DATE: December 9, 2013

REPORT TITLE: REGION OF PEEL SUBMISSION TO THE PROVINCIAL LAND USE PLANNING AND APPEAL SYSTEM REVIEW

FROM: Norma Trim, Chief Financial Officer and Commissioner of Corporate Services

RECOMMENDATION

That the report from the Chief Financial Officer and Commissioner of Corporate Services dated December 9, 2013, titled "Region of Peel Submission to the Provincial Land Use Planning and Appeal System Review", be approved;

And further, that the Ministry of Municipal Affairs and Housing be requested to expand the scope of its review to include other matters related to operations, practices and reporting procedures of the Ontario Municipal Board;

And further, that the Province be requested to make broad systemic changes to achieve greater accountability, coordination and efficiency of provincial initiatives, and improved transparency in Ontario’s land use planning system;

And further, that the Province coordinate and consolidate the review cycles of key provincial plans, such as the Growth Plan and the Provincial Policy Statement, to improve inter-ministerial collaboration and policy alignment;

And further, that the Province deem implementation of key policies in municipal planning documents unappealable, particularly with respect to the Growth Plan; and preclude the ability to appeal entire municipal official plan amendments;

And further, that a copy of the subject report be forwarded to the Ministry of Municipal Affairs and Housing, the City of Mississauga, the City of Brampton, and the Town of Caledon as the Region of Peel’s formal response to the land use planning and appeal system review.
REPORT HIGHLIGHTS

- On October 24, 2013, Ministry of Municipal Affairs and Housing (MMAH) released a consultation paper to review the land use planning and appeal system. Comments are requested by January 10, 2014.
- Regional staff attended workshops held by the Province and developed this report through consultation with various stakeholders including both Regional and area municipal staff.
- Regional staff recommends Ministry of Municipal Affairs and Housing expand the scope of its review to include other matters related to operations, practices and reporting procedures of the Ontario Municipal Board, and recommends the Province make broad systemic changes to Ontario's land use planning system to improve efficiency, accountability and transparency.
- The current provincial land use planning and appeals system presents challenges to the Region of Peel which are identified in the submission attached as Appendix I.
- The Region of Peel's submission includes Council endorsed positions that aim to increase predictability, transparency, cost-effectiveness and responsiveness to the changing needs of communities.

DISCUSSION

1. Background

Launch of the Consultation Process to Review the Land Use Planning and Appeal System

On October 24, 2013, a consultation discussion paper was released by the Ministry of Municipal Affairs and Housing (MMAH) to review the land use planning and appeal system, with responses requested by January 10, 2014. MMAH also simultaneously released a separate consultation discussion paper to review the development charges system. As the policy areas covered by both these reviews are separate and distinct, the Region of Peel has developed a stand-alone submission to the Development Charges review. This is the subject of a separate report that appears on the January 9, 2014 Regional Council meeting agenda.

a) Current Provincial Land Use Planning and Appeals System

The land use planning system provides the tools and processes necessary to manage and direct physical change and achieve community goals with an aim to balance social, economic and environmental concerns. The foundation of Ontario's planning system is the Planning Act that sets the framework for planning and development in the Province. The Provincial Policy Statement (PPS) and other provincial plans support the Planning Act by integrating provincial land use interests in a more detailed provincial policy direction based on geographic regions. The Planning Act requires that all local planning decisions and plans be consistent with the PPS and conform or not conflict with other provincial plans.

As the Region of Peel continues to experience a high level of population and employment growth, increased pressure is put on our ability to provide Regional services and minimize the impacts on the natural landscape and cultural heritage. Land use decisions made in the Region aim to balance priorities of changing communities by
protecting the environment, managing resources and directing growth in an efficient and sustainable manner. However, when ideas of planning and development are conflicting, matters can be appealed to the Ontario Municipal Board (OMB), a quasi-judicial tribunal that hears appeals on planning disputes and makes final legally binding decisions, as per the Planning Act.

b) Current Regional Positions to Address Challenges Related to Planning and Appeals System

