings to support the recommendation of the City of Markham undertaking a pilot CPPS. The investigation found that there are significant process efficiencies to be gained, cost savings within the development review processes, predictability and transparency that can be enhanced for applicants, flexibility and specificity within the By-law that will support meeting the strategic goals of the City and legislative requirements.

The findings recommend the following actions for implementing a pilot CPPS in Markham:

1. Select strategic locations with advanced planning information available to add candidate areas to the Official Plan.
2. Provide training for all staff on the tool, the new by-law and how to effectively apply it.
3. Develop a Stakeholder Communication Plan that will focus on the development community, Council and the public to ensure understanding of the tool.
4. Continuously monitor the implementation of the program to understand the process improvements and cost savings over the longer term.

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## 1 INTRODUCTION

In March 2022, The Ministry of Municipal Affairs and Housing (MMAH) and the City of Markham entered a project agreement to explore a Community Planning Permit System (CPPS) as a tool to streamline the development approval processes within the City of Markham.

The CPPS was added as a planning tool to the Planning Act in 2007. This tool is meant to replace the Zoning By-law Amendment, Site Plan Control and Minor Variance planning processes with a one-permit system. The combining of these processes offers municipalities a tool by which they can streamline and simplify approval processes. The result is the issuance of one approval permit, where three separate approvals would be needed in what this report will refer to as the “traditional” planning approaches.

This project was undertaken with the support of funding from the Province of Ontario’s third intake of the Province’s Audit and Accountability Fund to help large municipalities become more efficient while delivering services to residents and businesses that are relied upon every day.

Planscape Inc. was retained to undertake the research, interviews and writing of this report on behalf of the City of Markham.

## 2 PROJECT APPROACH AND WORK PLAN

The Province’s Request for Proposal (RFP) required the project to be undertaken in four separate tasks:

1. **Legislative Review:** The project team reviewed the legislative context of a CPPS and how it differs from the traditional planning processes to ensure a fulsome understanding of the tool, it’s applicability in the City and any legislative limitations it may have.

Note: During this project, Bill 109 More Homes for Everyone Act, 2022 and Bill 23 More Homes Built Faster Act, 2022 were enacted. These Bills made a significant number of changes to numerous Acts in Ontario, including the Planning Act. This report recognizes those changes where possible and appropriate throughout this report.

2. **Review of External Municipal Experiences:** There are a limited number of municipalities in Ontario that use a CPPS. This task included contacting all municipalities that are either using a CPPS or have experience with a CPPS (meaning they began the process of developing a CPPS by-law or investigated the use of a CPPS for their respective municipality).
3. **Assessment of City of Markham Opportunities for Implementing a CPPS:** All appropriate internal staff and departments were actively involved throughout the project to inform and educate where necessary regarding the CPPS tool, but most importantly to use internal staff

knowledge to understand the possibilities for the application of a CPPS in Markham from the various departmental perspectives.

4. **Cost / Benefit Analysis:** This task investigated the costs of implementing a CPPS through research as well as the information gleaned through interviews with other municipalities as well as the cost savings for the development community and the municipality that are possible through the adoption of a CPPS.

Staff presentations with requested departmental feedback occurred in October and December 2022. Following the completion of the above noted tasks, Planscape and Markham staff undertook a final analysis of the compiled information to form this review and recommendations report.

### 3 LEGISLATIVE CONTEXT OF A COMMUNITY PLANNING PERMIT SYSTEM

In Ontario, land use planning is guided by the [Planning Act](#), the [Provincial Policy Statement \(PPS\)](#) and various Provincial Plans. The Planning Act is the enabling legislation for land use planning in the province. The legislative framework in Ontario has undergone significant changes in the last three years. At the time of writing this report, not all Acts resulting from the Bill changes had come into effect. The best available documentation and interpretation has been used in the analysis of a CPPS as a planning tool for streamlining processes within the City of Markham.

#### 3.1 THE PLANNING ACT

In 2007, the Planning Act “the Act” was updated to enable all municipalities to consider the implementation of a development approvals framework known as the Development Permit System (DPS), now referred to as the Community Planning Permit System (CPPS). The tool was first implemented through Ontario Regulation ([O.Reg. 608/06](#)) with the intent to offer municipalities the option of regulating and managing development in a more streamlined and flexible manner. In 2017, the tool was updated to address feedback from municipalities and introduced as a “Community Planning Permit System” under [O.Reg. 173/16](#).

#### 3.2 ONTARIO REGULATION 173/16: COMMUNITY PLANNING PERMITS

This regulation provides the details for how a municipality can implement a CPPS. It requires that an Official Plan Amendment (OPA) is passed in addition to an implementing CPPS by-law. The elements of the by-law are to include:

- a) A description of the area to which the by-law applies;
- b) The definitions of permitted and discretionary uses;

- c) The development standards with specified minimum and maximum standards;
- d) Any internal review procedures regarding permit decisions;
- e) The process for notification regarding decisions;
- f) How to enter into formal agreements;
- g) An outline of the conditions that the council may impose in making decisions;
- h) A description of the delegated authority for approvals; and
- i) Exempt portables on school sites from requiring a permit.

A CPPS can be scaled, it does not have to apply city-wide but can be focused on a specific area. A CPPS can also be focused on a specific objective such as affordable housing protection or natural features. A CPPS By-law must be preceded by an Official Plan Amendment that identifies the boundaries to which it applies, sets out the scope, and details the goals, criteria and conditions that may be included in the implementing by-law.

Additionally, the regulation provides that the CPPS may also prohibit land use changes where identified, define classes of development (for either approvals or exemption from the CPPS), set out Council decision making criteria, set out the acceptable variations in the by-law (similar in scope to what would be approved as a minor variance) and identifies the parameters for having conditional approvals.

### 3.3 RECENT LEGISLATIVE CHANGES – BILL 108, BILL 109 AND BILL 23

In the last three years, the provincial government has made significant changes to the Planning Act through three Bills. When taken and read together, the intent of these changes represents a consistent provincial effort to streamline development review in order to build more housing for Ontarians.

In 2019, [Bill 108: More Homes More Choice Act \(Bill 108\)](#) reinforced the use a CPPS for municipalities, recognizing its potential to not only streamline the development process, but to also direct growth in a way that protects the characteristics and natural features of a municipality. One of the main changes introduced through Bill 108 is the role of the Minister of Municipal Affairs and Housing in establishing a CPPS. Under Bill 108, Section 70.2.2 of the Planning Act (General Regulations) provides the Minister with the ability to order municipalities to establish a CPPS, which may include identifying a specific area or specific location to which the CPPS must apply.

[Bill 109, More Homes for Everyone Act, 2022](#) provided provisions for refunds of planning application fees for Official Plan Amendments, Zoning By-law Amendments and Site Plan approvals to an applicant should the municipality fail to make a decision in the prescribed timeline. It also amended the approval timelines of a zoning by-law amendment from 120 days to 90 days and a site plan control approval from 30 days to 60 days. The intent of the refund provision and the adjustments to the approval timelines for each planning process is to further enforce the streamlining of approval processes. Importantly, the Bill requires Councils to delegate approval authority for Site Plans to staff. Bill 109 does not apply to a CPPS.

On November 28, 2022, [Bill 23: More Homes Built Faster Act](#) was given royal assent. This Act further conveys the need for housing in Ontario and made changes to ten (10) different Acts with the intention of reducing approval times for residential development so that more homes can get built faster. The Bill 23 changes now exempt residential housing developments of 10 units or less from Site Plan Control, and where Site Plan Control can be used, factors such as building aesthetics can no longer be prescribed by a municipality.

None of the recent legislative changes have impacted the CPPS section of the Planning Act. A CPPS represents the streamlined process of combining three traditional planning approvals into one permit system. It is not subject to the refund changes in Bill 109, nor did Bill 23 remove the ability to require development standards to be met in order to obtain a CPPS permit. The legislative changes in the last three years are designed to get more homes built as fast as possible in Ontario, and the CPPS tool already represents a fast and efficient planning tool to accomplish this goal.

**Appendix A** contains the Planning Act regulations regarding Community Planning Permits as per section 70.2 of the Planning Act.

## 4 THE COMMUNITY PLANNING PERMIT SYSTEM

The CPPS was initially called the Development Permit System (DPS) and introduced in Ontario in 2007 following a provincial pilot project that began in 2001. As discussed above, the province renamed the tool in 2017 to become the Community Planning Permit System.

### 4.1 WHAT IS A COMMUNITY PLANNING PERMIT SYSTEM?

The [community planning permit system \(CPPS\)](#) is a discretionary land use planning tool that combines zoning, site plan and minor variance processes into one application and approval process. The CPPS has three components:

1. a policy basis in the Official Plan (an OPA is required),
2. an implementing by-law (referred to as the CPP By-law), and
3. a permit that is issued as a planning approval.

The tool is meant to make development approval processes more streamlined and efficient to get housing to market quicker. It supports local priorities (for example, community building, developments that support public transit, and greenspace protection), and creates certainty and transparency for the community, landowners and developers. The certainty is a result of the predictability built into the CPP By-law, i.e., when the developer meets all of the criteria set forward in the CPP By-law, a permit is issued. This differs from a traditional zoning by-law amendment process as the CPPS sets out the variations possible within the framework of the by-law, whereas a traditional process offers no further guidance than the generalities of the Official Plan Policies. For example, under a traditional process, an applicant may wish to open a coffee shop in the front foyer of their home. This would require a zoning

by-law amendment to permit the use (also likely a site plan agreement), but offers no direction on what parameters the applicant should stay within to get approval. In the CPPS however, the use would be listed as a discretionary use in the by-law and the provisions of accessibility, design and parking would be fully detailed to conform with the larger shared vision that the CPPS is built upon. This creates predictability and does not leave an applicant trying to negotiate what is acceptable when a zoning by-law amendment is required.

Some key characteristics of a CPPS are:

- the combination of three separate planning application processes of Zoning By-law Amendments, Minor Variances, and Site Plan applications, into one streamlined application process;
- that the by-law sets out permitted “as-of-right” uses and “discretionary” uses, subject to identified criteria;
  - “as-of-right” uses refer to land uses that do not need approvals through a planning application process as they are already permitted under the current by-law.
  - “Discretionary” uses refer to land uses that may not be permitted as-of-right but are deemed to be compatible in nature to the as-of-right uses in the existing by-law.

A CPPS is described as “discretionary” because it offers the opportunity to build in variations to provisions that the approval authority considers for approval. These variations are minor in nature (much the same way a minor variance only applies to “minor” applications) and are built into the by-law itself for clarity. The uses are intended to support the vision and function of the area. Things like a community garden as part of a commercial block or a café on the main floor of a walkable residential area are both potential examples of discretionary land uses.

- that it provides flexibility by allowing variations from permitted standards, subject to identified criteria; and
- that it can set conditions for development that might include public infrastructure requirements, community contributions, landscaping and sustainable design elements, among other matters.
  - Conditions in a CPPS act like conditional zoning. The traditional zoning system does not allow conditions on a zoning approval, but the CPPS allows planning authorities to identify conditions of approval pre and post development. For example, an applicant may receive conditional approval provided a noise assessment study is received. They may also receive their conditional approval to begin construction with the condition that a native planting list is provided with their landscape plan (as an example). The flexibility allows construction to begin sooner without compromising the requirements and priorities of the approval authority.

The CPPS is premised on a shared community vision for the development of an area. The flexibility of the CPPS can provide a degree of discretion to review development proposals and provide approvals without further amendments to the CPP by-law. The CPPS is designed to streamline the planning application process by consolidating several approval applications into a single CPP permit.

Any interested party can appeal a community planning permit bylaw to the OLT when the by-law is being established (unless the CPPS has been required to be established by minister’s order), provided they have participated during its development. Once the CPPS is established and in effect, only the applicant (i.e. no third part appeals) has the right to appeal a decision on a community planning permit application to the OLT.

## 4.2 WHO CAN USE A COMMUNITY PLANNING PERMIT SYSTEM

All municipalities can choose to use the CPPS. It is a tool provided by the Planning Act to support review and approval processes.

The Minister of Municipal Affairs and Housing may require municipalities to use the CPPS in specified areas.

## 4.3 WHAT ARE THE APPROVAL TIMELINES OF THE COMMUNITY PLANNING PERMIT SYSTEM AND THE TRADITIONAL PROCESSES?

The Planning Act sets out the legislated timelines that approval authorities aim to adhere to, or an applicant may appeal their application to the OLT for “non decision”. The timelines for the planning process impacted by a CPPS are:

**Table 1: Legislated Planning Approval Timelines**

Planning Process	Legislated Timeline
Zoning By-law Amendment	90 days
Site Plan Control	60 days
Minor Variance	30 days
Community Planning Permit System	45 days

## 4.4 KEY BENEFITS OF A COMMUNITY PLANNING PERMIT SYSTEM

Table 2 below categorizes the key benefits of a CPPS (Source: [Community planning permit system / ontario.ca](https://www.ontario.ca)).

**Table 2: Key Benefits of a CPPS**

Key Benefit	Description / Details
<b>Streamlined Process</b>	<p>The CPPS combines <a href="#">zoning</a>, <a href="#">site plan</a> and <a href="#">minor variance processes</a> into one application and approval process with shorter approval timelines (45 days vs 90 for traditional zoning). If a municipality does not make a decision after 45 days, the applicant has the right to appeal.</p>
<b>Flexible System</b>	<p>Municipalities can use the CPPS to identify how land in a certain area can be used if certain conditions are met. For example, a municipality may allow the maximum building height to vary in a certain area in order to:</p> <ul style="list-style-type: none"> <li>• be flexible with site-specific circumstances</li> <li>• reduce the need for changes to the community planning permit by-law</li> </ul> <p><b>Heritage Preservation Example – City of Brampton</b></p> <p>The City of Brampton’s CPPS is focused on transforming its downtown into a mix of commercial, residential and recreational uses through reinvestment, revitalization and increasing density (intensification). Policies in the CPPS promote sensitive intensification by ensuring that the character of existing residential neighbourhoods is maintained while preserving the heritage buildings within the CPPS area. The CPPS promotes efficient use of urban land by combining commercial, residential and other land uses within small, medium and large-scale developments where appropriate, to create vibrant, walkable neighbourhoods. Development is also subject to urban design standards, such as preserving mature trees, and preserving the historic architectural styles on the exterior of buildings, to ensure compatibility with the historic character of the CPPS area.</p>
<b>Environmental Protection</b>	<p>The CPPS can be used to protect environmental features such as shoreline areas, as well as conditions relating to ongoing environmental monitoring.</p> <p>Under the CPPS, the definition of “development” includes site alteration (for example, grading changes) and vegetation removal (for example, tree cutting). This allows municipalities to address matters such as:</p> <ul style="list-style-type: none"> <li>• protecting and preserving existing natural vegetation</li> <li>• placing of fill (for example, excess soil from another site)</li> </ul> <p><b>Environmental protection Example – Lake of Bays</b></p> <p>The Town of Lake of Bays uses a CPPS to protect lands in waterfront areas and to maintain an appropriate balance between natural shorelines and physical structures. The system sets out the permitted uses, buildings and structures along</p>

	<p>shorelines, while focusing on maintaining or restoring vegetation and natural vegetative buffers, such as shrubs and trees. The system also outlines appropriate methods regarding changes to an area of land to protect the Township’s natural heritage system, features and their ecological function.</p> <p>In light of the removal of commenting and permitting powers for Conservation Authorities (CAs) in Bill 23, a CPPS is an excellent tool for protecting natural features and functions where the CA can no longer act in this capacity.</p>
<p><b>Building Communities</b></p>	<p>Municipalities can impose certain conditions when approving an application for a community planning permit. For example, a municipality may require that certain features be included as a condition of approval, such as:</p> <ul style="list-style-type: none"> <li>• transit shelters</li> <li>• affordable housing units</li> <li>• daycare facilities</li> <li>• public art</li> </ul> <p>Where a CPPS is in place, a community benefits charge (CBC) by-law <b>does not apply</b> to that area as the intent of CBCs can be met as part of the CPPS.</p>
<p><b>Community Participation</b></p>	<p>Public input and appeals are permitted when the CPPS process is initiated, unless the CPPS is being established in response to a requirement by the Minister of Municipal Affairs and Housing.</p> <p>The CPPS:</p> <ul style="list-style-type: none"> <li>• gathers community input upfront,</li> <li>• requires the community to be involved whenever a change is needed to the planning vision,</li> <li>• prevents third-party appeals of applications that meet the rules, established in the community planning permit by-law, and</li> <li>• prevents amendments to the community planning permit by-law for five years or, in some cases, the CPPS policies in the official plan, unless supported by the municipality.</li> </ul> <p><b>Preserving small-town character; Example – Town of Gananoque</b></p> <p>The Town of Gananoque put in place a comprehensive CPPS for the whole town. The main goal of the CPPS is to guide development opportunities while making sure the small-town cultural heritage character is maintained and enhanced as new development occurs. Design criteria for new development involve incorporating appropriate exterior architectural elements such as window and door detailing. In</p>

	doing so, the CPPS promotes commercial, residential and institutional uses resulting in a mixed-use, vibrant, livable community.
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#### 4.5 COMPARING TRADITIONAL PROCESSES AND THE COMMUNITY PLANNING PERMIT SYSTEM

A CPPS implements the same provisions as a zoning by-law, plus regulates site plan control matters, and incorporates the minor variance process by including discretionary uses and variations to the development standards in the by-law. **Table 3** provides a comparison of the traditional planning processes and key elements that are instructive for determining the value of implementing a CPPS.

