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OPPI's response to proposed changes to the Provincial Policy Statement (ERO 019-0279)

On behalf of the Ontario Professional Planners Institute (OPPI), I am submitting our response to the proposed changes to the Provincial Policy Statement (PPS).

OPPI is the recognized voice of Ontario's planning profession and our over 4,500 members and grants the Registered Professional Planners (RPP) designation. RPPs are the skilled, professional, and dependable navigators employed to help lead communities towards the Ontario of tomorrow. RPPs are the local experts who bring together differing points of view, consult and develop recommendations that provide informed choices for decision-makers and elected officials. RPPs act in the public interest as professionals who work to improve the quality and livability of communities in Ontario today and for their sustainability long-term.

Because our more than 4,500 members are the experts who are relied upon to guide elected officials and municipal decision makers to ensure alignment and consistency with the PPS, we are uniquely positioned to provide feedback on the proposed changes. Our RPPs play a vital role in interpreting the PPS and municipal priorities. Our RPPs are also uniquely positioned to lead and facilitate proactive changes. Given their depth of resources and expertise, our members want to lend their support.

We recognize that the Province is expected to periodically update the PPS to ensure its policies accurately reflect the sitting government's priorities. To ensure the changes achieve the intended goals when implemented, we encourage the Province to consider providing more guidance on how municipalities should meaningfully monitor and report on the implementation of the PPS in their official plans. Providing guidance and status updates to local and upper-tier municipal priorities is one mechanism that could help to achieve this. Guidance would need to be balanced with provincial priorities in general.

OPPI would appreciate the opportunity to collaborate with the Province and municipalities to create monitoring and reviewing processes that are better oriented to assessing the effectiveness of PPS policy. This approach would create more meaningful reporting requirements that do not duplicate existing measures or require substantial new efforts or resources on the part of planning authorities.

To complement the changes you have proposed, OPPI recommends the government empower RPPs working within the planning system. OPPI would work with the Province to establish additional criteria that would allow it (as the governing body) to certify RPPs for these additional responsibilities.

Specifically, OPPI recommends that RPPs be given the authority to do the following:

- Verify compliance with various legislative and regulatory requirements;
- Confirm that appropriate policies and technical guides have been applied; and
- Confirm that the appropriate science has been applied in relevant situations.

What follows is OPPI's position on how the proposed changes to the PPS address the government's stated intentions, how they may be enhanced, and how the planning profession may be of service.

Encourage the development of an increased mix and supply of housing

The proposed changes to the PPS are likely to spur rapid intensification and greenfield development in line with the Province's stated priorities. OPPI recommends these policies be balanced with other planning and

infrastructure investments required to support this growth. This can be accomplished without increasing delays in the approvals process and would result in development that is financially and economically sustainable.

The proposed policy change in 1.1.3.6 to make “compactness” of new development in designated growth areas optional could run counter to several other government objectives, notably the efficient use of land and the direction in Section 1.4.3 for the appropriate range and mix of housing and options for densities (as proposed to be amended). It could also lead to negative consequences and reduce opportunities for optimizing the Province’s transit infrastructure investments and local servicing costs.

This proposed change may also impact affordability if its implementation results in a proliferation of larger, costly, and less energy efficient homes that are built farther away from job centres.

If new development is not compact, a municipality’s ability to provide cost-effective local transit is reduced. The diminished local transit service would then result in lower local ridership on feeder services to provincial transit investments (e.g., GO stations) and suboptimal land use (i.e., parking lots for commuters rather than new housing). These conditions would have an adverse impact on the Province’s “transit-oriented development” program, both in terms of local transit and higher order rapid transit.

Where communal private servicing is the only servicing option available, financial and other assurances need to be provided to ensure the municipality is not left with the financial costs and the physical infrastructure needed to replace the communal system if the system fails.

The PPS could also provide direction regarding the development of under-used, publicly owned lands (i.e., into mixed-use neighbourhoods) in the vicinity of higher order transit. For example, direction should also be given through the PPS to promote the use of such properties for intensification, including affordable housing, even if it means they must be sold to achieve this.