The Region of Peel supports the Province’s initiative in carrying out this review as the land use planning and appeal system has significant implications on the planning process. Regional Council has previously provided direction on issues related to the planning process through its endorsement of proposed amendments to the PPS as outlined in the report of the Chief Financial Officer and Commissioner of Corporate Services, dated November 22, 2013, titled “Response to the Proposed Amendments to the Provincial Policy Statement” and the report dated February 6, 2013, titled “Public Meeting to Discuss the Regional Official Plan Review”. These reports recommended allowing flexibility in planning for greenfield densities, amending the Planning Act to strengthen municipal decision making, limiting appeals to the OMB, consolidating provincial review cycles, and harmonizing terminology in provincial plans to better manage growth and improve the planning process in Peel. Regional Council also endorsed staff recommendations on the provincial consultation discussion paper for OMB reform as outlined in the report of the Commissioner of Planning and Commissioner of Corporate Services and Regional Solicitor, dated July 12, 2004, titled “Planning Policy and Research - Region of Peel Position on Ontario Municipal Board (OMB) Reform”. This report recommended significant reforms to the OMB by strengthening the role of elected municipal councils, moving to a true appeal process at the OMB, establishing a more rigorous process for development applications, and improving the Board appointment process.

c) Scope of the Consultation Process in Regards to Land Use Planning and OMB Appeals

MMAH has scoped this review to not consider recommendations that call for:
- The elimination of the OMB;
- The OMB’s operations, practices and procedures,
- Removal of the provincial government’s approval role;
- The restriction of the provincial government’s ability to intervene in matters; and
- Matters involving other legislation, unless housekeeping changes are needed.

Regional staff request MMAH expand the scope and undertake a broader review of Ontario’s land use planning system to achieve improved accountability, coordination and transparency, and include other matters identified in this submission that address issues surrounding the OMB from an operations, process and reporting perspective.
2. Submission

Region’s Land Use Planning and Appeal System Review

a) The Region of Peel’s Position on the Current Provincial Land Use Planning and Appeals System

Region of Peel staff attended workshops held by the Province. The Region of Peel’s submission was formulated by consulting with staff from relevant Region of Peel Departments, as well as staff from area municipalities. The Region of Peel’s submission was also based on existing Region of Peel Council endorsed positions, in addition to new positions as identified in Appendix I.

The positions included in the Region’s submission are framed within the context of the four theme areas that have been identified in the Provincial Land Use Planning and Appeal System Review discussion paper. Below are the themes with the Region of Peel’s associated recommendations.

i. Theme A: Achieve more predictability, transparency and accountability in the planning/appeal process and reduce costs.

Regional staff acknowledges the Province’s commitment to ensure provincial planning documents are reviewed on a regular basis. However, staff encourages the Province to consider the municipal challenges associated with implementing the multiple provincial plans and policies, such as the continuous and considerable allocation of financial and staff resources toward provincial plan reviews.

The Region of Peel recommends that the Provincial Government:
• Provide improved coordination and communication among provincial plans and departments by consolidating review cycles over a ten year period (the model already established in the Greenbelt Plan), and improving coordination at an inter-ministerial level.

Regional staff supports the Province’s important legislative improvements in scoping matters that can be appealed to the OMB, such as removing the right to appeal council decisions on private official plan amendments proposing boundary expansion, and removing the appeal rights for employment land conversions. Despite these important legislative improvements, there is still opportunity to limit appeals which are costly in terms of staff time and legal expenses, resulting in long hearing wait times, and delaying the implementation of policy direction as adopted by municipal council. In order for municipal decisions to achieve the highest form of predictability and accountability, the Province should amend the Planning Act so that the appeal process is streamlined where the onus of defending provincial plans and accountability lay with the Province.

The Region of Peel recommends that the Provincial Government:
• Make amendments to the Planning Act to further strengthen municipal decision making and limit appeals to the OMB where municipal Official Plans are deemed to be in conformity with provincial requirements, and on development applications requesting densities outside of areas identified in the municipality’s Official Plan, as outlined in Region of Peel Resolution 2013-596 approved at the June 17, 2013 Regional Council meeting.
The Region of Peel also supports the first reading of Bill 144, which amends the Planning Act to extend the time municipalities have to approve development applications from 120 to 365 days without appeal to the OMB. Still, setting a defined cut-off date for when all appeals must be submitted when there is a lack of decision by an upper-tier approval authority within the 180 day approval period would further relieve the time spent in OMB hearings.

Finally, improvements to the OMB member appointment process and operations can be made. Currently, Board Members are selected by the Premier's Office for a three year term, with limited requirements for performance evaluation and training.

The Region of Peel recommends that the Provincial Government:
- Introduce an Independent Advisory Panel to screen qualified applicants, provide training on planning matters, set guidelines for the decision making process, explore rules surrounding the interactions between Board Members and those involved in the hearing, and rigorously evaluate the performance of Board Members.

ii. Theme B: Support greater municipal leadership in resolving issues and making local land use planning decisions.