**Table 3: Key Planning Process Elements of the Traditional Processes vs. a CPPS**

	Traditional Planning System	CPPS
Zoning	<ul style="list-style-type: none"> <li>Legal tool to regulate land use and the intensity of development.</li> <li>Establishes permitted uses and specific development standards for a property under a specific Zone.</li> </ul>	<ul style="list-style-type: none"> <li>Legal tool to regulate land use and the intensity of development.</li> <li>Similar to zoning in that it establishes permitted uses and development standards, but also permitted variations and conditions of approval on a property.</li> <li>Allows conditional approvals.</li> </ul>
Minor Variance	<ul style="list-style-type: none"> <li>Legal tool that allows minor changes from specific provisions of the zoning bylaw, such as building height or maximum lot coverage, or permits a minor change to the use of the property. “Minor” is not a defined term.</li> <li>Allows conditional approvals.</li> </ul>	<ul style="list-style-type: none"> <li>Incorporates the variance process by establishing ‘discretionary uses’ and specific ‘variations’ to development standards (subject to meeting criteria) to allow a degree of flexibility in the type and form of development.</li> <li>By-law to incorporate the range and extent of the variances and the delegation of authority for specific approvals.</li> <li>Allows conditional approvals (things like approving with the condition of a noise assessment before the issuance of a building permit).</li> </ul>
Review Timeline	<ul style="list-style-type: none"> <li>Zoning By-law: 90 days</li> <li>Site Plan: 60 days</li> <li>Minor Variance: 30 days</li> </ul>	<ul style="list-style-type: none"> <li>45 days</li> </ul>

	Traditional Planning System	CPPS
Public Consultation	<ul style="list-style-type: none"> <li>Requires mandatory public meetings as part of a Minor Variance and Zoning By-law amendment process.</li> <li>Site Plan Control does not require a public meeting and approvals can be delegated to staff.</li> </ul>	<ul style="list-style-type: none"> <li>Extensive consultation is undertaken during the development of the CPP by-law to ensure the community vision created is representative of the impacted community.</li> <li>Does not require mandatory public meetings, and approvals can be delegated to a committee of Council or staff.</li> <li>Municipalities can choose their consultation (e.g. Notice of application) preferences.</li> </ul>
Site Plan Control	<ul style="list-style-type: none"> <li>Tool used to shape development through the review of design features to address issues such as landscaping, building elevations, site access and servicing, waste storage, pedestrian circulation, parking, and loading.</li> <li>Design elements subject to Site Plan Control are limited to safety and sustainability.</li> <li>Creates a legally binding agreement, registered on the title of a property.</li> <li>Will not apply to residential developments under 10 units.</li> <li>Staff have delegated approval authority.</li> </ul>	<ul style="list-style-type: none"> <li>Incorporates site plan control matters (landscaping, building elevations, site access and servicing, waste storage, pedestrian circulation, parking, loading, etc.) and urban design guidelines under one process.</li> <li>Provides more regulatory powers by giving site plan control the same level of legal enforceability as zoning.</li> <li>Creates a legally binding agreement, registered on the title of a property.</li> <li>Will apply to all developments within the identified area.</li> <li>Approval authority varies depending on the by-law (typically more complex applications go to Council for approval) and less complex are delegated to staff.</li> </ul>
Appeal Rights	<ul style="list-style-type: none"> <li>Third party appeals are available for zoning by-law and site plan approvals (not for Minor Variance).</li> <li>20 day appeal period after notice of decision.</li> <li>30 day appeal possible for non-decision with Site Plan.</li> </ul>	<ul style="list-style-type: none"> <li>The By-law describes the appeal circumstances and requirements. The variations approved in a permit application cannot be appealed by a third party, but an applicant can appeal a rejection of their application to the OLT.</li> <li>Third party appeals are only available during the initial passing of the CPP by-law, together with the enabling Official Plan Amendment (that is required to enable the CPP by-law).</li> <li>Following the 5 year prohibition on appeals, an applicant could appeal a decision for their permit.</li> </ul>

	Traditional Planning System	CPPS
		<ul style="list-style-type: none"> <li>An applicant can appeal for non-decision after 45 days.</li> </ul>
Urban Design Guidelines	<ul style="list-style-type: none"> <li>Tool used to enhance the quality of development.</li> <li>Typically implemented in conjunction with a site plan application (only some elements can now be discussed or enforced because of Bill 23).</li> <li>Guidelines do not have the legal enforceability that zoning bylaws possess.</li> </ul>	<ul style="list-style-type: none"> <li>Urban Design Guidelines can be incorporated into a CPP by-law giving the guidelines the strength of a by-law while ensuring adherence to the purpose and intent of the by-law requirements.</li> <li>Can form part of a conditional approval.</li> </ul>
Amendments	<ul style="list-style-type: none"> <li>Amendments to a zoning by-law can be made at any time to request a change to the permitted uses or development standards to accommodate a type of land use or size/configuration of building that is not currently permitted but that could be appropriate.</li> <li>The application to amend a zoning by-law would be open to public consultation and appeal by a third party.</li> <li>A decision of whether to approve an application to amend a zoning by-law would be made by Council or a Committee of Council.</li> </ul>	<ul style="list-style-type: none"> <li>Amendments to a CPP by-law are not permitted within the first 5 years of the by-law coming into effect. However, within the first 5 years, municipalities can initiate their own housekeeping amendments to make improvements to the by-law at their discretion. The by-law can also be structured to allow site-specific approvals within the parameters described.</li> <li>Applications to amend a CPP by-law will only be considered in a comprehensive manner.</li> <li>Site Specific Amendments can be processed in the traditional zoning by-law amendment process after the 5 year amendment prohibition.</li> <li>Similar to Zoning, an application to amend a CPP by-law is open to public consultation and appeals by third parties.</li> <li>A decision of whether to approve an application to amend a CPP By-law would be made by Council, a Committee of Council, or delegated to staff.</li> </ul>

## 4.6 INVESTIGATING PROCESS DELAYS

For the development community and residents, the CPPS process requires a 45 day decision on a complete application. While it is not always possible to hit the legislated timelines (most municipalities are not meeting the traditional timelines), the process lends itself to being much shorter than the traditional method as it combines three processes into one.

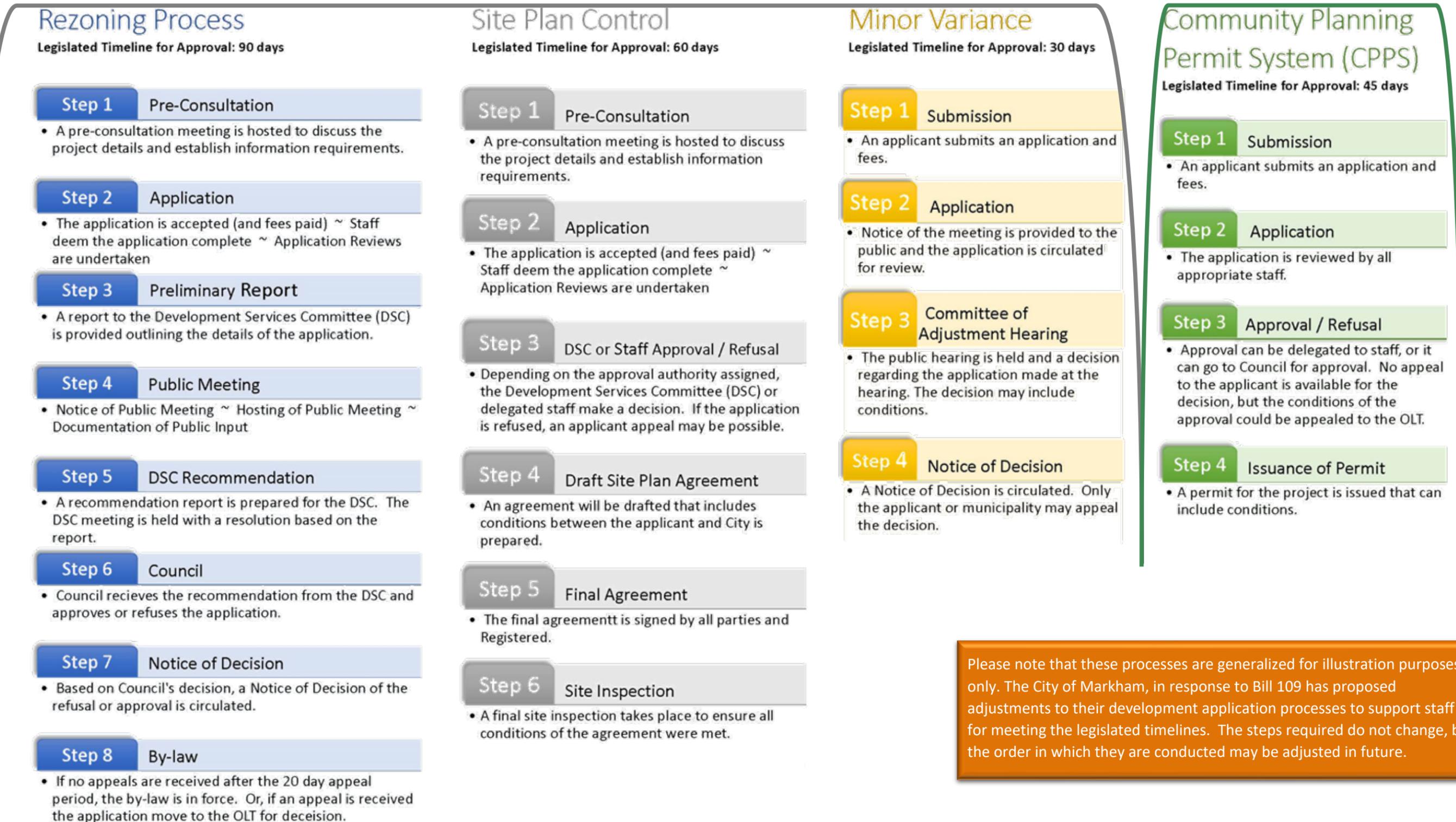
**Figure 1** provides a high level comparison of each of the four planning processes that are relevant to the CPPS (zoning by-law amendment, site plan control, minor variance and CPPS). The goal of the table is to illustrate the standard steps required to reach an approval or refusal of an application.

**Figure 2 and Figure 3** illustrate within the process diagrams for the zoning by-law amendment and site plan control processes, where the areas of delay can typically be found. The delays experienced can be alleviated or greatly reduced by using the CPPS process. The basic act of removing the need for a reviewer to comment on three applications and just review and report on one, will create immediate efficiencies. Public consultation and Council approvals are two other areas that generally take the most time in a process. Should the City of Markham choose, approval authority can be delegated to staff and there is no requirement under the CPPS for a public meeting. The final key delay is a potential OLT appeal. The CPPS greatly reduces the risk of appeals as only the applicant can appeal an application refusal, and there are no third party appeal rights with a CPPS.

**Figure 4** illustrates the CPP efficiencies in the identified process.

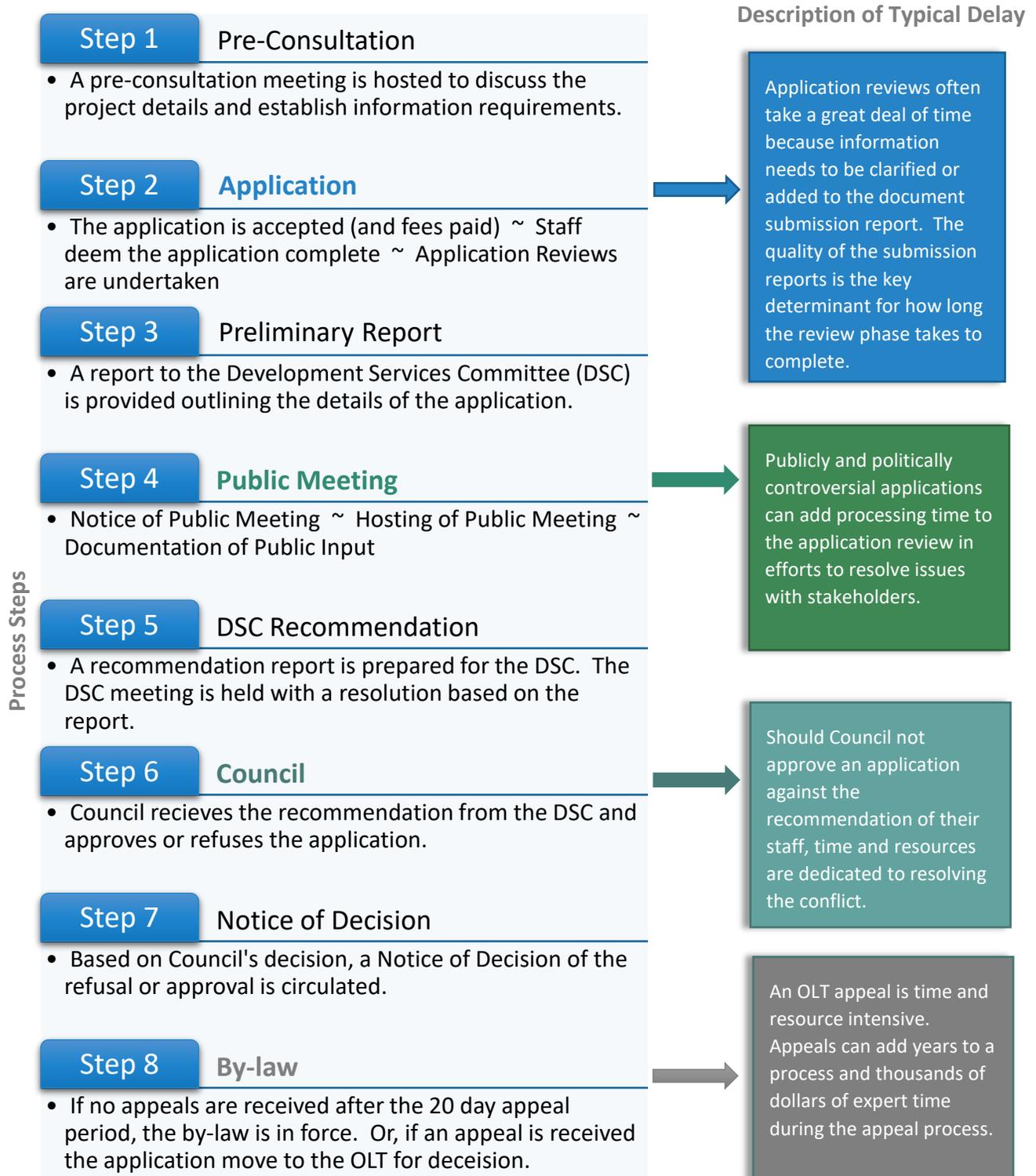
**Figure 1: Traditional vs. CPPS Planning Processes**

All process steps from the rezoning, site plan control and minor variance processes are undertaken in one process in the CPPS

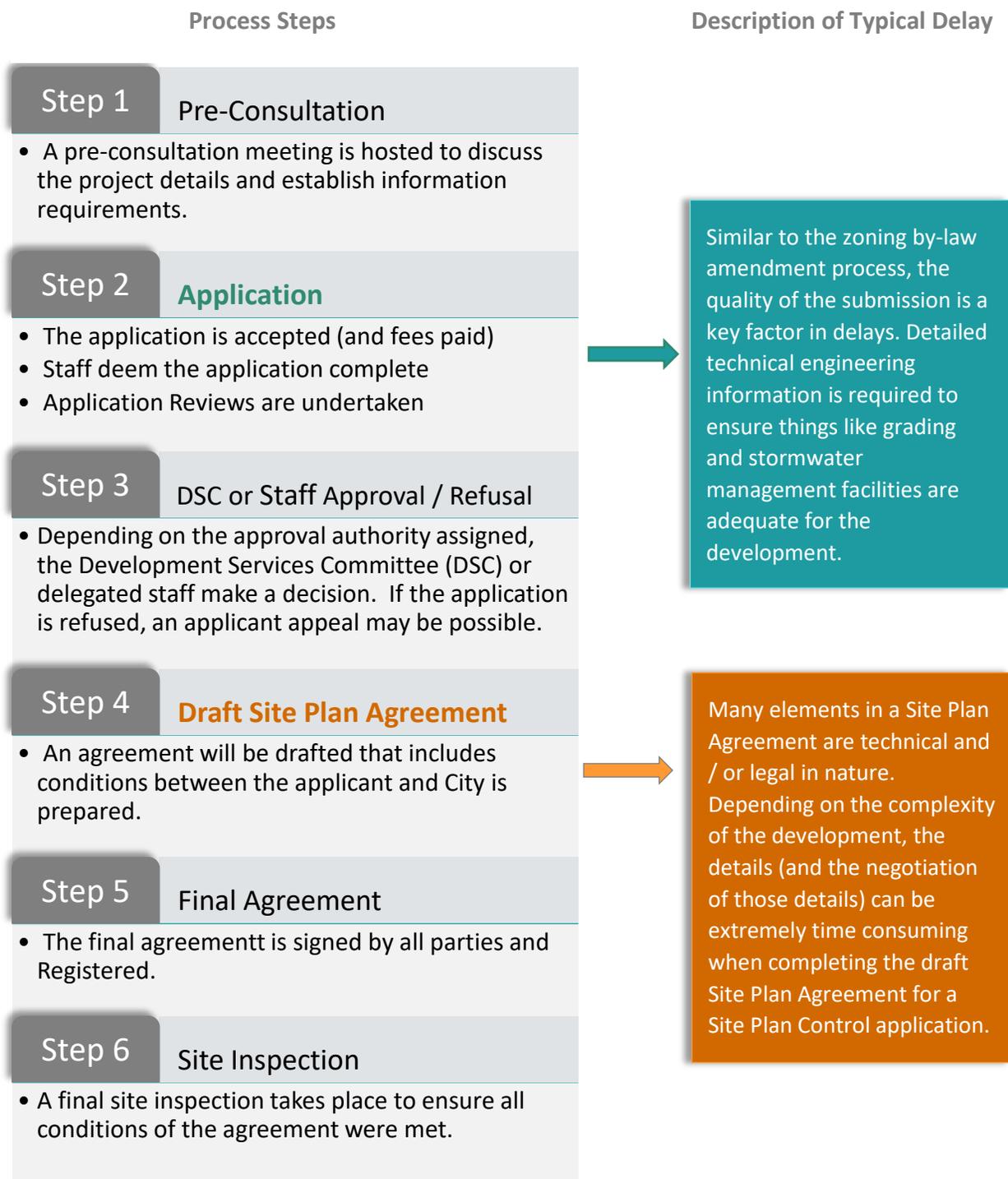


Please note that these processes are generalized for illustration purposes only. The City of Markham, in response to Bill 109 has proposed adjustments to their development application processes to support staff for meeting the legislated timelines. The steps required do not change, but the order in which they are conducted may be adjusted in future.