The updated PPS also indicates that residential uses should respond to “market-based needs” but does not provide a definition of what this means. Furthermore, market-based needs will vary between municipalities and regions within the Province. If the methodology is not clearly articulated, this could result in delays in approvals resulting from conflicting opinions. Furthermore, market-based needs will vary between municipalities and regions within the Province. One way to alleviate this problem would be to enable municipalities to define what market-based needs are within their own geographies. To do this effectively, these market-based assessments should be constructed according to a set of standard guidelines developed by the Province which also encourages inter-municipal coordination. It will help to ensure consistent application of the concept across the Province and will reduce the risk of delays in approvals resulting from conflicting opinions.

Clarification of this concept in guidelines will help to ensure consistent application of the concept across the Province and will reduce the risk of delays in approvals resulting from conflicting opinions.

Protect the environment and public safety

OPPI is pleased the government has proposed language aimed at supporting (where feasible) on-site and local re-use of excess soil through planning and development approvals, while also protecting human health and the environment. Provided that excess soil meets the standards of clean fill, this will result in far better management of excess soils and will reduce the harmful practice of depositing fill on sensitive natural features and productive farmland.

In addition, the proposed changes addressing land use compatibility in policy 1.2.6.1 will significantly strengthen the separation of sensitive uses from industrial and manufacturing uses and reduce adverse effects from air emissions on sensitive uses.

If the Province decides to permit the extraction of aggregate resources from natural heritage features, OPPI would appreciate clarification on how planning authorities will determine if the impacts to ecological services are acceptable or not. This guidance should be designed to ensure consistent application across the Province and should also ensure that local economic and ecological conditions are respected. Doing so would also reduce conflict and delays due to differences in opinion and interpretation.

Once a municipality has defined the natural heritage system required under relevant PPS policies, it should have the authority to develop policies in that section of the respective Official Plan (and other related policies) in other sections if the municipality meets the spatial and policy requirements of that system.

Where a municipality has mapped and defined and approved a natural heritage and hydraulic systems, components of those systems should not be available for extraction unless the suitable lands in a natural state are in place to replace those functions which are lost during extraction.

OPPI believes the government's decision to relocate certain environmental policies from Section 4 to the preamble may result in confusion. If the policies in the PPS that address shorelines and associated natural features are respected, OPPI would like confirmation that municipal decision making meets the requirements contained in federal-provincial-territorial and international agreements (e.g., the Great Lakes-St Lawrence River Basin Sustainable Water Resources Agreement).

With respect to the environment, the PPS could do more to address climate change as it is essential for municipal planning to adapt to this existential threat. Further, it is likely that electrification, artificial intelligence, and shared vehicles will change land use patterns and development in ways that the proposed PPS does not address.

Reduce barriers and costs for development and provide greater predictability

OPPI wholeheartedly supports the Province's efforts at reducing barriers and costs to development, particularly by providing greater predictability for homebuilders, municipalities, and prospective homebuyers. Planners know the system and how it can be improved and OPPI offers its full support to the government's plan of updating the PPS to realize this ambitious goal.

OPPI agrees that the Province should identify its interests through tools like the PPS but should not force municipalities to repeat them verbatim in their official plans. More conformity with the Province leads to more procedural requirements and this may inadvertently result in more time required for implementation and more costs incurred by developers (and ultimately new homeowners).

Empowered RPPs could also play a role in ensuring accuracy, completeness, and coordination prior to a municipality conducting its final check. In addition, RPPs could be empowered (through delegated authority) to ensure accuracy, completeness, and coordination of development approvals. This would significantly reduce delay, similar to allowing registered code agencies, e.g., engineering firms, to assist with implementing responsibilities under the *Building Code Act*. If this direction were chosen by government, OPPI would work with municipalities and our professional standards boards to specify and monitor how this responsibility is exercised and ensure the public interest and intent of the Province is upheld.