Greater municipal leadership in local land use planning can be achieved through a true appeal process that would dramatically reduce the number of de novo hearings conducted by the OMB. This means the appeal application will be examined using considerations made by the municipal council, instead of starting at the beginning as a new application. Moving to such a system would reduce the ability of the Board to substitute its decision making in place of decisions made by elected municipal councils. The OMB would act as an independent third-party adjudicator to protect landowners and the public from unreasonable actions by municipal councils, and to be the guardian of the PPS.

The Region of Peel recommends that the Provincial Government:
- Provide a true appeal process by placing primary responsibility and accountability on elected councils.

The Region of Peel appreciates the implementation of Bill 51, allowing municipalities to establish local appeal bodies for matters such as minor variances and severances. However, there is concern of accountability and transparency since appeal bodies are made up of non-elected citizens, possibly encouraging more appeals.

The Region of Peel recommends that the Provincial Government:
- Clarify the differences between local appeal bodies and other bodies hearing local matters, and provide more direction on accountability.

Currently, each provincial planning document contains a glossary of significant terms, which are not consistently defined among the various provincial planning documents, such as "Employment Areas" in the PPS and "Employment Lands" in the Growth Plan. In some instances, the same term is used to define two different policies, which is currently the case with municipal comprehensive reviews.
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The Region of Peel recommends that the Provincial Government:
- Provide one consistent set of definitions in all provincial land use planning regulations and policies to assist municipal interpretation of the intent and successful administration to lower-tier municipalities.

iii. Theme C: Better engage citizens in the local planning process.

It is necessary for the Province to address the obstacles municipalities currently face in the local planning and appeal process in order to improve citizen engagement. Some of the challenges municipalities face, as outlined in this submission, include: uncoordinated review cycles; roadblocks in communications at an inter-ministerial level and among provincial policies; appeals to entire municipal planning documents and conformity amendments; OMB member appointment process, operations and procedures; implementation of employment area densities; and limited policy coordination of healthy and sustainable communities.

The Region of Peel recommends that the Provincial Government:
- Make improvements to the accountability, coordination, collaboration and efficiency of the local land use planning and appeal system to significantly improve to the public engagement process.

iv. Theme D: Protect long-term public interests, particularly through better alignment of land use planning and infrastructure decisions, and support for job creation and economic growth.

The Region of Peel supports maintaining density targets in residential areas that are transit supportive. However, when implementing density targets within employment areas, economic realities, not arbitrary targets, have to be taken into account to properly inform Regional and local planning decisions so that employment density targets are achievable, appropriate and recognize the realities of local areas.

The Region of Peel recommends that the Provincial Government:
- Change the current approach to allow flexibility in planning for optimal greenfield densities, including separating the combined density measure in the Growth Plan and establishing two separate and realistic targets for the greenfield growth area.

Although the PPS supports the principles of well-planned and well-designed sustainable built environments, stronger direction from the Province is necessary to achieve and implement these principles.

The Region of Peel recommends that the Provincial Government:
- Provide leadership through policy coordination to implement public health tools to support sustainable built environments.
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3. Next Steps

MMAH staff will report the input gathered from the consultations and written submissions to the
MMAH Minister in early 2014. Regional staff will continue to monitor the land use planning and
appeal system review process, and report to Regional Council of any significant developments
(e.g. introduction of legislation or change in policy).

CONCLUSION

Overall, the Region of Peel's key advocacy position in relation to land use planning is the need
for the Provincial Government to provide more predictability and accountability through
improved coordination and communication among provincial plans and provincial departments.

In regards to the Region of Peel's advocacy position related to the appeals system, the key
recommendation calls on the Provincial Government to make amendments to the Planning Act
that limit appeals to the OMB by strengthening municipal decision making and providing a true
appeal process.

The Region of Peel has included recommendations to extend the scope of this review. As such,
an improvement to the OMB member appointment process and procedures, in addition to
clarification on local appeal bodies would also improve transparency and accountability
concerns. The Region of Peel also recommends the Province allow for flexibility in planning
growth management targets, and that the Province promote stronger policy leadership when
implementing public health tools to support sustainable built environments.

This consultation process provides the Region of Peel an opportunity to work with the Province
to address issues and develop solutions related to land use planning and the appeals system. It
also provides an opportunity to increase predictability, transparency, cost-effectiveness and
responsiveness to the changing needs of communities.
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Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services

Approved for Submission:

D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Arvin Prasad, Director of Integrated Planning Division at extension 4251 or via email at arvin.prasad@peelregion.ca

Authored By: Virpal Kataure

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Region of Peel Submission to the Provincial Land Use Planning and Appeal System Review

Prepared by:
The Region of Peel

Prepared For:
Land Use Planning and Appeal System Consultation
Ministry of Municipal Affairs and Housing

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INTRODUCTION

The Region of Peel (the Region) supports the Province in consulting and carrying out a
review of the Province’s land use planning and appeal system to ensure that it is
predictable, transparent, cost-effective and responsive to the changing needs of
communities. The Region welcomes the opportunity to provide input into this process and
looks forward to working with the Province on a more effective and efficient planning and
appeal system that meets the needs of communities throughout Ontario.