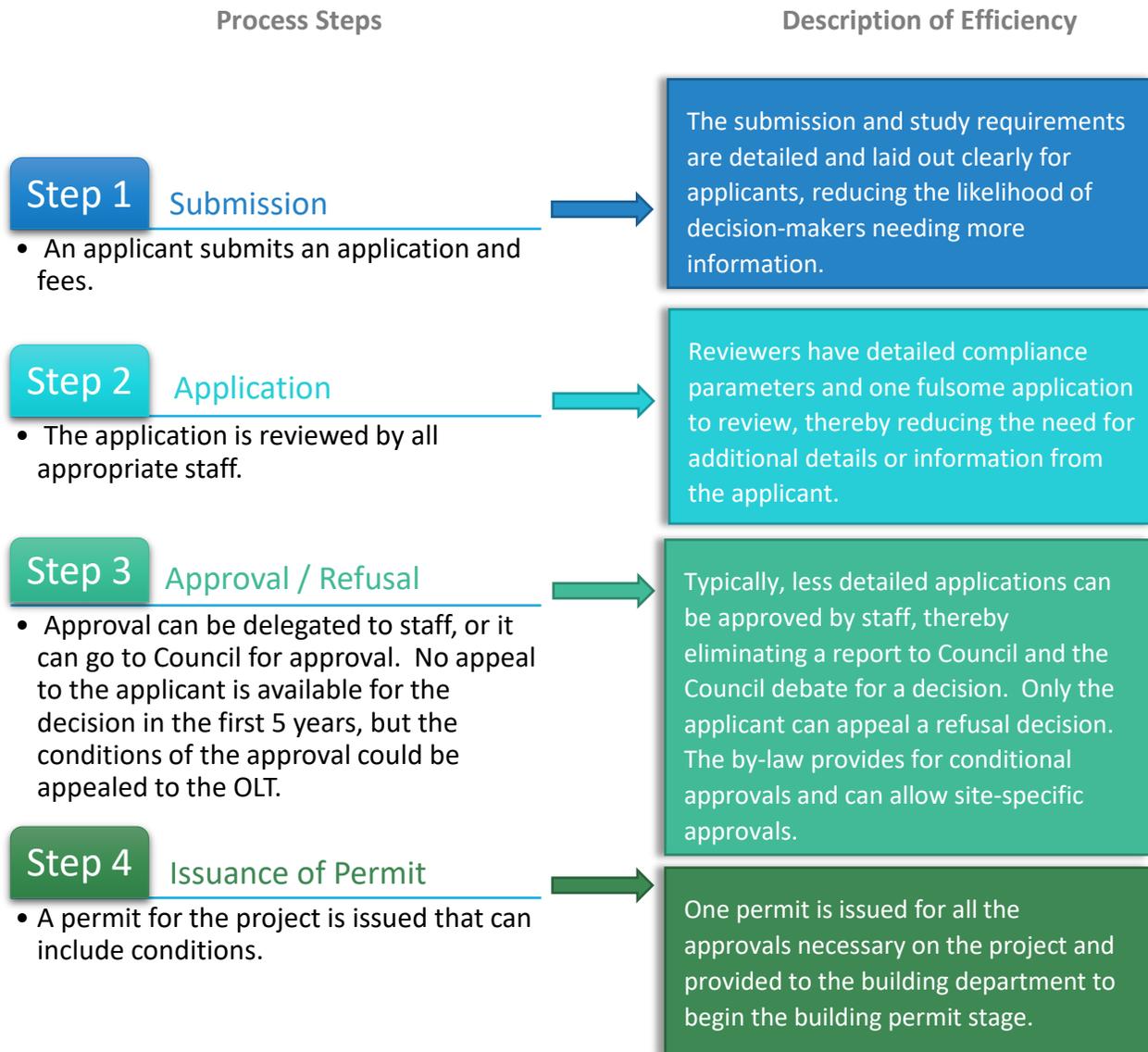
**Figure 2: Typical Processing Delays in the Zoning By-law Amendment Process**



**Figure 3: Typical Processing Delays in the Site Plan Control Process**



**Figure 4: Processing Efficiencies in the CPPS**



## 4.7 HOW DO YOU IMPLEMENT A COMMUNITY PLANNING PERMIT SYSTEM?

There are five key steps to implementing a CPPS. Woven within each step is consistent and continual consultation with staff and interested stakeholders.

### 1. CPPS Opportunities

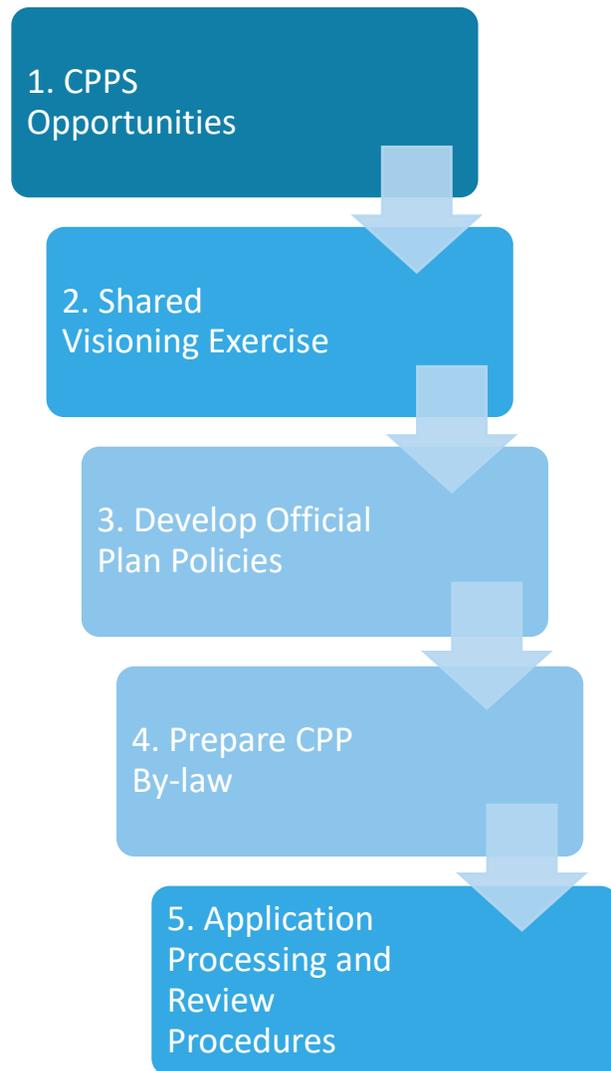
A CPPS is a powerful planning tool to achieve city building goals. The appropriateness of how a CPPS is created depends on the goals and priorities of a municipality. It is important for planning, building, policy and other staff to identify key opportunities to achieve municipal goals with a CPPS. For example, municipalities with a key priority of protecting heritage features may decide to focus a CPPS on heritage applications. Some municipalities have focused their CPPS on waterfront areas to capture the policy similarities and efficiencies to be gained based on the common elements and issues of waterfront properties. For other areas, priorities such as Major Transit Station Areas (MTSAs) or an emerging Employment Area may be the most strategic areas for a CPPS.

Where there are common elements, trends and similarities in a municipality, staff are encouraged to spend some time identifying the various ways in which a CPPS can serve their needs and support efficiencies.

### 2. Shared Visioning Exercise

The premise of a CPPS is that it is a by-law that is implementing a shared vision created through extensive consultation. The visioning exercise should be undertaken with extensive and fulsome multi-stakeholder consultation. This creates the best and most inclusive vision possible, but also ensures the greatest level of buy-in and understanding of the process itself. Technical work can be included to inform and or implement the vision. For instance, a master transportation plan describing a main transit line through the CPP area will inform the vision in both aesthetics and function. Alternatively, the vision may require applicants to speak to the walkability or transit-oriented elements of their application individually.

**Figure 5: CPPS Implementation Process**



This visioning exercise will produce goals and objectives to direct the Official Plan Amendment (OPA) and the eventual by-law. A Statutory Public Meeting is required to present the public with the OPA and the CPP By-law.

### **3. Develop Official Plan Policies**

It should be noted that many municipalities have passed OPAs for CPP policies that apply to their entire jurisdiction. The Regulation does not prevent a municipality from using this approach, but an Ontario Land Tribunal (OLT) case suggests caution in doing this. The case involves the City of Toronto OPA appeal and indicates that the OLT may refuse to make a decision on an OPA appeal until such time that they see a draft CPP by-law. This means that the Tribunal will not resolve the OPA appeal until the detailed implementing by-law has been prepared. It is therefore recommended that specific areas be identified in the OPA to avoid a similar situation where the Tribunal does not feel a general OPA provides sufficient information to decide on an appeal.

The regulations for implementing a CPPS state that OP policies should include:

- A flexible direction in the Official Plan (OP) to allow for the implementation by-law(s);
- A statement of the municipality’s goals, objectives, and policies in proposing a community planning permit system;
- Setting out the type of criteria that may be included in a community planning permit by-law for determining whether any class of development or any use of land may be permitted by a community planning permit;
- Setting out the types of conditions that may be included in the community planning permit by-law;
- Identifying the area that may be proposed as a community planning permit area; and
- Setting out the scope of the authority that may be delegated (to a committee or staff) and any limitations on the delegation.

A statutory public meeting and a public open house are required to present the OP Amendment for a CPPS to the public.

In addition to these required policy statements, Ontario Regulation 173/16 allows for optional policy statements related to the effective implementation of the CPPS. These include:

- Setting out the information and materials required as part of a complete application;
- Exempting any class of development (e.g., single detached dwellings) from some or all of the requirements of a complete application. Note that Bill 23 now exempts developments of 10 residential units or less from Site Plan Control; and
- Policies requiring that, as a condition of approval, the provision of specified facilities, services, or matters (public benefits) are provided in exchange for attaining a specific height or density.

#### 4. Prepare a Community Planning Permit By-law

Using the shared vision developed with stakeholders, a By-law is prepared to implement the vision. Elements of the by-law will include: a description of the area to which the By-law applies; permitted uses; discretionary uses; development standards; variations from development standards; criteria for evaluating development standards and variations; and a list of appropriate approval conditions and when these conditions may apply.

A statutory public meeting is required to pass the By-law. Several additional public meetings are recommended to ensure the public and the development community fully understand the contents of the By-law and requirements for future planning approvals.

The by-law will describe the parameters for appeal by applicants. The CPPS tool in the Planning Act allows for appeals of conditions by applicants and appeals for non-decision by the applicant. The CPP By-law cannot be appealed within the first 5 years of its approval. Following the 5-year limit, applicants can make an application to amend the CPP By-law. It is important to note that the by-law can be drafted to allow site-specific amendments and flexibility of provisions of the by-law are also built in. For example, staff may be delegated the authority to approve applications that have a side yard set back variation of up to 15% of the provided set-back. Council may have the authority to approve and application with up to a 50% variation. Any variation that is higher than 50% would require a site specific amendment for approval.

The by-law is comprehensive in how it implements the vision. It provides flexibility through variations, discretionary uses, and pre and post approval conditions, and is meant to allow creative market-driven solutions within that guiding vision.

#### 5. Application Processes and Review Procedures

Implementation of a CPPS will also require the development of new administrative procedures and documents, including work instructions, application form(s), a fee structure, and development agreements. This change management process should be undertaken as part of the development of a CPP by-law so that when the By-law is passed, all systems are ready and functioning. Staff education and testing should be undertaken throughout the development of the CPP.

#### Hypothetical CPP Scenario:

An applicant may apply for a permit for a use that is listed as discretionary in the by-law, that exceeds the side-yard setback by 20% to allow for a patio and requires a post approval condition of a streetscaping improvement plan prior to final building inspection.

In the traditional system, each of these “deficiencies” in the zoning by-law would trigger a zoning by-law amendment process, but a CPPS builds these allowances into the process to increase efficiency and flexibility for applicants.

The by-law also sets out the process for approving each of those points of flexibility so that Council can be comfortable with the amount of flexibility approved by staff versus what gets approved by Council.

In situations where a proposed development does not fit within the limits of a CPP by-law, a proponent would be required to submit a site specific by-law Amendment application. This type of application would be open to public consultation and appeal by a third party. However, Ontario Regulation 173/16 stipulates that a proponent cannot apply to amend a Community Planning Permit by-law or official plan policies within the first 5-years of the by-law or official plan policies coming into effect. Even though privately initiated amendments are not permitted within the first 5-years, a municipality can initiate its own amendment to a CPP by-law or official plan policies within this time frame. Additionally, municipalities have the authority to pass a resolution to allow a privately initiated application to amend the by-law during the 5-year period. This amendment would be open to appeal from third parties.

#### 4.8 HOW LONG DOES IT TAKE TO DEVELOP A COMMUNITY PLANNING PERMIT SYSTEM?

It has been described through the external municipal interviews that the amount of time and resources required to develop a CPPS is comparable to the time and resources required to develop a Secondary Plan, which may take several years. Secondary Plans represent more detailed planning for certain areas of a municipality - like in new communities, employment areas, older neighbourhoods and downtowns. It is logical to apply the same type of timing assumptions to a CPPS for specific areas within Markham.

The process of developing and implementing a CPPS requires intensive consultation to develop the shared vision and detailed by-law work that is required. Should the area for the CPPS involve a great deal of controversy and/or opposing stakeholder views, the creation of the CPP by-law may take longer in order to problem-solve those issues.

Some of the timing can be controlled by the priority assigned to the work by Council. The more resources dedicated to the creation of a CPPS, the less time it will take to do so.

### 5 EXTERNAL MUNICIPAL EXPERIENCES WITH COMMUNITY PLANNING PERMIT SYSTEMS

In July 2022, the following municipalities were contacted asking for their time and input regarding their experiences with a CPPS. Not all municipalities participated and not all have a CPP by-law in place (for various reasons), but each has experience in the development of the system. **Table 4** below lists the municipality and the level and/or method of participation in this investigation, as well as any additional information, reports or links that may be useful in the future development of a CPPS in Markham.

**Table 4: External Municipalities and Level of Participation**

Municipality	Level of Participation	Addition Resources
Lake of Bays	<ul style="list-style-type: none"> <li>Written correspondence from former Manager of Planning</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Community Planning Permit System - Lake of Bays</a></li> <li>Lake of Bays Development Permit Brochure</li> </ul>
Carleton Place	<ul style="list-style-type: none"> <li>Microsoft Teams Interview</li> </ul>	<ul style="list-style-type: none"> <li>Carleton Place Development Permit Review Process Document</li> <li><a href="#">Carleton Place DPS By-law</a></li> </ul>
Town of Gananoque	<ul style="list-style-type: none"> <li>Did not participate directly</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Development Permit By-Law (Zoning)   The Corporation of the Town of Gananoque</a></li> </ul>
City of Brampton	<ul style="list-style-type: none"> <li>Did not participate directly</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">A Recommendation Report for the Queen Street East corridor and the proposed framework for developing a CPPS By-law, January 2020</a></li> <li>Queen St. East <a href="#">PowerPoint Presentation (brampton.ca)</a></li> </ul>
Town of Innisfil	<ul style="list-style-type: none"> <li>Interview with former Manager of Planning</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Community Planning Permits Booklet</a></li> <li><a href="#">Shoreline Permit Process</a></li> </ul>
Town of Huntsville	<ul style="list-style-type: none"> <li>Microsoft Teams Interview</li> </ul>	<ul style="list-style-type: none"> <li>2021 Planning Applications Overview Staff Report</li> <li>Implementation – Community Planning Permit By-law Staff Report</li> <li><a href="#">Community Planning Permit By-law Webpage</a></li> </ul>
City of Ajax	<ul style="list-style-type: none"> <li>Email correspondence and supplementary information provided</li> </ul>	<ul style="list-style-type: none"> <li>CAP Report and Attachment Background Report</li> <li>CAP May 1, 2017_CPPS Technical Report and Draft OPA</li> </ul>
City of Ottawa	<ul style="list-style-type: none"> <li>Microsoft Teams Interview</li> </ul>	<ul style="list-style-type: none"> <li>List of Ontario municipalities with CPP By-laws</li> <li>Planning Year End Report_2021_Planning Stats Report</li> <li>Urban Ontario municipalities list with status of CPPS Policies</li> <li><a href="#">Kanata North Tech Park Community Planning Permit Pilot Study   Engage Ottawa</a></li> </ul>
City of Toronto	<ul style="list-style-type: none"> <li>No direct participation requested</li> </ul>	<ul style="list-style-type: none"> <li>Case Number OLT-22-002787 (previously PL140906)</li> <li>Appeal of the adoption of City of Toronto initiated Official Plan Amendment No. 258 - Development Permit System – Decisions (pdf)</li> </ul>

## 5.1 KEY LEARNINGS – CHALLENGES AND OPPORTUNITIES

Throughout all conversations with other municipalities, the interviewees expressed their preference to operate under a CPPS versus the traditional planning processes. There is agreement in the value of a CPPS to gain efficiencies in development approvals.

### 5.1.1 CHALLENGES

Participants expressed challenges related to the inherent “newness” of the system and attributed part of the challenge to the basic lack of comparable examples in existence. Participants were specifically asked their opinion on why they feel this tool has not had wider-spread uptake by municipalities. The overwhelming theme is the lack of understanding of the tool and the perception that the initial outlay of resources by the municipality to develop the by-law is too high.

In Carleton Place, a specific challenge arose around communication. Within their by-law, they incorporated some tree cutting provisions. During the implementation process a news outlet reported on the story and the interpretation for stakeholders was that the Town of Carleton Place was attempting to “sneak” a tree-by law in in the name of a CPPS. The Carleton interviewee felt that a better, more fulsome and consistent communication plan may have avoided this miscommunication that became the main challenge or opposition to the CPP By-law. Lake of Bays reiterated this challenge with the public and the development community. In the case of Lake of Bays, the first year of implementation was when their staff became experts at educating applicants and in the application of the By-law, and they advised patience during that process can be necessary.

In the City of Ottawa, it was expressed that the lack of master plan level studies in the Kanata North Tech Park Community area that they anticipate to use as a pilot area for a CPPS may present a challenge to implementation. The Kanata North Tech Park Concept Plan and policies in the Draft Official Plan propose to evolve the Park from a 1970s business park into a globally significant, state of the art special economic and mixed use district. The redevelopment of the Park under a CPPS system is envisioned to enable opportunities for economic growth. The CPPS By-law is proposed to include detailed policies, objectives and regulations for areas within the Park. Design and land use regulations will be focused to achieve the vision, while protecting environmental areas and features within the CPP area. Without some advanced level planning, each applicant will have to provide a similar type of study rather than relying on one study for the entire area. Ottawa staff are looking at cooperative solutions to ensure the best information is available and used by all applicants in the area without creating undue work or duplication for applicants. The staff contact from the City of Ottawa also expressed that Site Plan is the most difficult application to process and approve in their large, urban organization and suggests that focused effort to streamline the various departmental approvals to meet the 45 day CPPS approval deadline would be needed.

Creating a well-written by-law was also identified as a challenge. Due to the detailed nature of a CPPS, it was stated that a poorly written CPP By-law can create numerous interpretation and application problems for staff. The challenge then is to develop a solid shared vision, followed by a well written, detailed, yet succinct CPP By-law.

Specific challenges were unique to each jurisdiction, but a consistent message was that the communication of the CPPS to gain broad acceptance with all impacted stakeholders (the development community, residents, Council and staff) is essential.

### 5.1.2 OPPORTUNITIES

The core opportunity repeatedly expressed during the interviews is that a CPPS is efficient and therefore allows municipal planners and staff to process more applications with the same staffing levels.

Huntsville is a municipality of 21,000 people, and the municipality maintains a staff of 2 planners and one administrative support role, and they are able to maintain excellent levels of service. Carleton Place has a similar population and the same staffing level and are also able to provide excellent service within the CPPS framework.

Carleton Place provided the following (**Table 5**) CPPS Statistics for their 2021 planning year. Their CPP By-law is structured in three classes based on complexity. The first two classes delegate approval authority to staff with the last and most complex class taken to Council for decisions. Their data shows that most of their applications are easily dealt with within the 45 day approval timeline and their most complex applications are still being processed between 60 and 90 days on average.

- Least complex applications – Development Permit Class 1 (DP1)
- Moderately complex applications – Development Permit Class 2 (DP2)
- Most Complex – Development Permit Class 3 (DP3)

**Table 5: Carleton Place CPPS Statistics**

<b>Number of applications:</b>	<ul style="list-style-type: none"> <li>• DP1 – 20</li> <li>• DP2 – 10</li> <li>• DP3 – 7</li> <li>• DP1A – 4</li> </ul>
<b>Number of Permits Issued:</b>	<ul style="list-style-type: none"> <li>• DP1 – 20</li> <li>• DP1A – 4</li> <li>• DP2 – 8 (2 in progress)</li> <li>• DP3 – 1 (3 denied, 2 in-progress, 1 upgraded from DP2)</li> </ul>
<b>Average processing time:</b>	<ul style="list-style-type: none"> <li>• DP1 – 1-2 days</li> <li>• DP1A – 1-2 week</li> <li>• DP2 – 30-45 days</li> <li>• DP3 – 60-90 days</li> </ul>

The interviews illustrated that once a CPPS is in place, there does not appear to be any push back on the use of the tool from a staff perspective. All interviewees expressed their preference to operate within the system so there is an opportunity to provide staff with a planning process that improves their ability to provide excellent service with minimal risk of staff rejecting the change in process.