Support rural, northern, and Indigenous communities

The Province's emphasis on meaningful engagement with Indigenous Peoples takes meaningful steps towards achieving reconciliation. OPPI has offered extensive analysis on this issue, most notably through its [*Indigenous Perspectives in Planning: Report of the Indigenous Planning Perspectives Task Force, June 2019*](#). OPPI believes the instructions provided in the draft PPS, if made final, should be accompanied by guidance materials including OPPI's *Indigenous Perspectives in Planning* report. This would help planning authorities in their attempts to engage with Indigenous communities in a way that is culturally and situationally appropriate.

Engaging with Indigenous Peoples in the process is the most prudent course of action. It will be incumbent upon planning authorities to continuously monitor, share best practices, and improve their Indigenous engagement processes.

Further clarification on the Provincial and municipal role in the settler-Indigenous relationship would support planning authorities in developing appropriate approaches to Indigenous engagement. Specifically, planning authorities should be provided with increased direction in the following areas:

- How to respectfully identify and honour heritage sites;
- How to provide for ongoing traditional uses, celebrations, and harvesting practices where public lands are concerned; and
- How to best involve municipalities in land claims disputes, especially where land titles are not clear.

OPPI strongly supports the Province's long-term economic prosperity by sustaining and enhancing the viability of the agricultural sector by ensuring planning authorities must consider it when making decisions that can have an impact. The proposed language that encourages planning authorities to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network* will be beneficial to the Province's farming and rural communities. Attention may also be given to re-opening previously cultivated lands in the clay belt by encouraging the Ministries of Natural Resources and Forestry, Attorney General, and Agriculture, Food and Rural Affairs to coordinate their activities to recreate working agricultural systems on the clay belt.

The government has added the following sentence to its proposed new definition of “On-farm diversifies uses”: “Ground mounted solar facilities are permitted in prime agricultural areas and specialty crop areas only as on-farm diversified uses.”

This sentence has the potential to be misinterpreted and may fit better elsewhere in the PPS, for example, as a separate policy under the Prime Ag/Rural Areas Policy Section(s), included in the Guidelines for Permitted Uses in Prime Agricultural Areas, and/or generalized in the definitions to say something like “may include renewable energy generation.”

Support the economy and job creation

The addition of new policy 1.2.6.2 adds additional policy that will likely improve the conditions for economic investment both for sensitive and industrial manufacturing uses.

As noted, the proposed changes to the PPS also include considerable focus on housing affordability and the prioritization and streamlining of applications. These priorities should be balanced with a commitment to create complete communities and a plan for increasing employment opportunities. The number of bedroom communities in the GTA is on the rise, and any future strategy should be aimed at alleviating this problem.

To create more jobs and housing choices, the PPS could provide stronger language that emphasizes the need for both jobs and housing, particularly in intensification areas to optimize planned and existing infrastructure. One way to achieve this would be to direct local municipalities to establish mixed-use ratios within their priority growth areas to ensure that trip generators (such as office employment) are located near major transit station areas and new transit investments.

The Province should provide a clearer indication of what they consider to be a “priority” application and could do this through further guidance or regulations. Furthermore, it should consider using an alternative to “fast-track” when it comes to dealing with priority applications. This term could create the false impression that there is a different process where steps or required studies can be skipped.

Additional Feedback

The Province should provide clearer instructions on how planning authorities can best deal with local development applications and how municipalities should monitor and report on their official plans. OPPI would be happy to work with the Province and municipalities to best do this.

The Province could be more transparent in its attempts to amend provincial planning policy and legislation. Instead of simply putting out changes for comment, the Province could implement some sort of formal consultation process that ensures widespread participation amongst relevant stakeholders.

Finally, the current planning framework results in a variety of interested parties required to weigh in on routine and minor *Planning Act* decisions instead of allowing experts like RPPs to make a determination and decision. This results in delays and costs from overburdened planning authorities and municipal councils with little to no value added to the outcomes. As such, OPPI recommends that RPPs be authorized to approve certain classes of *Planning Act* decisions, provided they have the professional competence to do so. OPPI would be pleased to work with the Province and municipalities to develop the appropriate criteria to implement this.

We would welcome the opportunity to meet with Ministry staff to discuss our submission and answer any questions you may have. Please feel free to contact me at 416-483-1873 or by email at executivedirector@ontarioplanners.ca.

Sincerely,



Mary Ann Rangan
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