BACKGROUND

The land use planning system provides the tools and processes necessary to manage and
direct physical change and achieve community goals with an aim to balance social,
economic and environmental concerns. The Planning Act requires that all local planning
decisions and plans be consistent with the Provincial Policy Statement (PPS) and other
provincial plans. Land use decisions made in the Region aim to balance priorities of our
changing communities by protecting the environment, managing resources and directing
growth in an efficient and sustainable manner.

On October 24 2013, a consultation discussion paper was released by the Ministry of
Municipal Affairs and Housing (MMAH) to review the land use planning and appeal
system, with responses requested by January 10, 2014. The paper poses questions
based on four theme areas for stakeholders regarding the land use planning and appeal
system. As the Region of Peel continues to experience a high level of population and
employment growth this consultation provides an opportunity to address the planning and
appeal system challenges currently facing the Region. A series of workshops were held by
the Province, which Regional staff attended.

The Region supports the Province’s initiative in carrying out this review as the land use
planning and appeal system has significant implications on the Regional planning process.
Further, the Region appreciates the Province’s recent legislative reforms to the planning
system including:
- clarification to the rules and protection of public interests by allowing the setting of
  complete application requirements;
- encouraging public participation by enhancing public notification and offering open
  houses;
- introducing planning and financial tools by limiting the ability to appeal settlement
  area boundary and employment land conversions; and
- providing clear rules for planning applications at the OMB by allowing repeat
  applications to be dismissed.
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However, there is still opportunity for the Province to make significant systemic changes to achieve greater accountability, improved efficiency, access and transparency in the land use planning and appeal system in Ontario. In addition, the Region is requesting that MMAH expand the scope of the review to include other matters related to OMB operations, practices and reporting procedures.

RECOMMENDATIONS

Theme A: Achieve more predictability, transparency and accountability in the planning/appeal process and reduce costs

   a) It is recommended that the Provincial Government provide improved coordination and communication among provincial plans and departments.

Regional staff acknowledges the Province’s commitment to ensure provincial planning documents are reviewed on a regular basis. These include the Growth Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Lake Simcoe Protection Plan, Niagara Escarpment Plan and Parkway Belt West Plan. The Province reviews and updates these plans on a five to ten year cycle.

While Regional staff appreciates the Province’s intent to keep its policy documents current, staff encourage the Province to consider the municipal challenges associated with implementing the multiple provincial plans and policies. Coordination or consolidation of the review cycles and consistency among provincial documents is necessary to ensure that the provincial policy framework is manageable. The consequence has been a continuous and considerable allocation of financial and staff resources towards provincial plan reviews. Without this coordination, the five year review cycle makes it difficult for municipalities to keep pace with the change given the lengthy process required to consult, comment and implement provincial policies at a regional and local level.

The Province should strive toward using the model already established in the Greenbelt Plan, which requires that the Greenbelt Plan, Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan all be reviewed in conjunction over one ten-year period. This model could be followed for other provincial planning documents.

To further address roadblocks in coordination and communication, Regional staff suggests providing clarification on the implementation of the various provincial plans. Specifically, Regional staff recommends greater levels of coordination at the inter-ministerial level related to growth management, land-use planning, provincial and municipal infrastructure planning, transportation planning and public health. This would allow for provincial input to be received in a timely, efficient and accountable manner.
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b) It is recommended that the Provincial Government make amendments to the Planning Act to further strengthen municipal decision making and limit appeals to the OMB. This is especially valuable where municipal official plans are deemed by the Provincial Government to be in conformity with provincial requirements, such as those that implement provincial plans.

The Region supports the Province's important legislative improvements in scoping matters that can be appealed to the OMB. On April 18, 2013 a private members bill was introduced to the Ontario legislature which called for limited matters that can appealed to the OMB in order to prevent intensification in stable residential areas and parks and open space. The Bill is currently before the legislature, having received second reading and referred to the Standing Committee. Legislative amendments to the Planning Act introduced through the Strong Communities Act (Bill 26) removed the right to appeal council decisions on private official plan amendments proposing settlement boundary expansions. Additional revisions through the Planning and Conservation Statute Law Amendment Act (Bill 51) removed appeal rights for employment land conversions, gave municipal councils the opportunity to reconsider certain planning decisions which are before the OMB based on new information, and restricted parties who may appear before the OMB and evidence which may be given. Other changes helped clarify the OMB's mandate to now “have regard to” decisions made by municipal councils under the Act. Overall, these amendments have been effective in strengthening the role of municipal council decisions.