### 5.1.3 KEY LEARNINGS

The key learnings, can be summarized as follows:

- A CPPS is a valuable and worthwhile planning tool to develop and implement;
- Comprehensive consultation for a shared vision with buy-in is fundamental. This creates cohesive understanding with all stakeholders and can support the avoidance of appeals of the implementing by-law;
- Public education and educational materials are necessary to avoid confusion and increase understanding of the process and tool;
- A key staff liaison that is responsible generally for the CPPS portfolio may be an asset in the first years of implementation to ensure consistency and a one-point source of support for all staff; and
- A CPPS represents good planning to create an efficient approvals system as per the shared vision for an area. It should not be viewed as a daunting pre-planning exercise, but rather the process by which a municipality can create a system of good planning principles that is more easily administered than traditional planning processes.

Through these discussions, the value of a CPPS was communicated repeatedly. Each CPPS is unique to the needs and priorities of that municipality. This flexibility lends itself well to the City of Markham using the same principles to develop a pilot CPPS to implement a known city building priority. This tool is flexible and transparent and offers the opportunity to make significant process improvements while still ensuring that the City’s development and city building priorities are met and excellent service is provided to residents and the development community.

Please refer to **Appendix B** to read full interview accounts with each municipality.

## 6 OPPORTUNITIES WITHIN THE CITY OF MARKHAM

City of Markham staff were asked for their feedback and input on the opportunities available to implement a CPPS in Markham. Structured questions were created to standardize the information received and presentations to the working group were delivered in October and December 2022. It was noted in several responses that staff feel there is a need for more education for them on the CPPS as a tool. Feedback was received from the following departments:

- Development Planning
- Heritage Planning
- Policy and Research
- Urban Design
- Zoning and Special Projects
- Strategy and Innovation

- Economic Development

Through consultation with city staff, it is recommended that an evaluation process to support decision-making on prioritizing pilot areas be created and that a pilot CPP By-law would best serve in an area that has:

- Existing Secondary Work underway or nearing completion (the visioning work done for advanced planning can support the visioning work for a CPPS);
- An identified City Building priority;
- A provincial planning priority and/or permission; and/or
- A link with a specific action contained within the Strategic Plan.

Additionally, the City of Markham could consider prioritizing community values or policy priority opportunities when identifying potential CPPS areas, such as:

- Heritage Districts or Neighbourhoods for preservation;
- Natural Heritage Features or Areas for protection;
- Intensification Areas built to a specific vision (i.e., amenities, greenspace, walkability);
- Supportive, Affordable or Rental Housing to meet targets.

## 6.1 SITE SPECIFIC AREAS OF OPPORTUNITY

Through consultation with staff, a list of areas of specific interest have been identified. These areas may have secondary planning underway or be an area within an existing secondary plan. The list also includes areas that are under current development pressure that would benefit from the shared vision of a CPP By-law or have an infrastructure project identified that will create other development pressure in the area.

Areas of specific interest to consider for the development of a CPPS include:

- Future Urban Area Employment Block
- Hwy 404/North Employment Area
- Markham Road/Mount Joy Area
- Markham Village Heritage Conservation District
- Unionville Heritage Conservation District
  - Main Street Unionville Community Vision Plan
  - Unionville Commercial Core Pattern Book: Village Design & Architectural Guidelines
  - Unionville Special Policy Area Boundary Review
- Markville Secondary Plan Study
- Milliken Centre Secondary Plan

- Cornell Centre
- Yonge North/ Royal Orchard
- Langstaff outside of Minister’s Zoning Order (MZO)
- Markham Centre Secondary Plan
- Major Transit Station Areas (MTSAs)

**Appendix C** provides additional details of the interviews and feedback received from Markham Staff. Several great opportunities exist in areas with advanced planning either underway or in place. These opportunities should be leveraged to achieve the City’s key city building priorities.

## 7 COST / BENEFIT ANALYSIS

The purpose of a cost / benefit analysis is to systematically assess if the sum of the potential rewards from the action outweighs the potential costs of the same action. The tool is used to determine if a decision / project / action should proceed or not. For this project, qualitative data was used to form the analysis as sufficient quantitative data is not available. To effectively evaluate on a quantitative basis, the development application processing and approval timelines, as well as staff costs per application would need to be available. Given these datasets are not currently available, a quantitative analysis based on the data compiled for this project was undertaken.

### 7.1 BENEFITS OF A COMMUNITY PLANNING PERMIT SYSTEM

There are several benefits of a CPPS for the City of Markham. They have been compiled and categorized below.

#### 7.1.1 EFFICIENCY

Municipalities often struggle with staffing levels required to adequately process development applications in a timely manner. All professional Planners spoken to through this study have identified this issue. The first benefit of a CPPS for a municipality is that existing staff levels will be able to process more applications in less time than the traditional system. It does not require additional staff or expertise to implement a CPPS, as Planners are trained to interpret and apply by-laws. The CPP By-law simply replaces the current evaluation parameters, but in a more detailed way that provides greater clarity for reviewers. Often, the CPP By-law creates a tiered system for application evaluation that allows the least complex to go through a very fast approval process. Carleton Place notes that they generally approve their Tier 1 (simple) applications in days up to two weeks, and their mid-level complex applications in 30 to 45 days. The most complex applications are still being approved in a 60 to 90 day window.

Lake of Bays reported the time savings of between 32 and 35% as illustrated in **Table 6**, following the implementation of their CPP By-law, when compared to the traditional planning tools. Although they are a rural-recreational municipality and may not be directly comparable to the application in an urban environment, the reported time savings are meaningful.

**Table 6: Process Saving in Lake of Bays**

Application Type	Tradition Process Timeline	CPPS Timeline	Processing Time Savings
Minor Variance and Site Plan	11 weeks	7.5 weeks	3.5 weeks or 32%
Rezoning and Site Plan	18.5 weeks	12 weeks	6.5 weeks or 35%

A CPP By-law removes the need for a Committee of Adjustment to consider Minor Variance applications in the CPP area. Small, often insignificant variances are built into the By-law, so applicants know the flexibility that they have. Applications that don't conform or fully comply with the By-law standards would need to continue to apply for an amendment to the CPP By-law itself. As this is a much more complex planning process, it is expected that applicants will generally avoid this option. Typically, a straightforward application that requires a Zoning By-law Amendment and Site Plan Approval process that legislatively can take 150 days, or a Site Plan Approval and Minor Variance process can approximately 60 days as per the Planning Act. By only having to review the application once, against very detailed requirements, staff have the increased ability to review and decide on applications in much less time than the traditional planning processes.

An additional efficiency to approvals is that a statutory public consultation meeting is not required under the Planning Act. Municipalities can host public meetings or send out application notices at their discretion, but the intention is that because the by-law is based on a shared community vision, a public meeting is not required to obtain feedback on things like impact to the community. Those issues will have been considered and addressed during the creation and development of the CPP By-law.

With the provisions of Bill 109 taking effect in 2023, application review processes are changing in the City of Markham. The updated processes will focus on improving the quality of applications and reducing the number of review cycles, thereby reducing approval times. The City is currently actively amending processes to improve approval timelines in the traditional planning system. This still requires each application to be reviewed separately whereas a CPPS offers the opportunity to use the new processes for one consolidated application to further improve review and approval times.

For applicants, the process is much more efficient in terms of approval timelines, which allows them to plan and fund their projects in a shorter timeframe than is currently available to them. With the

Provincial priority of building more homes faster, the efficiency of a CPPS can support the development community to get to the building permit phase of a project faster.

### 7.1.2 TRANSPARENCY AND PREDICTABILITY

A CPPS can reduce stakeholder communication time trying to explain the process and increase applicant relationships by improving transparency and having a more predictable approval system. The By-law is created in a consultative way and can be written in a public-friendly format that increases applicant understanding of the requirements and the process. The approval process can be written into the by-law to support full transparency of the information requirements for a complete application to the approval process itself.

A CPPS also offers the development community more predictability for approvals. In the traditional zoning by-law amendment process, an applicant creates a justification for why they feel their use of the land is appropriate. As this is a somewhat subjective task, rezoning processes can often require several review cycles as information, justifications and rationalizations are resolved. With a CPPS, an applicant understands the parameters of what can be approved in the CPPS area. The flexibility and variations are written in detail within the by-law. Any non-conformity outside of those variations will require an amendment to the CPP By-law itself. Pre and post approval conditions also support predictable approvals in that the by-law defines what conditions have to be met prior to development (for example a Stormwater Management Plan must be completed prior to a building permit being issued) versus post development conditions, such as a streetscaping plan that can be completed following the issuance of building permits. This flexibility allows applicants to quickly move towards their approvals, as certain development details can be finalized at various points in the permitting process.

This predictability also has the added benefit of allowing applicants to more accurately budget for projects in relation to approval timing.

### 7.1.3 COMMUNITY BUILDING

A cornerstone of good land use planning is community building through the implementation of a shared vision. A zoning by-law is a blunt tool that controls development by zones. It focusses on numerical elements such as building size, height and setbacks from lot lines. Alternatively, a CPPS considers these elements plus the other values for the community (for instance the provision of affordable housing, walkability or streetscaping elements etc.). A CPP By-law is permitted to include design guidelines, landscape features, building finishes, etc., whereas the traditional Site Plan Approval process can only address safety and sustainability elements. This allows a CPP By-law to be specific so that the vision can be implemented, and also builds in flexibility so that development is not stifled. A CPP By-law can consolidate all the policy and regulations for an area into one approval process and permit based on a shared community vision. This creates buy-in for the vision and can encourage a sense of place and community for residents.

Developing a shared vision for CPPS is a critical component of ensuring that Council and all stakeholders support the goals and objectives for the area. By establishing a CPPS by-law and conditions, the planned vision and community priorities for an area are established upfront to provide more certainty in the development review process

#### 7.1.4 RESOURCE SAVINGS

While it is not possible to provide exact estimates of savings, this project has anecdotally shown cost savings for both the applicant and the municipality. The municipality saves resources by processing more applications with the same staffing level and reducing the risk of an OLT appeals (which is very resource intensive). While appeals by the applicant are possible as well as appeals to the CPP By-law upon it's initial approval, the CPP tool is such that it may allow the avoidance of appeals based on the upfront understanding of what is required for approval.

Applicants can better prepare application documentation, which supports faster processing timelines and plan a shorter borrowing window for project funding.

#### 7.1.5 BILL 109 REFUND EXEMPTION

One of the most impactful aspects of Bill 109 is the ability of an applicant to obtain refunds for Site Plan Control, Zoning By-law Amendments, and combined Official Plan Amendments/Zoning By-law Amendment application fees from a municipality when they fail to meet an approval deadline. The municipality risks not being able to recover costs for services. Refunds could then compromise the funding of an entire department. Bill 109 did not specify that applicants could receive a refund under the CPPS. As the legislation is new, this has yet to be tested.

It is assumed that because the CPPS process is more streamlined than traditional planning processes, the reason that Bill 109 did not apply to the CPPS is to incentivize the use of this tool.

## 7.2 COSTS OF A COMMUNITY PLANNING PERMIT SYSTEM

In the evaluation of costs, it was determined that the municipality will bear the associated costs of the system (as opposed to the costs being shared or born by the applicant).

#### 7.2.1 RESOURCES TO IDENTIFY CANDIDATE AREAS

Budget will need to be assigned to undertake a more thorough assessment of the candidate CPPS areas to be included in the OPA when it is brought forward for approval. Internal Markham staff should evaluate the areas of interest in this report and prioritize them to identify a pilot project as well as potential future CPPS areas.

#### 7.2.2 RESOURCES TO DEVELOP THE CPP BY-LAW

As it has been determined that a CPP By-law would require a similar level of investment as the development of a Secondary Plan, the City of Markham can create an informed budget based on

recently completed secondary plan work. The scope of work needs to be assessed and compared to the secondary plan studies undertaken as well as the estimated cost of the training materials for staff and stakeholders. There are possible cost savings if the secondary planning level of information is available, versus a pilot area that has no planning work done to date.

The initial implementation of CPPS Official Plan Amendment and By-law are subject to appeal. This is a risk for the City, following the investment of resources into the development of a CPPS, and can add to the costs and delay in the implementation of a CPPS.

### 7.2.3 CHANGE MANAGEMENT COSTS

The use of a CPPS will require an investment in change management processes to support staff, Council, the development community and the general public. While a CPPS is not a new planning tool, it will not be familiar to most of the municipality's stakeholders and must be treated as unfamiliar. Therefore, an effective change management plan will be needed that includes training, communication, education, materials and follow-up with the key impacted stakeholders of Markham. The City's EPlan system will also need to be updated to allow for CPP applications in addition to the traditional development applications currently available.

A temporary cost to be considered is the hiring or assignment of a dedicated CPPS Planner for the first year of a pilot project. This would allow a constant and consistent level of knowledge to ensure project review teams are working as efficiently as possible within the CPPS. This person could also assist with the creation of any education materials and communication activities with residents and the development community regarding the program. There are many ways to assign, re-assign or contract a CPPS representative to increase Markham's ease of implementing a new process.

## 8 CONCLUSIONS

This investigation indicates that a CPPS could be beneficial for any planning authority. The challenges facing the City of Markham regarding a CPPS relate to the city's ability to prioritize the development of the tool and staff's capacity to implement it. The longer term benefits of a CPPS in any municipality have been demonstrated, but the initial outlay of time, resources and training can be a deterrent to creating and implementing a CPPS. This challenge is exacerbated by the reality of the requirements of recent legislative changes that require process changes for development applications. We believe these challenges can be successfully met and that the implementation of a CPPS may offer the City of Markham an approved and provincially supported tool to meet the new requirements. A CPPS can help achieve corporate and city building priorities and it can be used to reduce staff time and alleviate existing inefficiencies in the current development application review and approval processes. The City of Markham is in a timely and strategic position to utilize this tool to achieve wide-ranging benefits.

The five key categories of benefits have been summarized as follows:

### **1. Process Efficiencies**

It has been discussed anecdotally and reported specifically by Lake of Bays and Carleton Place that there are significant process efficiencies available for development approvals when a CPPS is in place. The savings in processing time will allow City Planning staff to process more applications, in less time, with the same staffing level.

### **2. Cost Savings**

There are potential savings to the applicant due to the ability to fund a project over a shorter timeframe. The level of transparency provided by a CPP By-law can also translate into lower study costs as it can reduce duplication and scope studies appropriately.

The municipality can also experience savings in terms of resources (staff time to evaluate applications) and hard budget savings from existing staff being able to take on other planning work rather than it needing to be outsourced.

### **3. Predictability and Transparency**

A CPP By-law offers a greater level of predictability and transparency for the development community. They know the exact requirements for approval and can plan their development accordingly. They can also be more assured of reduced review and approval timelines with a CPPS.

### **4. Flexibility and Specificity**

A CPP By-law allows built-in variations that support an applicant's ability to be creative while still maintaining the specific shared community vision upon which the By-law is founded. This allows flexibility for approval, but specific provisions to ensure the shared vision is implemented.

### **5. Meeting of Strategic Goals and Legislated Requirements**

A CPPS meets all four of the City's strategic goals. It is an available tool through the Planning Act that provides excellence in service, engagement, the implementation of a diverse, thriving, vibrant, safe and sustainable community while reducing the costs of development reviews and approvals.

## **9 RECOMMENDATIONS**

It is recommended that the City of Markham undertake a pilot CPPS in a strategic location.

There are four key supporting recommendations as follows:

### **1. Select Strategic Locations with Advanced Planning Work Available**

The OPA should identify specific areas for a CPP By-law selected from Section 6 of this report that meet short and medium term municipal priorities. This method will allow the City to respond to development trends by having a list of areas to choose from, and having the ability to modify the priority of implementation. This method can also avoid potential delays with any OLT appeals based on an OPA that is too broad to evaluate the appeal. The City should consider achieving a draft implementation by-law before putting forward the OPA. This will allow for a more structured OPA to define potential CPPS areas and mitigate the risk of an OPA appeal being held up until the completion of an implementation by-law.

The pilot area should have advanced planning work underway. This will allow the municipality to save time and resources in the development of a CPPS, allowing the by-law to be implemented as soon as possible. The faster a CPP By-law is in place, the sooner the City can embrace the benefits of the system and begin tracking its success.

It is not recommended that approved Secondary Plans be used as the pilot project. These Plans have already gone through the appeals process and applying the policies of the Secondary Plan in a CPP By-law will open them up again to possible appeal. It is more strategic to take advantage of advanced planning that has not yet been approved.

## **2. Train All Planning and Review Staff**

It was very clear from other municipal examples that having a staff that is comfortable with the contents and application of a CPP By-law is a key to its success. It is recommended that staff not only be trained in advance, but that on-going training and check-ins occur in the first two years of implementation.

Additionally, staff should be well versed in the support materials and communications (see below) that are available for the public and the development community to ensure consistent and effective education as the CPPS is implemented.

## **3. Develop a Stakeholder Communication Plan**

Another key learning from other municipal examples is to create a comprehensive communication plan around what a CPP By-law is, how it is implemented and how the new system will work for applicants. Clear and continuous communication is needed for the public, Council, and the development community. Developing resources like webinars and posted presentations is recommended in addition to in-person workshops and social media posts.

## **4. Continuous Monitoring**

It is very clear that there is a lack of true measurable metrics where CPPs have been implemented. For the City of Markham to measure success and have the data necessary to evaluate the pilot CPPS and future CPP By-law, standardized tracking is required for both the CPP process and the traditional processes in place. This will allow direct comparisons of costs and effectiveness and be a tool to guide process modifications or improvements. Metrics that

include the number and type of application, the processing and approval time, any appeals and the number of staff hours required per application is essential data on an on-going basis.

## 10 NEXT STEPS

Should Council agree that a CPPS in the City of Markham is beneficial to explore, the next step is for staff to be given direction to investigate the most strategic area to pilot a CPP By-law. External consulting services or in-house staff expertise can be used for this process and/or the development of the Community Planning Permit By-law and Official Plan Amendment that are required by the Planning Act.

## APPENDIX A: COMMUNITY PLANNING PERMIT SYSTEM, SECTION 70.2 OF THE PLANNING ACT

**70.2** (1) The Lieutenant Governor in Council may, by regulation,

- (a) establish a development permit system that local municipalities may by by-law adopt to control land use development in the municipality; or
- (b) delegate to local municipalities the power to establish a development permit system upon such conditions as may be set out in the regulation. 1994, c. 23, s. 46.

