



HEALTHY COMMUNITIES • SUSTAINABLE COMMUNITIES

January 9, 2014

Mr. Ken Petersen, MCIP, RPP
Manager
Local Government and Planning Policy Division
Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street, Floor 14
Toronto, ON M5E 2E5

Re: Land Use Planning and Appeal System Consultation EBR Registry #012-0241

Dear Mr. Petersen,

On behalf of the Ontario Professional Planners Institute (OPPI), please find below comments on the Land Use Planning and Appeal System. We appreciate this opportunity to provide input.

OPPI is the recognized voice of the Province's planning profession. Our more than 4,000 members work in government, private practice, universities, and not-for-profit agencies in the fields of urban and rural development, community design, environmental planning, transportation, health, social services, heritage conservation, housing, and economic development. Members meet quality practice requirements and are accountable to OPPI and the public to practice ethically and to abide by a Professional Code of Practice. Only Full Members are authorized by the Ontario Professional Planners Institute Act, 1994, to use the title "Registered Professional Planner" (or "RPP").

OPPI strongly supports measures that foster healthy communities and advance the social, economic and environmental sustainability of Ontario. Accordingly, we offer the following comments for consideration with respect to the land use planning appeal system:

- 1. To help achieve more predictability, transparency and accountability in the land use planning appeal system and to reduce costs, the Province should consider the following:**
 - Abolishment of "whole plan" appeals at the Ontario Municipal Board (OMB), whereby appellants seek to delay the approval of an entire Official Plan in an effort to reconcile a property specific issue.
 - Limiting/scoping the types of applications that are subject to appeal (different thresholds/aspects for different types of plans/applications).

- Consideration of a specific process (separate from the traditional OMB process) for resolving issues on applications where councils have not rendered a decision within the prescribed timeframe.
- Firm timelines for issuing appeals where Council has not issued a decision on an application.
- Continue to rely on the OMB as the principal mechanism for dispute resolution of complex planning matters but consider alternative hearing formats for different types of applications.
- Standardize appeal periods for all types of planning applications (e.g. 20 days from the date of notice).
- Provision of incentives, such as grants, for municipalities to keep their Official Plans and zoning by-laws up-to-date.
- Administering updates/reviews to provincial plans and documents in a comprehensive and coordinated fashion. For example, issuance of new Greenbelt, Places to Grow, Niagara Escarpment and Oak Ridges Moraine Plans and the Provincial Policy Statement in a concurrent and coordinated time-line so that municipalities can plan accordingly and avoid being in a state of “perpetual review”.
- Consider formally repealing outdated Provincial guidelines and documents and replace these with more complete, up-to-date documents so as to ensure that older directives no longer have status.
- Provision of toolkits (e.g. case studies, best practices, guidelines, etc.) to demonstrate how municipalities can implement the Development Permit System.
- Provision of grants for municipalities that are the first to take on new provincial tools (such as the Development Permit System or other innovative programs/tools).

2. To help support greater municipal leadership in resolving issues and making local land use planning decisions, the Province should consider the following:

- Provision of funding programs to support local appeal bodies for minor variances and consents.
- Provision of toolkits that promote the benefits of local appeal bodies (e.g. case studies, testimonials, guidelines, etc.).
- Consider mandatory pre-consultation for all Official Plan and zoning by-law amendments, as well as, site plans, plans of sub-division and condominiums.
- Consider a more flexible approach for conformity for two-tiered governments (e.g. extended deadlines for conformity, promotion of integrated planning involving matters of mutual interest, such as Growth Plan or Greenbelt Plan conformity exercises).

3. To better engage citizens in the local planning process, the Province should consider:

- Updating the notification/consultation requirements of the Planning Act to reflect newer technologies that allow governments to better engage citizens. A number of municipalities are using a fuller range of notification techniques, such as social media, videos and websites that are proving to be more effective than the traditional techniques (newspaper adverts) identified in the Planning Act and associated regulations.
- Encouragement of more proactive approaches to citizen engagement such as the use of alternate venues for face-to-face interaction, electronic and social media, and plain language in planning documents.
- In general, the Ministry of Municipal Affairs and Housing has made considerable strides over the past decade to improve the legibility of its planning documents. These are concise, attractively designed and easy to understand. The OMB should be encouraged to make its website, materials and protocols more user-friendly. The incorporation of easy-to-understand educational videos and adoption of plain language would help to make the OMB more accessible.

4. To protect long-term public interest, particularly through better alignment of land use planning and infrastructure decisions, and support for job-creation and economic growth, the Province should consider the following:

- Formally integrate the Province's land use planning system (Planning Act) with the infrastructure and transportation planning system (Environmental Assessment Act).
- A more integrated approach to strategic, long range planning at the Provincial level with respect to major transportation, land use, energy, environment and infrastructure elements.
- Further limitations to private sector appeals on employment land conversions (whereby private sector applicants appeal a municipality's employment land policies in the interests of over-turning an existing property-specific employment land designation).

In addition to the above, we note that the review of the land use planning system has been scoped to focus on the appeal system. As noted, OPPI supports the Province's effort to improve this framework, however, we believe that there are a number of other opportunities to strengthen the overall Provincial Planning system. OPPI supports a broader review of the land use planning system that examines opportunities to make Ontario a more economically, socially and environmentally sustainable place. We believe there are a number of other provincial and global best practices, as well as, local "lessons learned" that can be incorporated into the Provincial Planning system. We would be willing to meet with representatives from the Province to further explore some of these opportunities.

Thank you again for the opportunity to provide comments. To further discuss our submission or to schedule a meeting, please contact me at (416)668-8469 or by email at policy@ontarioplanners.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Ryan', followed by a horizontal line.

Loretta Ryan, MCIP, RPP, CAE
Director, Public Affairs
Ontario Professional Planners Institute