### Contents

(2) A regulation under subsection (1) may,

- (a) vary, supplement or override any provision in Part V as necessary to establish a development permit system, including, for greater certainty, providing that there is no appeal in respect of a by-law passed by a municipality to adopt or establish a development permit system;
- (a.1) vary, supplement or override any municipal by-law passed under Part V as necessary to establish a development permit system;
- (b) authorize or require a local municipality to pass a by-law to vary, supplement or override a by-law passed under Part V as necessary to establish a development permit system;
- (c) exempt a municipality which has adopted or established a development permit system from any provision of Part V set out in the regulation;
- (d) prohibit a municipality which has adopted or established a development permit system from passing a by-law under those provisions of Part V that are specified in the regulation;
- (e) set out procedures for appealing to the Tribunal in respect of a development permit or a condition in a permit, including prescribing persons or public bodies that may appeal to the Tribunal in that regard;
- (f) prescribe policies that must be contained in an official plan before a development permit system may be adopted or established;
- (g) prescribe conditions or criteria that must be met before a municipality passes a by-law adopting or establishing a development permit system;
- (h) prescribe conditions or criteria that must be met before a development permit may be issued or that must be included in a development permit;
- (i) prescribe powers that the municipality may exercise in administering a development permit system;
- (j) limit or restrict the manner in which municipalities may exercise the power to issue development permits or pass by-laws adopting or establishing a development permit system;

- (k) establish different standards or procedures for different municipalities or classes of municipalities;
- (l) authorize the municipalities to appoint employees to carry out the duties required under the development permit system and delegate to them the powers necessary to carry out these duties;
- (m) require any owner of land, upon the request of the municipality, to enter into agreements with the municipality as a condition to obtaining a development permit;
- (n) revoke any provision in a development permit by-law or any condition in a development permit in respect of any defined area and set out other provisions or conditions that apply in respect of that area;
- (o) prescribe provisions that must be contained in a development permit system;
- (p) exempt any development or class of development, any municipality or class of municipality or any areas from a development permit area or a development permit by-law;
- (q) provide for transitional matters that may be necessary to implement a development permit system or to cease using a development permit system. 1994, c. 23, s. 46; 2015, c. 26, s. 36 (1); 2017, c. 23, Sched. 5, s. 102; 2019, c. 9, Sched. 12, s. 18.

#### **Same, five-year period**

(2.1) A regulation under subsection (1) may,

- (a) provide that when a by-law adopting or establishing a development permit system is passed, no person or public body shall apply to amend the relevant official plan with respect to policies prescribed under clause (2) (f) before the fifth anniversary of the day the by-law is passed;
- (b) provide that no person or public body shall apply to amend a by-law adopting or establishing a development permit system before the fifth anniversary of the day the by-law is passed;
- (c) provide that a prohibition provided under clause (a) or (b) does not apply in respect of an application if the council has declared by resolution that such an application is permitted. 2015, c. 26, s. 36 (2).

#### **Same**

(3) A regulation under this section may be general or particular in its application and may be restricted to those municipalities set out in the regulation. 1994, c. 23, s. 46.

#### **Conflicts**

(4) A regulation made under this section prevails over the provisions of any other Act that are specified in the regulation. 1994, c. 23, s. 46.

#### **Registration of agreement**

(5) An agreement entered into under clause (2) (m) may be registered against the land to which it applies and the municipality may enforce its provisions against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 1994, c. 23, s. 46; 2006, c. 23, s. 27.

#### **Deemed conformity with official plan**

(6) If a development permit by-law is passed under this section by the council of a municipality in which an official plan is in effect, subsection 24 (4) applies to the by-law in the same manner as if it were a by-law passed under section 34. 1994, c. 23, s. 46.

#### **Conformity with upper tier plans**

(7) If an approval authority has approved an official plan adopted by an upper-tier municipality, every development permit by-law that is then in effect in the area affected by the plan shall be amended to conform with the plan and subsections 27 (2) to (4) apply, with necessary modifications, to the amendment. 1994, c. 23, s. 46; 2002, c. 17, Sched. B, s. 27.

#### **Offence**

(8) Every person who contravenes a development permit by-law passed under this section or the conditions of a development permit is guilty of an offence and on conviction is liable to the fines set out in section 67 and section 67 applies to the offence. 1994, c. 23, s. 46.

#### **Section Amendments with date in force (d/m/y)**

##### **Use of alternate terminology**

**70.2.1** (1) A regulation made under subsection 70.2 (1), an order made under section 70.2.2 or a by-law passed under section 70.2 or 70.2.2 may refer to development permits as community planning permits. 2015, c. 26, s. 37.

##### **Same**

(2) When a regulation, order or by-law refers to development permits as community planning permits, as described in subsection (1),

(a) the effect of the regulation, order or by-law is the same for all purposes as if the expression “development permit” were used; and

(b) a permit that is referred to as a community planning permit is a development permit for all purposes. 2015, c. 26, s. 37.

##### **Same**

(3) Subsections (1) and (2) also apply with respect to combined expressions such as “development permit system” and “development permit by-law”. 2015, c. 26, s. 37.

### **Section Amendments with date in force (d/m/y)**

#### **Orders re development permit system**

**70.2.2** (1) The Minister may, by order, require a local municipality to adopt or establish a development permit system that applies to,

- (a) the area specified in the order, in the case of an order that delineates the area’s boundaries; or
- (b) an area surrounding and including a specified location, in the case of an order that does not delineate the area’s boundaries. 2019, c. 9, Sched. 12, s. 19.

#### **Non-application of *Legislation Act, 2006, Part III***

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1). 2019, c. 9, Sched. 12, s. 19.

#### **Effect of order under cl. (1) (a)**

(3) When an order made under clause (1) (a) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of the area referred to in clause (1) (a). 2019, c. 9, Sched. 12, s. 19.

#### **Effect of order under cl. (1) (b)**

(4) When an order made under clause (1) (b) is in effect, the local municipality shall, within the time period, if any, specified in the order, adopt or establish a development permit system in respect of,

- (a) the specified location referred to in clause (1) (b); and
- (b) an area surrounding the specified location referred to in clause (1) (b). 2019, c. 9, Sched. 12, s. 19.

#### **Determination of boundaries**

(5) For the purposes of clause (4) (b), the local municipality has discretion to determine the boundaries of the area that is to be governed by the development permit system. 2019, c. 9, Sched. 12, s. 19.

## APPENDIX B: REVIEW OF EXTERNAL MUNICIPAL EXPERIENCES WITH COMMUNITY PLANNING PERMIT SYSTEMS – BACKGROUND, METHODOLOGY AND INTERVIEW FEEDBACK

In July 2022, the following municipalities were contacted asking for their time and input regarding their experiences with a CPPS (formerly known as a Development Permit System or DPS):

- Lake of Bays
- Carleton Place
- Gananoque
- Brampton
- Innisfil
- Huntsville
- Ajax
- Ottawa

There are several very useful comparison reports regarding the technical aspects of implementing a DPS or CPP by-law. These reports will be extremely beneficial in the development of a CPPS in Markham to illustrate the various approaches that have been used.

### **Municipal Comparisons**

Each municipality was sent the interview questions in advance, and those that were available graciously provided their time, expertise and in some cases, their staff reports, to help us better inform the City of Markham regarding other municipal experiences. The individual interview records and the contact information of the interviewees as well as links to their DPS or CPP by-laws are provided at the end of this appendix.

Below, the status of the CPPS / DPS in each municipality is described, along with highlights of the staff interview and a final section on that municipality’s lessons learned.

### **LAKE OF BAYS**

In 2001, the Ministry of Municipal Affairs and Housing (MMAH) selected Lake of Bays as one of five DPS pilot projects in Ontario. The other pilot projects were located in the City of Hamilton, Town of Oakville, City of Toronto, and the Region of Waterloo. Notably, Lake of Bays was the only municipality that enacted a DPS.

In 2004, Lake of Bays introduced its first DPS By-law, focusing on their waterfront. In 2018, the Township started a review of its DPS By-law with a main objective to review and expand the CPP Area to include other parts of the community. On November 18, 2021, the Township of Lake of Bays passed By-law 2021-111 that brings the existing Development Permit By-law 2004-180 and the Comprehensive Zoning By-law 2004-181 into one CPPS for the entire Township.

The new CPP by-law focuses on Waterfront, Rural, Community, Extractive, Waste Disposal Industrial, Institutional, Open Space, and Environmental Protection Areas and identifies two classes of permits. A Class 1 Staff Variation is issued for development applications that generally meet the intent of the CPP By-law. There are no notification requirements associated with a Class 1 Staff Variation. If a development application is more complex, it is considered a Class 2 Council Variation. A development application under a Class 2 application stream will be reviewed and approved by Council and property owners within 120 m of the subject property are notified. The CPP by-law identified discretionary uses as conditions for certain types of developments in the identified 28 CPP areas.

Two appeals to the OLT were filed regarding the updated CPPS. No decisions regarding these appeals have been made to date.

### **Lake of Bays Staff Interview**

No staff interview was possible after several follow-ups with municipal staff. However, former planning staff provided interview feedback from their time at Lake of Bays.

In 2020, the Township of Lake of Bays processed 88 DPS permits, 14 zoning by-law amendments, 7 site plan applications and 2 minor variances.

When the By-law was first approved, staff started to track average timing to issue each type of Development Permit. The first two years of implementing the Development Permit System were not included as it was necessary for staff to “settle in” with the new system and complete a few housekeeping amendments to clarify the intent of specific problematic by-law provisions. In general, (e.g., removing extremely difficult files), the average timelines between the traditional planning tools (zoning, minor variance & site plans) and the DPS were significantly reduced by 2-3 months.

### **Lake of Bays Key Lessons**

- Efficiencies are gained through reviewing a project once and incorporating cooperation from the building department to get on-site information and pictures where appropriate.
- Education of the public and the development community is critical on the benefits of the system and how the processing roll-out will occur (i.e., the first year may be slower as staff get used to the system).
- Provide clear internal processes to impose securities, review final work and issue refunds as soon as possible to avoid additional administration.
- Allow landscaping and vegetation flexibility for individual properties.
- The CPPS can be developed with delegated authority concerns in mind (i.e., the process can include hearing of concerns should that satisfy concerns during the development of the CPPS).

## **CARLETON PLACE**

The Town of Carleton Place is located east of Ottawa in Lanark County and has a population of approximately 11,901 people (Census, 2016). Carleton Place is known for its small town character and its location along the Mississippi River, a tributary of the Ottawa River. As per the Town of Carleton Place Official Plan (July 2013), Policy 6.14 states that the entire Town shall be governed by a DPS By-law. The Carleton Place Official plan provides a detailed overview of the objectives of introducing a DPS and the application requirements for a DPS permit.

The Town’s DPS By-law came into effect in 2008, and identifies four classes of DPS Permits, which delegate the approval authority to either staff or the Planning Advisory Committee as follows:

- A Class I Development permit is issued for residential development applications that generally meet the intent of the DPS By-law.
- A Class IA Development Permit is required for non-residential development applications that generally meet the intent of the DPS By-law and do not result in any off-site impacts related to traffic, noise, drainage, lighting or similar impacts. Class I and IA Development Permits are approved by staff and do not have any notification requirements.
- A Class II Development Permit is issued for development that requires minor variations from the standards in the DPS By-law. The development permit is approved by staff and a notice is posted on the subject property for 15 days.
- Class III applications are approved by the Planning Advisory Committee. These applications require that a notice of the proposed development is posted on the site, published on the Town’s website, and circulated to properties within 120 m of the subject lands. Permit applications may be referred to Council for review. As part of the development permit application process, a pre-consultation meeting with staff is required.

Since its implementation in 2008, the Town’s DPS By-law has undergone minor amendments in 2015 to 2018. Some of these amendments were schedule-related and establishing compliance between the DPS By-law, other By-laws, and the County’s Source Water Protection policies.

In October 2020, a Public Open House was held regarding a more comprehensive amendment to the DPS By-law in accordance with Section 34 and 70.2 of the Planning Act. The purpose of the amendment was to address the following items, among others:

- Update typographical errors, grammar, and omissions;
- Clarify administration, interpretation, enforcement, application class, application requirements, application process and agreement/permit requirements;
- Provide further detail on key issues such as outdoor storage, parking, permitted projections, secondary suites, increasing permitted uses in permit areas, additional provisions in greenfield and infill development; and
- Add clarification and additions to definitions.

Carleton Place’s DPS By-law approval process emphasized the importance of regularly monitoring the implementation of the By-law to help make refinements based on community and stakeholder needs.

## Carleton Place Staff Interview

Carleton Place has had a DPS (CPP) in place since 2008 for the entire boundary of the municipality. The Town has approximately 20,000 people and is growing. A three person planning department handles all planning applications through their CPPS. Both the Director of Development Services and their Senior Planner prefer to operate with the CPP rather than a more traditional zoning by-law approach.

Carleton Place’s Senior Planner’s professional history includes being the Planner at a different municipality that did not have a CPPS. Her comparison experience is very valuable with firsthand knowledge of both systems and how they operate.

The biggest efficiencies described are around processing time and the ability to move quickly through a technical review process. Once caveat to this is that Carleton Place is all designated as “urban” lands, so they can avoid challenges that may be present with areas that have delineated urban versus rural areas.

The biggest challenge they face is public understanding of the process. The CPPS still uses technical and “planning” terms that are not widely understood by the public. The lack of resources to remedy the communication issue compounds the lack of understanding.

The statistics provided for Carleton Place are extremely helpful to illustrate the possible approval timelines. Notable is that only 1 of the 7 reported DP3 (a Class 3 Development Permit that is classified as such because it they are the most complicated) applications has been approved. 3 were denied, whereas with the other classes, all have been approved. This is a good indication that the CPPS is working as intended because if all DP3 applications were being approved, the Class rankings and/or variance tolerances should be looked at (i.e., perhaps they should be more flexible to avoid the need for the DP3 process).

The average processing time is also indicative of the success of this system. 59% of applications are being processed in under two weeks, which is an excellent service to the public. That means that 83% are being processed within the 45 day time limit, and the remaining 17% (that are the most complicated) are falling outside of the Planning Act CPP timelines. It is important to remember that the DP3 applications are the most complex to evaluate and must be approved by Council. This is in line with a traditional zoning by-law process and shows that the added complexity and approval process for applications that fall outside of the shared community vision of an area that a CPPS implements are extremely time-consuming and resource intensive.

Number of applications:	<ul style="list-style-type: none"> <li>● DP1 – 20</li> <li>● DP1A – 4</li> <li>● DP2 – 10</li> <li>● DP3 – 7</li> </ul>
Number of Permits Issued:	<ul style="list-style-type: none"> <li>● DP1 – 20</li> <li>● DP1A – 4</li> </ul>

	<ul style="list-style-type: none"> <li>● DP2 – 8 (2 in progress)</li> <li>DP3 – 1 (3 denied, 2 in-progress, 1 upgraded from DP2)</li> </ul>
Average processing time:	<ul style="list-style-type: none"> <li>● DP1 – 1-2 days</li> <li>● DP1A – 1-2 week</li> <li>● DP2 – 30-45 days</li> <li>● DP3 – 60-90 days</li> </ul>

The final question asked in each interview is “Why don’t you think other municipalities are utilizing this planning tool?” Carleton Place staff feels that there is a lack of information as well a lack of resources to undertake new planning processes.

### Carleton Place Key Lessons

Some key lessons gleaned from the interview are:

- Defining the Classes of applications is extremely important to ensure that lower impact applications land in the lower classes for faster processing.
- The CPPS should be as clear for the public, and as straightforward to implement for staff, as possible.
- Having a system “ambassador” is important to be able to communicate to all stakeholders the value, purpose and advantages of a CPPS.

### GANANOQUE

The Town of Gananoque is located to the east of Kingston and has a population of approximately 5,159 people (Census, 2016). The Town’s location along the St. Lawrence River within the 1,000 Islands area makes it a popular tourist destination. As per the Town of Gananoque Official Plan (September 2009), Policy 5.4.10 states that the entire Town may be designated as a DPS. The Official plan provides a detailed overview of the objectives of introducing a DPS and the application requirements for a DPS permit.

In 2009, the Town adopted the DPS-enabling policies in its Official Plan, which was followed by the enactment of the DPS By-law in 2011. In alignment with Gananoque Official Plan Policy 5.4.10.2, the objectives of implementing a DPS By-law included preserving and enhancing the Town’s heritage, preserving the historic and environmental character, and promoting a sustainable development pattern that provides high quality of life for residents. The DPS By-law is applicable throughout Gananoque, with some exceptions. Additional modifications are required for Waterfront Areas and Entrance Areas. The DPS Area is delineated on Schedule A of the DPS By-law.

The DPS By-law identifies three classes of development permits. Based on the complexity and scale of the development, a permit application may be approved by staff, the Planning Advisory Committee, or Council.

- A Class I Development Permit is issued by staff for development applications that generally meet the intent of the DPS By-law. Development applications that do not meet the general intent of the DPS By-law are considered a Class II Development Permit.
- A Class II Development Permit is reviewed and approved by the Planning Advisory Committee and requires that a notice is circulated to properties within 120 m of the subject lands.
- A Class III Development Permit is issued for development applications that do not meet the general intent of the DPS By-law. Development applications that are considered a Class III are reviewed and approved by Council and require that a notice is posted on site and circulated to properties within 120 m of subject lands.

A development permit is not required for single, semi-detached, and duplex dwelling units, as long as the development or proposed development is conforming to the requirements, standards and provisions within the designated Residential Development Permit Area. A development permit is also not required for any development previously approved through site plan control. Technical reports may be required for a more complex development permit including, but not limited to: Stormwater Management Report, Noise Impact Analysis, Environmental Impact Statement, Tree Preservation Plan, and Archeological Assessment studies.

Since the approval of the DPS By-law in 2011, minor amendments have been made to clarify the procedures of development approvals. In early 2020, the DPS By-law was amended to include definitions, provisions and discretionary uses related to Bed and Breakfasts, Heritage Tourist Inns and Short Term Accommodations.

### **Gananoque Staff Interview**

Requests for an interview were not responded to, but follow-up emails resulted in the following information:

- Gananoque processes between 20 and 25 Development Permits per year on average,
- They are able to meet the 45 day approval timeline, largely because of their pre-consultation and information requirement before an application is deemed complete.

### **BRAMPTON**

The City of Brampton has a Main Street North DPS in place and was working on a CPPS for the Queen Street corridor until recently.

The Main Street North DPS applies to the lands that generally straddle Main Street North between Church Street and Vodden Street. It also includes lands on the east side of Isabella Street and Thomas Street as

well as some lots on Victoria Terrace, William Street, Bird Avenue, Ellen Street, and Alexander Street. The Main Street North DPS came into force for the subject lands in December 2015. Part of the DPS is a 123 page Design Guideline document that outlines the specific requirements for Streetscapes, landscapes, built form, heritage, sustainability, signage and engineering guidelines.

Brampton’s Community Planning Permit System (CPPS) By-law project along a portion of the Queen Street corridor is currently on hold. The City has had to shift focus from this project to their Major Transit Station Areas (MTSAs) project, which includes a number of MTSAs along the Queen Street corridor. There are no discussion papers, policy documents or reports that have been prepared on the proposed Queen Street CPPS since January 2020.

Reported goals of the DPS are:

- To streamline the approvals process while retaining development controls;
- Tailors the process to proposals;
- Delegated approvals to the Director;
- Minor applications to be approved by the Manager (façade improvements);
- Invest in the site, not the approval process;
- Fees represent complexity and some applications will have no fee;
- Decrease processing time through the processing of just one application;
- A Notice of Decision is required to maintain transparency.

Brampton also reported the following anticipated benefits:

- A Development Permit System is seen as a suitable tool to support the ongoing revitalization of the Main Street North Area;
- Allows greater flexibility in the planning framework to secure important land use, urban design, streetscape and other objectives;
- Process requirements tailored to the scale and nature of the development; and
- Allows the City to implement shorter review times, simplify the regulatory environment where possible and reduce application costs.

## **Brampton Staff Interview**

Multiple requests to multiple staff did not result in an interview regarding Brampton’s experience with their CPPS.

## **INNISFIL**

The Town of Innisfil is located on the western shore of Lake Simcoe, immediately south of Barrie in Simcoe County. As of 2016, the Town has a population of approximately 36,566 people. As per the Town of Innisfil Official Plan (November 2018), the entire Town is designated as a CPPS area, Official Plan Policy 22.17.2 identifies the Lake Simcoe shoreline, Innisfil Heights Strategic Settlement Employment Area, and the Waste Disposal Assessment Areas as priority areas.

The objective of the CPP By-law is to promote alignment between development and the Lake Simcoe Protection Plan; maintain residential and recreational uses along the shoreline; enhance the ecological function of the shoreline; and protect people and property from natural hazards. Three guiding principles – Grow, Connect, Sustain – form the basis of the CPP By-law and are reiterated throughout the document.

The CPP By-law identifies three classes of development permits, which delegate the approval authority to either staff or Council.

- A Class 1 Application involves variations to the development standards within the CPP By-law which require review and approval by Council. A Class 1 Application requires notification of property owners within 60 m and up to 120 m of the subject property;
- A Class 2 Application involves variations to the development standards that may be considered by staff; and
- Class 3 Application meets all development standards within the CPP-By-law. Class 2 and 3 Applications do not have any notification requirements associated with them.

Within the CPP By-law, twenty-one Shoreline Permit Areas are identified. All areas are addressed under one set of standards, providing direction on land and water permitted uses, development standards, variations, and accessory uses. Since the CPP Area focuses on the shoreline, only two discretionary uses are identified within the by-law - boathouses and boat ports which are subject to a Class 1 permit. Detailed policies are provided on criteria, variations, and conditions of approval, which align with the guiding principles identified at the beginning of the CPP By-law. Site-specific provisions are included for specific properties. In addition, the CPP By-law includes policies on height and density increases in exchange for community benefits, such as public art, parkland, built form innovative technology, public access to shoreline, and streetscape improvements.

In instances where a variation from the standards is sought, the following criteria must be met prior to the issuance of a planning permit:

- The proposal is appropriate for the lands;
- The proposal takes into account the unique characteristics of the property;
- Any potential off site impacts are identified and mitigated;
- The proposal shall maintain the general intent of the By-law;
- The proposal shall maintain the general intent of the Official Plan; and,
- The proposal is consistent with the Provincial Policy Statement and is consistent with all applicable provincial plans and policies, including the Lake Simcoe Protection Plan (LSPP) and any other provincial plan or policy. If ever a conflict arises between any plan, policy or document, the provision that gives the greatest protection to the ecological health of the Lake Simcoe watershed will prevail.

This approach is different from the other CPP By-laws reviewed in that a set of criteria must be met, instead of assigning a percentage variance. This highlights the importance of a customized approach to variations, depending on the overall goal, which in the Innisfil example is protection of the shoreline.

While the CCP By-law was approved by Town Council 2017, it took almost two years of hearings and appeals before it was approved by the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT). Specific areas that required attention included deciding on how to promote an ecologically sound and safe development process along the Lake Simcoe shoreline.

## Innisfil Staff Interview

After several attempts to contact the Town of Innisfil to book an interview, we reached out to the Director of Development Services at the City of Barrie, as she was an integral part of the CPPS development team in Innisfil prior to her move to the City of Barrie.

Key take-aways from this discussion are as follows:

- She would like to undertake a CPPS in the City of Barrie now that their Official Plan and Zoning By-law review are complete. These steps are needed before moving towards a CPPS. She describes this as “getting your house in order”.
- Industrial developments in employment lands (depending on use) are an area she believes would be a good fit for a CPPS and accessory dwelling units are an area that she feels are well suited for a CPPS.
- When asked about MTSA’s specifically, the Director was unsure about using a CPPS for tall buildings as they tend to be very complex, especially with the densities trying to be achieved.
  - Note: MTSA’s were specifically mentioned as Ajax halted their CPPS project to focus on MTSA policy work, and given the similar urban nature of Barrie and Ajax, Barrie’s perspective on a CPPS for MTSA’s would prove valuable.
- It is hard to compare a comprehensive zoning by-law review and the development of a CPPS as they are very different activities. The process was likened to the development of a CPPS taking about the same resource intensity as developing a secondary plan.
- There is an advantage with the Bill 109 refund exclusion for municipalities to use a CPPS.
- Her experience with Councils and accepting a CPPS has been positive. A CPPS was communicated as a very efficient way to capture approvals and was not met with resistance.
- Focused and more broad consultation are needed to get buy-in. Consistent updates to Council are important as well so that they don’t just approve a budget and then see the final product. The extensive consultation makes for a better project and outcome, and makes it much easier at the time of adoption as all parties understand and have been included in the process.
- Discretionary uses are a huge advantage to remove the need for rezonings.
- A CPPS allows municipalities to achieve built form standards and site plan approvals in one step.
- Subdivision approvals are getting more complicated with townhouses and/or condo blocks mixed with single detached. A CPPS could clean this up.

- Development of a CPPS is not as difficult as many people assume it is. It is important Planning work that removes red tape through approvals. A CPPS is a very effective way to gain efficiencies.
- There may be a need for a mentality shift so that staff can feel confident making decisions as opposed to making recommendations to Council.

## Innisfil Key Lessons

Extrapolating from the two year appeal process, a key lesson is that thorough, constant and effective consultation is a critical element of success.

Another valuable piece of information is the distinction that the development of a CPPS is not “red tape” or costly administrative work. It is good Planning that results in processing and administrative efficiencies while achieving a shared land use vision for an area or sector.

## HUNTSVILLE

The Town of Huntsville is comprised of the Huntsville Urban Settlement Area; the Community Settlement Areas of Novar, Port Sydney and Utterson; the Hidden Valley Recreational Resort and Lifestyle Area; the Waterfront; and Rural Areas. The Official Plan sets out policies for numerous different land use designations throughout these areas.

On July 25, 2022, the Towns of Huntsville passed their CPP By-law (By-law 2022-97). This By-law establishes when a Community Planning Permit is required, and when development is exempt from obtaining a permit. If a permit is required, the CPP By-law implements 3 classes of permits, where approval may be delegated to staff or Council:

- a Class 1 application meets all development standards within this By-law;
- a Class 2 application involves minor variations to the standards of the By-law; and
- a Class 3 application involves major variations from the standards and provisions outlined in this By-law.

Depending on the complexity of an application, a CPP may be approved outright or may be approved provisionally. If approved outright, a permit is issued and the development can proceed by way of building permit (if required). If approved provisionally, and the application is granted an approval in principle, the Town could specify conditions to be satisfied prior to final permit issuance.

The development of Huntsville’s CPP went through a comprehensive process and included a Background and Directions report that compared best practices of Lake of Bays, Town of Innisfil, Town of Carleton Place and Gananoque to form their key recommendations. That report was reviewed and used as a resource in the writing of this report.

The Final CCP was appealed to the Ontario Land Tribunal (OLT) in July 2022 with no resolution to that appeal at the date of writing this report.

## Huntsville Staff Interview

Town of Huntsville staff explained that the Town has passed the CPP By-law and OPA, but that approval of the OPA is still with the District for approval. A Statutory Public Meeting for the OPA was held July 13, 2022. The Effective Date for the CPP By-law is the day after the last day for filling of a notice of appeal relating to the OPA, if there are no appeals; or, where appeals are received, the day after the day on which all appeals on the CPP By-law and/or OPA are disposed of by the Ontario Land Tribunal. Additionally, the CPP has been appealed to the OLT.

The CPP was developed to primarily alleviate rezoning and site plan processes on waterfront lots. Since 2008, the Town has required Site Plan approval on all waterfront lots, and this requirement was generating a lot of applications to Town staff. In 2021, the following were received:

- Site Plan Approvals – 143
- Minor Variances – 47
- Consents – 63
- Zoning By-law Amendments – 41
- Official Plan Amendments – 0 (a new OP approved in 2019)
- Plans of Subdivision / Condominium – 3

Existing approval timelines were described as:

- Residential Waterfront Site Plans = 4 to 8 weeks
- Non-residential/multi-residential and industrial Site Plans = 8 to 10 weeks
- Site Plan Amendments = 4 to 6 weeks
- Major Non-Residential Site Plan = 8 to 24 weeks (2 to 6 months)
- Zoning By-law Amendments = 9 to 12 weeks

The key challenge described related to the inclusion of tree-cutting elements in the CPPS and the confusion of the public with these parameters. It led to residents feeling like a separate by-law was being “snuck” past them and it dominated a great deal of the consultation on the CPPS.

The intent of the CPPS is to greatly reduce the number of waterfront Site Plan applications and therefore staff time and resources. There is a concern that the number of pre-consultation requests may prove difficult, but the Town is also implementing the Planning module of Cloud Permit (an e-permitting software) that will build in the information requirements and hopefully alleviate some of the need for pre-consultations.

A common thread in our discussion was that public consultation on all areas of concern is critical and that public-friendly materials will support the consultation process in a fundamental way. A Staff person feels that CPPS are an exciting policy options for planning efficiencies, especially given new Bill 108

requirements. She also communicated that municipal staff rarely have “extra” time to take on new projects, so resources may be a barrier to creating CPPS in other areas.

## Huntsville Key Lessons

Some key lessons heard from this interview are:

- Clarity in the process is essential. For the public and for staff.
- There will be a transition period that may be confusing for staff.
- Public education is very important, and the creation of public-focused educational materials is a key component of that education.
- Comprehensive staff input is critical early and continuously to ensure buy-in and understanding.
- Identify the stakeholders that may slow the process down or are very involved to ensure they are consulted with efficiently, early and often.

## TOWN OF AJAX

Manager of Planning at the Town of Ajax responded to our request for an interview by providing two staff reports and an explanation of why Ajax did not move forward with their CPPS process.

It was explained that an OPA had been prepared, with the intention of having Council adopt it and providing direction to staff to undertake a separate CPP by-law study later to establish the CPP By-law provisions. During this process, the City of Toronto’s CPPS was appealed to the OLT and the Town of Ajax made the decision to postpone the proposed OPA until the OLT decision was made to gain a better understanding of the basis for the appeal. The decision from the OLT was that an OPA cannot be adopted on its own and must be brought forward in conjunction with an implementing CPP By-law. Since the Town of Ajax didn’t have the resources at the time to undertake the CPP By-law work, the project was suspended. There is no current plan to begin the CPPS development process again.

## Ajax Staff Interview

No interview was conducted.

## Ajax Key Lessons

The background report prepared for the Town of Ajax in 2016 provides the following conclusion of the report:

*From the analysis conducted in this Background Report, a DPS By-law would suit three types of areas in Ajax best:*

- *Areas where development is encouraged and streamlining the approval process is important, such as areas currently dominated by large format retail or aging retail plazas.*

- *Areas where redevelopment is encouraged, but compatibility and mitigating the impacts is an important consideration, such as, mixed used areas or areas of intensification.*
- *Areas where the natural or historic features of the area deserve protection. This may include areas of historic interest or areas focused on protecting the environment or areas adjacent to natural heritage features.*

*The areas listed above are identified in the Town’s Official Plan as priority areas for intensification and preservation and include the Downtown Regional Centre, the Uptown Regional Centre, the Midtown Corridor, the Go Transit Station Mixed Use Area and the Village Centre. Any of the Intensification Areas would benefit from having a DPS By-law in place.*

*From the review conducted in this Report, a DPS By-law would not likely be appropriate for existing neighbourhoods which are not intended to experience redevelopment, or for greenfield areas that are planned to accommodate residential or employment development.*

Given the similar urban circumstances of the Town of Ajax and the City of Markham, the above recommendation should be considered in the context of a Markham CPPS.

## **CITY OF TORONTO**

The City of Toronto is an ongoing case before the Ontario Land Tribunal (OLT) with multiple decisions issued to date. The appeal was of the adoption of the City of Toronto initialed Official Plan Amendment No. 258 – Development Permit System. As with all OLT decisions, there are important considerations and planning conclusions provided by the Tribunal. To support the City of Markham in the possible development of a CPPS, we felt it was valuable to summarize the decisions from the City of Toronto’s experience.

### **July 13, 2016 Decision**

- The Procedural Order was determined.
- New wording was added to the Procedural Order to make it clear that parties may call non-expert witnesses.
- Administrative errors in recording of representation and appearances list were corrected.

### **September 9, 2016 Decision**

- The Board granted the request of BILD, the Landowners and the Ratepayers that the MMAH must bring a motion in accordance with the Board’s Rules, relating to the issue of Mr. Peter Smith’s evidence in the hearing. MMAH is claiming he may violate the terms and confidentiality of a 16 year old agreement with the Ministry in his evidence in this case.

### **March 16, 2017 Decision**

- The Board was advised that the Ministry was withdrawing from its prior position, and that Mr. Smith’s evidence no longer raised any concern for the Ministry. The Ministry confirmed that Mr.

Smith’s ability to appear as a witness would not be restricted in any way by any previous agreement and that it would not object to the scope of Mr. Smith’s evidence at the hearing.

- Ms. Denny is directed to provide the necessary Witness Statements to be the lay representative of TPRA and CORRA.

### **November 2, 2017 Decision**

- By this Motion the Landowners seek an Order of the Board to adjourn the ten-day hearing of the appeals to Official Plan Amendment (“OPA”) 258 that is scheduled to commence on January 15, 2018 (the “Hearing”) without a fixed return date, pending the drafting and evaluation and enactment of at least one Development Permit By-law (“DPB”) by the City for a specific geographic area. The Landowners take the position that the hearing of the appeals would be premature in the absence of a DPB. The issue of prematurity is among those listed in the issues list for the Hearing.
  - The City and the Ministry take the position that the Board has no jurisdiction to provide the relief sought by the Landowners under the legislation.

For clarity and to prevent any discrepancy of interpretation, the most impactful paragraphs of this decision are provided below:

[5] It is necessary to first address a submission advanced by the City (and the Ministry) during argument requesting that in the event the Board dismisses this Motion, the issues relating to prematurity on the Issues List should be struck on the basis that the Board would have determinatively adjudicated these matters in this Motion. The Landowners objected and took the position that if the Motion is dismissed, the issue as to whether the hearing is premature as the basis for the appeal would remain a live issue to be decided on the merits at the Hearing and could not be summarily dismissed and eliminated.

[6] For two reasons, the Board would not be inclined to accede to such a request by the City and the Ministry, were the Motion to be dismissed. First, as a matter of procedure, if the City and Ministry were of the view that the issue of prematurity should be struck from the already agreed-upon Issues List, having already been adjudicated in this Motion, it could only be done by further and separate motion. Essentially, the Board would be granting relief under s. 17(45) and 22(11) of *Planning Act* (the “Act”), summarily dismissing those issues without a full hearing. Such a significant ruling would have to be carefully considered and the Board would require a motion in such circumstances.

[7] Second, if the Board were to deny the Motion, the issues relating to prematurity as set out in the Issues List, would not necessarily have been determined on a final basis in the disposition of this motion. The issue of prematurity would still remain to be fully adjudicated on the basis of all the evidence to be received at the Hearing.

[8] Ultimately it is unnecessary for the Board to deal with this request since the Board, for the reasons indicated, finds that it is appropriate to grant the Motion and to adjourn the hearing of the appeals relating to OPA 258, in the manner provided for in this Decision.

[29] Succinctly, what the Landowners are instead seeking is a procedural order that the hearing of the appeals is premature in the absence of a DPB and request an adjournment of the Hearing on the basis that the Board practically requires a draft DPB approved by the City and tested, in order to properly adjudicate the issues in the appeals relating to the policies, goals and objectives of OPA 258. The Landowners thus assert that it is premature to require the Board to adjudicate the appeals without the benefit of a DPB having been passed, and tested.

[34] As the Landowners argue, and Mr. Smith has opined, the satisfaction of the basic legal requirement of passing an OPA fails to address the importance and necessity of having all necessary planning instruments in place under the Regulations to assist the Board in determining the issues in the appeal and whether the policies contained in OPA 258 are complete and whether a full and meaningful assessment of the land use planning merits of the amendment have been undertaken.

[35] The Board also concurs with the Landowners that the importance of having the necessary DPB in place is all the more highlighted by the fact that OPA 258, as drafted, applies on a city-wide basis.

[36] Finally, as to the reality that the Official Plan and the DPB are integrally connected, the City's argument itself recognizes that further updates to OPA 258 or area specific OPAs may very well be required upon review of the DPB once passed. As the Landowners' submit, this raises the question as to why the DPB should not be passed now before the hearing of the planning merits of OPA 258 is adjudicated by the Board. The City's approach also fails to recognize that the right of appeal is barred for the five-year period, as discussed further below.

[37] For these reasons, the Board prefers the planning evidence of the Landowners over that of the City's, and finds that there is a compelling interrelationship and connection between the DPB and the OPA that practically demands the DPB to be reviewed and assessed concurrently with the appellate review and assessment of OPA 258 undertaken by the Board.

[39] Also to the matter of prejudice, the Landowners have drawn the Board's attention to the fact that the new limitations to amend the OPA will be prohibited for five years after the amendment is passed. Practically speaking, if the Board were to hear the appeals in January of 2018 and the DPB enacted two years later, raising concerns about the impact of OPA 258 due to the manner in which the DPB was drafted, the Landowners, Ratepayers and the public at large would be prohibited for five years from requesting that OPA 258 be revisited. The Board is unable to accept Mr. D'Abramo's assertion that issues will be "simply addressed" through the amendment process and that if OPA 258 is found lacking, that Council may amend those policies with the amendment process. This fails to recognize the time limitations and practicalities involved with revisiting

deficiencies in OPA 258 found to exist after the hearing of the appeals is concluded and the DPB only then enacted. That situation would not serve the public well.

[47] The connectivity between the DPB and the Official Plan, as it is enabled by OPA 258, is clear. Accordingly, the form of OPA 258 as it will enable the DPB and connect it to the entirety of the Official Plan cannot, in the Board’s view, be dismissed as being only administrative, as the City argues. As Mr. Smith has indicated, the appropriateness, completeness and planning merits of OPA 258 cannot be determined without knowing how the DPB will practically implement the Development Permit System, and this includes the system’s operation in conformity with the Official Plan.

[62] As indicated, the City has obviously initiated OPA 258 under the Regulations for the express and sole purpose of implementing a Development Permit System. Having done so, the City must logically proceed to the second of the two-step process and pass the DPB. The City has frankly argued that when it does so, is entirely within its control and it cannot be ordered to do so. Again, the Board agrees. The Board indeed cannot order the City to pass the DPB now or ever for that matter. However, applying the City’s somewhat dramatic descriptive analogy, as is the case with any intermediate state of purgatory, the City is in such a state solely as a result of its own actions and only the City may itself choose to abide by the higher regulatory power and move forward, pass the DPB, and implement the Development Permit System. The City has been in this state of “limbo” for over three years of its own choosing.

[70] After considering the planning evidence presented by all parties and the submissions of counsel and representatives, the Board finds that there are compelling reasons to require that the City first pass a DPB before proceeding with the hearing of the appeals. In order to ensure that OPA 258 represents good planning and is in the public interest, avoid prejudice to the Landowners, Ratepayers and public, and ensure that the Board has before it the best, and most complete evidence to justly determine the planning merits of OPA 258, it is the Board’s view that it must postpone the hearing of the appeals until such time as the City decides it is time to pass the DPB.

[71] For the reasons indicated the Board has found that there is no legislative provision that would prevent the adjournment or would prohibit a procedural direction that the DPB be passed before adjudicating the appeals. The Board finds there would be no prejudice to the City from the adjournment.

[72] The Board accordingly allows the Motion to adjourn the hearing of the Appeals to OPA 258.

## Toronto Key Lessons

The paramount lesson learned from the above decisions is that an enacting CPP should be drafted prior to the passing of the OPA to ensure that the OPA is fulsome and informed by the enacting by-law or a

CPPS should be implemented on smaller, more specific areas to enable the OLT to better understand the impacts should an appeal be made.

## **OTTAWA**

The City of Ottawa has initiated a pilot study to introduce and test the community planning permit (CPP) system. The Kanata North Tech Park has been selected for the CPP pilot study, as it complements the proposed designation of the area as a Special Economic District in the City’s draft Official Plan, and builds on the momentum that has been created in the past few years by the landowners and the Kanata North Business Association (KNBA). The Kanata North Tech Park (KNTP) Concept Plan and the policies in the draft Official Plan propose to evolve the Park from a 1970’s business park into a globally significant, state-of-the-art 21st-Century special economic and mixed-use district that attracts talent, supports creative interactions and a culture of innovation where people live, work, learn, connect and play.

The redevelopment of Kanata North Tech Park under the CPPS will enable opportunities for economic growth in an enviable, livable, and connected community. The development of the CPP By-law is underway with additional consultation planned.

The interview conversation focused on their experience to date as Ms. Desmarais is extremely well-versed in the process for developing the implementation by-law. Questions 6, 7 and 8 of the approved interview questions were asked directly.

### **Ottawa Staff Interview**

Staff from the Business and Technical Support Services, Planning, Real Estate and Economic Development Department provided in-depth background on the City of Ottawa’s progress toward implementing a CPPS. The North Tech Park was selected as the pilot area because it is already identified as a special economic district in the Official Plan and the CPPS will take direction from those policies.

A key theme in the discussions was the process and intensity of the consultation that is needed to get to a shared community vision to use as the basis for the implementing by-law. It was clear that broad and specific consultation with all interested and impacted stakeholders is a key component of success. Additionally, it was discussed that having all of the pieces of the CPPS in place before launching (including staff training and documentation) is crucial as well as having consistent oversight of the first months of using the CPPS.

The City of Ottawa has received very positive feedback from the Planning Committee and Council on the development and implementation of a CPPS. She acknowledges the concern of the development community not wanting restrictive design guidelines and the localized concerns of residents in all development scenarios (things like traffic). She believes a CPPS will simplify the approval process, implement a shared vision, de-politicize approvals and also offer consistency in development approvals for the area. A CPP can’t be amended for 5 years after implementation, and this is seen as a positive

attribute to create and maintain consistency of approvals while implementing the shared vision of the CPP area.

## Ottawa Key Lessons

Take-aways of the conversation include:

- The importance of a well-planned and thought out approval process;
- The need to have all components of the by-law, approval process and monitoring in place before the by-law is approved;
- The need for comprehensive and continuous consultation with stakeholders; and
- The need to ensure staff are well versed and comfortable with the CPPS and the provision of consistent oversight in the first months or year of implementation.

## KEY LEARNINGS

Throughout all conversations, the interviewees expressed their preference to operate under a CPPS versus the regular zoning by-law system. There is agreement in the value of a CPPS to gain efficiencies in development approvals. The key learnings are summarized as follows:

- Comprehensive consultation for a shared vision with buy-in is fundamental;
- Public education and educational materials are necessary to avoid confusion and increase understanding of the process and tool;
- A key staff liaison or manager that fully understands the by-law, its components, and the details of processing applications under the CPPS is something to consider assigning for the first months or a year of implementation;
- Fulsome understanding of the implementing by-law through the creation of a draft is recommended prior to the OPA being approved (as per the OLT decision for the City of Toronto);
- It is recommended that a pilot area be chosen to implement a CPPS, rather than applying it to the entire City of Markham to avoid delays similar to the Toronto experience and to better grasp the impact, efficiencies and savings possible through the implementation of a CPPS; and
- A CPPS represents good planning to create an efficient approvals system as per the shared vision for an area.

## CONCLUSION

We are grateful to the interviewees for being willing to take time to discuss their DPS or CPPS experience with us. Their insight and input are valuable contributions to this investigation into the feasibility of a CPPS in the City of Markham.

Through these discussions, the value of a CPPS is clear. The efficiencies to be gained and the implementation of a shared community vision during the development phases of a CPPS were demonstrated repeatedly. Each CPPS is unique to the needs and priorities of that municipality. This flexibility lends itself well to the City of Markham using the same principles to develop a pilot CPPS to implement a known City development priority.

There is a great deal of research, evidence and municipal investigations that support the development and implementation of a CPPS in various municipal contexts to improve approval processes, implement a shared community vision and create transparency in the development approval process. From the feedback received, it is clear that the City of Markham (and all municipalities) can benefit from a CPPS from a resources and good planning perspective. This tool is flexible and transparent and offers the opportunity to make significant process improvements while still ensuring that the City’s development priorities are met.

## Record of External Municipal Interview Records

### LAKE OF BAYS INTERVIEW RECORD

**General Community Planning Permit System Background:** Formerly known as Development Permit System (DPS), a Community Planning Permit System (CPPS) is a land use planning tool that streamline planning application process by combining Zoning By-law Amendments, Minor Variances, and Site Plan applications into one application and approval process.

Planning Act [O. Reg. 173/16: Community Planning Permits](#) provides legislative requirement and direction of the law.

#### Pre-live interview questions sent by email:

- 1) Do you have annual statistics for your CPPS (DPS) system? If so, assuming you track the number of applications/permits issued, do you have an idea on the average processing time for CPPS (DPS) applications in comparison to the former traditional planning applications? Please fill out as much as you can in the chart below.

CPPS (2020)		Planning Applications 2020	
Number of applications:	88	Number of Zoning By-law Amendment (ZBA) applications (Year):	14
		Number of Site Plan applications (Year):	7
		Number of Minor Variance Applications (Year):	2

1. How long have you been processing CPPS applications?

Since 2004.

2. What are the biggest efficiencies you see or notice processing these types of applications?

Processing is generally the same as processing typical Zoning, MV or site plan applications. Similar general information is required in each application.

The one main difference is you must review the full “development plan (site plan)” during the variance request. The Planning staff touch the application once VS a review of the initial planning variance and then the site plan several months later.

The LOB Building Department agreed to review and issue Standard Development Permits (e.g. no variations) together with each building permit. This provided a brief zoning review and it also created a snapshot or record in time of the existing and proposed development, vegetation and other site plan related items within the municipal files. Building Inspectors would also “briefly” review the property during their inspections and take photos in case there were issues with site alteration of vegetation removal.

**3. What are the biggest challenges you face with this system?**

One challenge was to properly educate the public about the benefits of the system and to correct any misinformation being spread by those who were against the implementation of this system.

Another challenge was to educate the development community and ask them to be patient during the first year of implementation. There will be delays as staff work through the process but once they become experts and the development community understands the by-law, the system becomes very efficient and predictable.

**4. What changes would you make to how your CPPS is structured?**

Provide clear internal processes to impose securities, review final work and issue refunds ASAP. This ensures the securities are not just an “additional cost to develop” that are never implemented or finalized.

Allow additional flexibility for re-vegetation or landscaping plans based on individual properties. Too many re-development plans were very basic and followed a simple density prescription (one tree or shrub for every 200 sq.ft.).

**5. What internal changes would you make to how your CPPS applications are processed and approved?**

Create a new position (zoning/ building plans analyst) to be the gatekeeper of all building and planning applications before they are sent to their respective departments. Any additional information or gaps would be addressed prior to a thorough review from a planning or building perspective.

Schedule quarterly housekeeping amendments to clarify intent and simplify the By-law. Annual review of application fees VS staff time to ensure the fees are generally cost neutral to the Planning Department.

**6. What were Council’s, taxpayer’s and the development community’s concerns when creating and implementing this new planning system? How did you alleviate their concerns?**

There were concerns delegating approvals to staff. The public had to trust staff and required them to be efficient and fair when issuing Development Permits and making decisions on certain variations to the standards.

There were some concerns around the specific circumstances when neighbours lost their ability to appeal applications. This was alleviated by requiring the Planning Committee to listen to these valid concerns and then ask the applicant to assist or make changes to their development plans to address their concerns. They would often defer making a final decision until they were satisfied the issues were addressed to the best of their abilities.

**7. What do you think are the benefits for municipalities to consider creating and implementing a CPPS?**

As clearly indicated in the Regulations and the PA, this system provides an efficient and predictable planning system for specified circumstances. It is a completely flexible tool where the municipality can appropriately and legally provide conditional approvals, delegate approvals (or maintain Committee review and approval), etc.

Due to the recent changes to the Planning Act, around site plan approvals, perhaps it is the intent of the Province to force the consideration of a new CPPS instead of following the strict timelines and refund penalties when these applications are not approved within the timelines.

**8. Why don’t you think other municipalities are utilizing this planning tool?**

Fear of the unknown (they have been processing zoning amendments, MV, and site plans for many, many years and often there is very little time to envision what this new system could do to improve the planning process.

There is a lot of misinformation being spread by individuals who dislike the system or simply are not interested in change.

## **CARLETON PLACE INTERVIEW RECORD**

**General Community Planning Permit System Background:** Formerly known as Development Permit System (DPS), a Community Planning Permit System (CPPS) is a land use planning tool that streamline planning application process by combining Zoning By-law Amendments, Minor Variances, and Site Plan applications into one application and approval process.

Planning Act [O. Reg. 173/16: Community Planning Permits](#) provides legislative requirement and direction of the law.

**Pre-live interview questions sent by email:**

**2) Do you have annual statistics for your CPPS (DPS) system? If so, assuming you track the number of applications/permits issued, do you have an idea on the average processing time for CPPS (DPS) applications in comparison to the former traditional planning applications? Please fill out as much as you can in the chart below.**

CPPS (Year?)		Former Planning Applications (Year?)	
Number of applications:	<ul style="list-style-type: none"> <li>● DP1 – 20</li> <li>● DP1A – 4</li> <li>● DP2 – 10</li> <li>● DP3 – 7</li> </ul>	Number of Zoning By-law Amendment (ZBA) applications (Year):	
		Number of Site Plan applications (Year):	
		Number of Minor Variance Applications (Year):	
Number of Permits Issued:	<ul style="list-style-type: none"> <li>● DP1 – 20</li> <li>● DP1A – 4</li> <li>● DP2 – 8 (2 in progress)</li> <li>● DP3 – 1 (3 denied, 2 in-progress, 1 upgraded from DP2)</li> </ul>	Number of ZBA approvals:	
		Number of Site Plan approvals:	
		Number of Minor Variance approvals:	
Average processing time:	<ul style="list-style-type: none"> <li>● DP1 – 1-2 days</li> <li>● DP1A – 1-2 week</li> <li>● DP2 – 30-45 days</li> <li>● DP3 – 60-90 days</li> </ul>	Average ZBA processing time:	
		Average Site Plan processing time:	

CPPS (Year?)		Former Planning Applications (Year?)	
		Average Minor Variance processing time:	
Number of Appeals:	<ul style="list-style-type: none"> <li>DP3 – 1</li> </ul>	Number of Appeals & type):	
Estimated time spent at OLT hearings:	<ul style="list-style-type: none"> <li>DP3 – 3-day hearing scheduled</li> </ul>	Estimated time spent at OLT hearings:	
Estimated budget for creation of CPPS:	N/A	Estimated budget for former by-law reviews/updates:	

The Town has had a DPS (CPP) in place since 2008 for the entire boundary of the municipality. The Town has approximately 20,000 people and is growing. A three person planning department handles all planning applications through their CPPS. Both the Director of Development Services and their Senior Planner prefer to operate with the CPP rather than a more traditional zoning by-law approach.

They have a three-class system, whereby Class 1 are “simple”, Class 2 are “more complex” (both delegated authority) and Class 3 are the most complex and go to Council for approval.

Telephone call interview questions.

**9. How long have you been processing CPPS applications?**

- Since 2008.

**10. What are the biggest efficiencies you see or notice processing these types of applications?**

- The CPP is a lot quicker than the traditional approval processes. It allows their team to quickly complete a technical review. They find the consolidation process of multiple applications very effective.
- Carleton Place is all designated as “urban” lands, so they don’t face the challenge of say rural vs. urban with their CPPS.

**11. What are the biggest challenges you face with this system?**

- Public understanding of the process is the largest problem. Technical and planning terms are still used and not well understood by the public.
- There are just not enough resources to close the knowledge gap for the public.
- Council is circulated as a commenting agency, so they don't generally have an issue with the delegated authority. The more controversial applications go as Class 3's for Council approval.

**12. What changes would you make to how your CPPS is structured?**

Preface this answer with acknowledging that Maggie has been in this role for a year and feels she may not have the experience in this role to answer this fully.

- The CPPS can be a little convoluted in how it's written because it is so comprehensive. It is sometimes difficult to read and understand (like a Zoning By-law). Housekeeping amendments are helping to customize it further from what is believed to be mostly a template from Gananoque.

**13. What internal changes would you make to how your CPPS applications are processed and approved?**

- Some applications could be shifted in the Class system to make approvals even more efficient.
- Having a full review of what triggers a bump in class between a Class 2 and 3 may help improve efficiency. The technical review for these two types is approximately the same, but Class 3 has to go through the Council approval process (approximately 4 weeks added to process).
- Carleton Place stops the approval clock when the application is returned to the applicant for changes or additional information. When they receive it back, they start the clock again. This is explained to developers at the time of application.

**14. What were Council's, taxpayer's and the development community's concerns when creating and implementing this new planning system? How did you alleviate their concerns?**

- Unsure. The DPS / CPP has been in place prior to Maggie's start with Carleton Place.

**15. What do you think are the benefits for municipalities to consider creating and implementing a CPPS?**

- Efficiencies in the approval process and timing.
- Flexibility in the CPPS. You can have a great mix of housing based on market needs by meeting a density target generally. This pre-approval encourages a range/mix of housing without having to create numerous different zones.
- They have design standards, but this allows greater flexibility in lot sizes etc. for the developer (even though they still find it hard to encourage developers to be creative).
- Time savings are the biggest advantage. It frees up staff time to get other priorities accomplished.
- All the components of good planning are built in.

#### 16. Why don't you think other municipalities are utilizing this planning tool?

- Maggie suspects it is largely due to the cost of development and Council / community reluctance to adopt/try something new.
- You really need someone who understands the system to “sell it”. Progressive Councils may be a good option.
- There is a lack of resources to create CPPSs, but the savings to municipalities could be huge.
- Municipalities need to understand that if you are doing an OP and/or comprehensive Zoning By-law review, investing in a CPP could be very worthwhile in the long run. Developing a CPPS would not be as onerous as a comprehensive zoning by-law review.

### INNISFIL INTERVIEW RECORD

After several attempts to contact the Town of Innisfil to book an interview, we reached out to Michelle Banfield who is now the Direct of Development Services at the City of Barrie, as Michelle was an integral part of the CPPS development team in Innisfil.

As she is not currently working in the municipality implementing the CPPS, her interview questions were more open-ended, looking for insights into best practices and helpful advice for the City of Markham moving forward.

Key take-aways from this discussion are as follows:

- Michelle would like to undertake a CPPS in the City of Barrie now that their Official Plan and Zoning By-law review are complete. These steps are needed before moving towards a CPPS.
- Industrial development in employment lands (depending on use) are an area she believes would be a good fit. Also, accessory dwelling units are an area that she feels are well suited for a CPPS.
- When asked about MTSA's specifically, Michelle was unsure about using a CPPS for tall buildings as they tend to be very complex, especially with the densities trying to be achieved.
  - Note: I asked about MTSA's as Ajax halted their CPPS to focus on MTSA policy work and given the similar urban nature of Barrie and Ajax, it seemed relevant to ask.
- It is hard to compare a comprehensive zoning by-law review and the development of a CPPS as they are very different activities. Michelle likened the development of a CPPS at about the same resource intensity as developing a secondary plan.
- There is an advantage with the Bill 109 refund exclusion for municipalities to use a CPPS.
- Her experience with Councils and accepting a CPPS has been positive. It was communicated as a very efficient way to capture approvals and was not met with resistance.
- Focused and more broad consultation are needed to get buy-in. Consistent updates to Council are important as well so that they don't just approve a budget and then see the final product. The extensive consultation makes for a better project and outcome and makes it much easier at the time of adoption as all parties understand and have been included in the process.
- Discretionary uses are a huge advantage to remove the need for rezonings.
- CPPS allows municipalities to achieve built form standards and site plan approvals in one step.

- Subdivisions approvals are getting more complicated with townhouses and/or condo blocks mixed with single detached. A CPPS could clean this up.
- Development of a CPPS is not as difficult as many people assume it is. It is important Planning work that removes red tape through approvals. A CPPS is a very effective way to gain efficiencies.
- There may be a need for a mentality shift so that staff can feel confident making decisions as opposed to making recommendations to Council.

## HUNTSVILLE INTERVIEW RECORD

**1) Do you have annual statistics for your CPPS (DPS) system? If so, assuming you track the number of applications/permits issued, do you have an idea on the average processing time for CPPS (DPS) applications in comparison to the former traditional planning applications?**

**Please fill out as much as you can in the chart below.**

- No CPPS in place. First OPA meeting held July 2022.
- Waiting for District to approve OPA.
- Town has approved CPP.
- Planning Application with statistics report is being sent by email along with confirmation if the District has to approve the by-law as well as the OPA.
- Their CPP is mainly to alleviate rezonings and site plan on residential waterfront lots. Since about 2008, the Town requires Site Plan on all waterfront lots and it generates a LOT of applications for the planning department. Area of CPP is all of Huntsville.
- Huntsville has a Manager of Planning, 2 Planners and soon to be two Planning Techs as well as a customer service representative.
- Planning Committee approved budget increase to add educational materials to the consultant budget.
- Officially, the CPP process started September 2022. Internally, the respondent wasn't sure when it started (it was before her time there).
- Have only experienced 2 or maybe 3 appeals for planning applications this year.

**2) What are the current process timelines? Good idea to collect the stats for their own.**

- Residential Waterfront Site Plans = 4 to 8 weeks for approval
- Non-residential/multi-residential and industrial Site Plans = 8 to 10 weeks
- Site Plan Amendments are generally 4 to 6 weeks
- Major Non-Residential Site Plan = 8 to 24 weeks (2 to 6 months)
- An application report from last year is coming.
- ZBAs are typically 9 to 12 weeks for approval.
- Operations is often the hold up on approvals, sometimes it is the District and sometimes it can be just straight volume at the Town staff level.

**3) What point in the CPP development process is your organization at? How long have you been working to get to this point?**

- OPA is being approved by District.
- ZBL is approved by Town.

- Appeal periods are not yet up for the passing of the OPA or ZBL at the Town level.
- 4) What are the key challenges or most difficult aspects of getting to this point in the process?**
- The public element and understanding of what a CPP is and the Town’s intention.
  - Huntsville included Site Plan Alternation and Tree-Cutting elements in their CPP and it caused push back from the public and a mis-information that the CPP was just about tree cutting.
  - Communication between the consultant and the Town.
    - Recommends all appropriate staff be involved throughout so no confusion arises.
  - COVID was a hurdle to consultation. Access to materials without a computer became an issue.
  - Internal staff engagement was difficult due to time constraints and workloads.
    - Recommends consistently scheduled meetings with staff to ensure momentum and engagement.
- 5) What were Council’s, taxpayer’s and the development community’s concerns when creating and implementing this new planning system? How did you alleviate their concerns?**
- Public and tree by-law confusion was a very large challenge.
  - Concerns were raised from the private planning community.
    - Recommends engaging with the different stakeholder groups. Kelsea found it enlightening to iron out the individual stakeholder issues (i.e. tree by-law) and found the exercise helpful to the CPP process overall.
  - General understanding of the documentation by the public mainly, but others as well (too much reading).
    - Recommends creating public-friendly, digestible versions at every point in the process (rather than just a guide at the end) so that engagement is valuable.
- 6) What efficiencies are you hoping to achieve with your CPP? What have you considered in terms of process changes and training etc. to set up the CPP internally for success?**
- Efficiency in terms of lessening the number of applications – especially for waterfront properties.
  - There is a concern for the number of pre-consultation meetings that will be required though. They are looking to use Cloud Permit for their planning software and will build in the information requirements to help alleviate some of the pre-con work.
  - The process mapping is not yet complete, but, the pre-con will sort the application into the appropriate “class” of CPP, then the Cloud Permit process will take it through.
- 7) What do you think are the benefits for municipalities to consider creating and implementing a CPPS?**
- Can cut down on unnecessary applications.
  - Efficiencies internally and externally can be gained through clarity of the process.
  - Things like Site Alteration and Tree Cutting can be included in the CPP without doing them separately.
  - Can support municipalities meeting new deadlines of Bill 108.
- 8) Why don’t you think other municipalities are utilizing this planning tool?**

- Planning is complicated in general, and the CPP process temporarily adds complication for Planners.
- With anything new, there is a period of those waiting to see if and how it works. Kelsea believes that is part of the hesitation with municipalities right now.
- Municipal staff rarely have “extra” time to take on new projects.

**Final Thoughts:**

- Generally, CPPs are an exciting policy.
- There will be a transition period that may be confusing for staff.
- Public education is VERY important.
- Comprehensive staff input is critical early and continuously.
- Getting the materials out for effective consultation is important.
- Identify the stakeholders that may slow the process down or are VERY involved to ensure they are consulted with efficiently, early and often.

## **CITY OF OTTAWA INTERVIEW RECORD**

Ottawa has not yet passed a CPP. They expect to draft a by-law in the next 6 months. The conversation focused on their experience to date. Questions 6, 7 and 8 of the approved interview questions were asked directly. Beth was kind enough to agree to share their application reporting to insert into the pre-interview table when received, in addition to some internal working documents to be shared only between Ottawa and Markham for information.

**General Discussion Points:**

- Staff will be sending a questionnaire to adjacent impacted municipalities about how they plan to modify their planning fee structure in relation to a CPPS.
- CPPs are very different in rural and urban areas in terms of complexity.
- Kanata North Tech Park is where Ottawa thinks a CPPS will be implemented. A discussion paper will get circulated to Ward Councillors and placed on the City’s Engage Ottawa webpage [Kanata North Tech Park Community Planning Permit Pilot Study | Engage Ottawa](#)
- The Kanata North Tech Park is already identified as a special economic district in the Official Plan and the CPPS will take its direction from those policies and already completed concept plan.
- A challenge is the lack of master plan level studies for the area, but pre-approvals based on the CPP by-law studies list may be a good solution.
- The 45-day timeline for CPPS approvals may still be problematic.
- Municipalities, in light of Bill 109, may be looking to implement CPPs to avoid refunding fees.
- Site Plan is the biggest challenge in a large municipality with the various department approvals and review timelines.
- Urban design workshops will begin again to finish the design guideline process that had begun.
- A shared vision for the area is the essential first consultation step followed by presenting the draft by-law to impacted stakeholders. City-wide consultation is expected to be high-level.

- It is very important to have all pieces of the CPPS in place before launching and that includes staff process and application review training and documentation. Consistent oversight in the first 6 months of implementation to provide on-going input is important.

Appropriate interview questions from template:

- 6. What were Council’s, taxpayer’s and the development community’s concerns when creating and implementing this new planning system? How did you alleviate their concerns?**
  - Very positive feedback received from the Planning Committee and Council on a CPPS.
  - The success of the CPPS will hinge on getting the buy-in details right in the by-law so that the development community brings forward proposals in line with the vision.
  - Concern from the development community about restrictive design guidelines.
  - The public has consistent concerns like traffic that they are looking to CPPSs to solve.
- 7. What do you think are the benefits for municipalities to consider creating and implementing a CPPS?**
  - Simplifies the approval process.
  - De-politicizes the process.
  - Implements a shared vision for an area.
  - Can’t amend the by-law for 5 years, so it provides consistency to implementing the vision.
- 8. Why don’t you think other municipalities are utilizing this planning tool?**
  - I believe they think it will be too time consuming and that they may not have the expertise to evaluate the submissions.
  - It is perceived as a challenge to have one by-law apply to one area and not the rest of the city.
  - I believe those that have tried a CPPS are satisfied with it, so it is the assumptions and inexperience preventing more uptake.

## Contact List of Staff Interviews

### Carleton Place:

- Maggie Yet – 613-257-6213 – [myet@carletonplace.ca](mailto:myet@carletonplace.ca)
- Interview Conducted August 30, 2022 through Microsoft Teams

### Town of Huntsville:

- Kelsea Shadlock – 705-789-1751 ext. 2257 – [Kelsea.shadlock@huntsville.ca](mailto:Kelsea.shadlock@huntsville.ca)
- Interview took place on August 12, 2022 via Microsoft Teams.

### Town of Ajax:

- Stev Andis – 905-619-2529 ext. 3257 – [stev.andis@ajax.ca](mailto:stev.andis@ajax.ca)
- No interview conducted, but an email response was received.

### City of Ottawa:

- Beth Desmarais – 613-580-2424 ext. 13503 – [Elizabeth.desmarais@ottawa.ca](mailto:Elizabeth.desmarais@ottawa.ca)
- Interview conducted August 24, 2022 by Microsoft Teams.

## APPENDIX C: STAFF INVESTIGATIONS INTO THE OPPORTUNITIES WITH THE CITY OF MARKHAM

This following summarizes the responses heard from staff during the internal interviews and emails throughout the project process.

**1. What type of planning applications do you find is the most time consuming and/or complicated to process?**

- Draft Plan of Subdivision
- Infill development
- High density developments
- Defining limits of development
- All planning applications to make decisions regarding isolated natural heritage features and NH system encroachments
- Development applications in secondary plan areas
- Larger mixed use developments

**2. What type of planning applications do you find the most time consuming and/or complicated to get approved by Committee/Council?**

- Infill development in established neighbourhoods
- Zoning By-law Amendments
- Official Plan Amendments
- Secondary Suites
- Employment conversion applications

**3. If there was one area of the existing approval process that you could compress or improve, what would it be? Asked another way, what process improvement would save you the most time?**

- The technical review of site plans and Plans of Subdivision
- For heritage comments, obtaining a site plan level of design resolution at the Zoning By-law Amendment stage
- Urban design reviews
- Report review
- Public meetings
- Pre-consultation checklist improvements

**4. Are you familiar with the CPPS tool and how it has been used?**

- Not familiar with the CPPS tool

- More information is needed on the CPPS tool
- Yes, we undertook some research of examples that was helpful for our understanding

**5. What, if any, hesitation do you have about implementing a Community Planning Permitting System (CPPS) in the City of Markham?**

- The development limits still need to be defined on an application basis
- Ensuring we can continue to secure natural heritage enhancements
- The resources needed to develop a CPPS.
- That key matters in planning applications still get adequately addressed
- An exhaustive list of conditions of approvals
- Ensuring that variations are appropriate and that there are no gaps in coverage
- That enough time and resources are dedicated to an effective roll-out

**6. What resources or processes do you think are required to ensure a CPPS is administered effectively in your department?**

- Proper training of all staff / departments and external agencies
- To initiate a CPPS, additional staff resources would be required to confirm preliminary limits of open space/natural heritage zones
- Additional staff
- A development review manual with workflow processes
- Training sessions for staff
- A key “expert” contact should there be questions
- Follow-up staff sessions to improved efficiency and effectiveness of system
- A well planned and integrated marketing program to create awareness

**7. What resources do you recommend for the development community and your residents to ensure an understanding of a CPPS process?**

- Information on the City’s website
- Process mapping for staff
- Repeated community outreach events
- Information sessions for Council to understand delegated authority
- Extensive on-line platform that enhances the City’s brand

**8. What City Building objectives would you be looking to achieve with a CPPS?**

- Time and efficiency to better use staff’s time and resources

- Improve customer service
- Achieve natural heritage protection and enhancement objectives
- Improve native landscaping and tree cover
- Improve control/quality of building materials
- Affordability and Rental housing strategies
- Protection of natural features and implementation of sustainability metrics
- Promote urban design excellence
- Reduction in project delays due to vague guidelines
- Smart cities, walkable communities, compatible land uses and densities

**9. Do you have any additional feedback or questions regarding CPPS's in general or their potential to support the City of Markham**

- What are the steps involved in a CPPS?
- Is the CPPS flexible enough to respond to unplanned or different situations (e.g. additional public consultation, whether the application is major or minor and therefore the process may need to shift accordingly)?
- How does the CPPS differ from the development application process now?
- Does the CPPS consider issuance of conditional/ permit applications?
- Does the CPPS include development or site plan agreements?
- Does the CPPS consider reviewing OPA/ZBA/SU and site plan applications at different stages? (e.g. an applicant may submit OP/ZBA applications first, then a SU application or OP/ZBA/SU applications together, and then follow with a site plan application after the Public Meeting or later in the process when they have a comfort level on the OPA/ZBA. Does the CPPS consider the different timing of application submissions for the same development?)
- Examples of CPPSs in a heritage context would be helpful.
- We would like more information on how different municipalities have implemented a CPPS and the processes that change for the processing of development applications once a CPPS is in place.
- We were wondering about the ability to require supporting studies with the approvals of CPPSs, especially in relation to environmental reports for natural features.
- We had questions as to when municipalities use this City-wide or when it is in a defined area.
- Main question is if the city identifies undesirable gaps or loopholes in the adopted CPPS, how difficult is the process to amend to close them?

## Identified Opportunities

### Strategically Achieving Goals

The City of Markham has the following four goals detailed in the 2020 – 2023 strategic plan:

- Exceptional Services by Exceptional People
- Engaged, Diverse, Thriving & Vibrant City
- Safe, Sustainable & Complete Community
- Stewardship of Money & Resources

The implementation of a CPPS has the potential to support all four of these goals.

#### **Goal 1: Exceptional Services by Exceptional People**

“We embrace a bold and innovative culture that empowers and inspires excellent services within a collaborative and healthy work environment.”

The City’s Planning staff have a reputation for excellence in responsiveness. They have also proven their commitment to excellent service by being rated “best in class” for the on-line submission abilities for planning applications according to the BILD Municipal Benchmarking Study, 2022.

The implementation of a CPPS can provide a tool that allows more efficient planning review and approval processes by Markham’s already exceptional people.

#### **Goal 2: Engaged, Diverse, Thriving and Vibrant City**

“We are an inclusive city, engaging everyone in building a livable, caring and culturally vibrant community while respecting our past.”

The first step in developing a CPP By-law is the creation of a shared vision. This process can ensure Goal #2 is implemented in a very tangible way through an implementation CPP By-law.

#### **Goal 3: Safe, Sustainable and Complete Community**

“We strive to achieve complete communities with an excellent quality of life. We ensure community safety and enhance the natural environment and built form through sustainable integrated planning, infrastructure management and services.”

A CPP By-law ensures that the community safety, natural environment and built form are all considered and included in the by-law according to the values of the identified area/community. A CPPS is an extremely efficient integration of planning services that can support the planning and maintenance of infrastructure throughout the city through clarity of the vision.

#### **Goal 4: Stewardship of Money and Resources**

“We demonstrate exceptional leadership using sound, transparent and responsible fiscal and resource management, and policy development to mitigate risks while enabling efficient and effective service delivery.”

A CPPS offers the opportunity for a more efficient development application processing system that translates into savings for the development community and resource savings for the municipality. There is no risk associated with a CPPS and it will enable efficient and effective service delivery.

#### **Areas of Interest in Markham**

Through consultation with staff, a list of areas of specific interest have been identified. These areas may have secondary planning underway or be an area within an existing secondary plan. Given that a secondary plan is developed for areas like new communities, employment areas, older neighbourhoods or downtowns, and these plans provide additional detail on things like land use, community design, natural heritage, roads and parks, it is logical to apply the already available planning information in these areas to the development of a pilot CPP permit area. This facilitates the CPP by-law process by front-ending the community vision exercise. The secondary plan information can easily translate into a CPP By-law that will streamline the approval process. The list also includes areas that are under current development pressure that would benefit from the shared vision of a CPP By-law or have an infrastructure project identified that will create other development pressure in the area.

Areas of specific interest to consider for the development of a CPPS, along with the title of the existing supporting documentation include:

- Future Urban Area Employment Block
  - Employment Land Strategies
  - North Markham Future Urban Area
- Hwy 404/North Employment Area
  - Employment Land Strategies
- Markham Road/Mount Joy Area
  - Markham Road – Mount Joy Secondary Plan Study
- Markham North Heritage Conservation District
- Unionville Heritage Conservation District
  - Main Street Unionville Community Vision Plan
  - Unionville Commercial Core Pattern Book: Village Design & Architectural Guidelines
  - Unionville Special Policy Area Boundary Review
- Markville
- Milliken
- Cornell Centre

- Cornell Centre Precinct Plan
- Cornell Rouge National Urban Park Gateway Study
- Cornell Centre Secondary Plan Review
- Yonge North/ Royal Orchard
  - Yonge Corridor Land Use and Built Form Study
  - Yonge-Steeles Corridor Transportation Study
- Langstaff outside of MZO
  - Langstaff Master Plan Project
- Markham Centre
- Major Transit Station Areas (MTSAs)

A CPPS in the City of Markham may mitigate impacts of Bill 109: More Homes for Everyone Act, 2022 and Bill 23: More Homes Built Faster Act, 2022. It represents responsible fiscal and resource management by taking advantage of the great policy and visioning work already undertaken by the City and taking that one step further to ensure the efficient use of resources (staff) in the planning approvals process. Categories of interest may be a very timely area to investigate given the recent legislative changes. A CPPS can offer protection and guidance for the following areas / priorities.

#### **Heritage Districts/ Neighbourhoods**

With the restrictions being placed on the ability to protect heritage areas, a CPPS can identify and outline the mechanism by which an area or neighbourhood will be protected through the required studies, design guidelines and other appropriate policies.

#### **Natural Heritage Features / Areas**

With the proposed removal of Conservation Authorities to comment on development applications (except for flood concerns), municipalities have the opportunity through a CPP to protect Natural Heritage Areas like wetlands and water courses. Policies and practices traditionally enforced by Conservation Authorities can be built into a Natural Heritage CPP By-law. Characteristics like setbacks, Low Impact Development options, native plantings etc. can be incorporated in a CPP By-law to implement a municipality's commitment to protecting the natural features, functions and areas within its boundaries.

#### **Intensification Areas**

A CPPS can streamline the acceptable ways in which a municipality wants to encourage intensification by making the process easier to obtain approvals. This is especially true in areas where the city already has neighbourhood statistics, transportation information etc. that can be applied to intensification projects. This also adds the additional benefit of covering projects that are 10 units or less that are now proposed to be exempt from Site Plan Control due to Bill 23.

### **Supportive, Affordable and Rental Housing**

Provincial and municipal housing targets are challenging to meet. Site specific approvals are often long, time consuming and consultation heavy. A Supportive Housing CPP By-law would enable the city to put in place its parameters for supportive housing developments. This includes the level of information required for a complete application and can involve strategic consultation activities to encourage community buy-in. It may involve supportive housing locations close to transit and services to qualify under the CPP By-law to ensure proper locations that support the new development, it's residents and the surrounding communities.

### **Walkable / Bikeable Communities**

Community values and dominant characteristics can also be encouraged through a CPP By-law. By identifying the criteria to be met, an applicant can be encouraged to develop in a walkable / bikeable way to access the streamlined CPP approval process. Other priorities such as access to transit, green neighbourhoods and cultural priorities can be applied through a CPP By-law.

It may be prudent and strategic for the City of Markham to select an area that has advanced planning completed and that aligns with a priority city building objective as a CPP pilot area. This will allow the city to reduce the front-end investment of creating a shared vision (as advanced planning should already include this element) and move into creating the CPP By-law directly.

### **Conclusion**

There are many viable areas within the City of Markham that provide excellent CPPS opportunities. A CPPS is meant to provide a flexible approval system for an area with an identified set of characteristics or objectives to achieve. The areas and categories identified should be evaluated to select a pilot area that meets the City's strategic priorities through the committed action of developing a pilot CPP By-law.

It is recommended that the city select several areas to identify in the Official Plan Amendment (OPA) and begin with a pilot area with the intention of developing a CPP By-law for the other areas in future. This provides the ability to identify the most priority areas for the development of the CPP By-law as trends evolve and change and avoids the issue that the City of Toronto ran into with respect to appeal of the CPP as the broadness of the Official Plan Amendment created an appeal problem and an implementing by-law needed to be brought forward in order for the tribunal to make a decision).

Tracking the implementation of the system is critical for future CPP By-laws in the City. The number of applications, type, approval timeline and number of appeals are fundamental pieces of information for the City to have to evaluate effectiveness, areas of improvement and the next strategic area to use a CPP. Detailed tracking is the only way to ensure a pilot CPP and future CPPs are a value-added tool for the city and effectively achieving savings for applicants and the municipality.