Despite these important legislative improvements there is still opportunity to further limit appeals in situations where there is no public interest served by a lengthy hearing process. Regional staff is concerned that OMB hearings on policy appeals can be costly in terms of legal expenses and staff time, impede public and private sector investment decisions as a result of the long hearing wait times, and result in delayed implementation of policy direction adopted by municipal councils. Appeals of amendments to bring official plans into conformity with provincial policy require municipalities to devote scarce resources to defending decisions that have already proceeded through the planning process, and in many instances, have been approved and deemed to conform with provincial policy by the Province. Any restrictions on appeals should preserve municipal council’s ability to appeal provincial decisions.

In order to fully realize the vision of the Province and attain the objectives of the government, it is recommended that the Province limit appeals on policy decisions that have been deemed to conform to provincial policy, such as amendments implementing the Places to Grow Plan and the Greenbelt Plan. The precedent of limiting appeals on conformity amendments related to provincial plans is already established in the Oak Ridges Moraine Conservation Act, which contains no appeal provisions on official plan amendments approved by the Province. Furthermore, appeals to entire official plans should not be permitted without sufficient justification and articulated scope, so as to not undermine the effort of municipalities in updating or amending planning documents.
Still, the Province can improve the planning appeal system by limiting appeals on development applications requesting densities to be located in any area other than those identified by the municipality’s official plan, where the decision of the council is final and the development application have no right of appeal at the OMB.

The Region supports the first reading of Bill 144, a private member’s bill heard on December 10, 2013 that amends the Planning Act to extend the time municipalities have to approve development applications from 120 to 365 days without appeal to the OMB. Still, setting a defined cut-off date for when all appeals must be submitted when there is a lack of decision by an upper-tier approval authority within the 180 day approval period would further relieve the time spent in OMB hearings.

In many municipalities across the province, governments are spending a significant amount of resources at the OMB repeatedly defending provincial policy surrounding the same subject matter. In order for municipal decisions to achieve the highest form of predictability and accountability, the Province should amend the Planning Act so that the appeal process is streamlined where the onus of defending provincial plans lay with the Province. This would result in significant cost and time savings both at the OMB and at the municipal level. The Province would be held accountable for its plan through to implementation, also improving the public engagement process.

c) It is recommended that the Provincial Government improve the OMB member appointment process and operations.

Currently, Board members are selected by the Premier’s Office and are appointed by the Provincial Cabinet through an Order-in-Council process. Additionally, some candidates for appointment to the Board may appear before the Legislature’s Standing Committee on Government Agencies for a review of their credentials by members of the committee.

To improve the appointment process, the introduction of an Independent Advisory Panel to solicit and screen qualified applicants using merit-based criteria is supported. The Advisory Panel could be nominated by the Chair of the OMB, the Minister of Municipal Affairs and Housing and others, such as the Association of Municipalities of Ontario and the Ontario Professional Planners Institute. The panel would be composed of members of the planning and legal communities, academia, nongovernmental organizations and human resource experts. Only candidates that are identified as qualified would be sent to the Office of the Premier for appointment.
Other measures proposed include:

- increasing the term of appointment from three years to six;
- specifying qualifications and expertise required of Board members;
- providing significant training on planning matters, provincial policy and related matters;
- setting guidelines for the decision making process;
- exploring the rules surrounding interactions between OMB members and appellants, expert witnesses, legal counsel and other participants/parties outside of the formal hearing process;
- evaluating the need for two or more members for a complex hearing; and
- rigorously evaluating the performance of Board members regularly by the Board Chair.

Theme B: Support greater municipal leadership in resolving issues and making local land use planning decisions

d) It is recommended that the OMB provide a true appeal process reducing the number of de novo hearings conducted at the Board.

Greater municipal leadership in local land use planning can be achieved through a true appeal process that would dramatically reduce the number of de novo hearings conducted by the OMB, meaning the appeal application will be examined using considerations made by the municipal council, instead of starting at the beginning as a new application. Moving to such a system would reduce the ability of the Board to substitute its decision making in place of decisions made by elected municipal councils.

Under a true appeal process, the OMB would only serve as an appeal body for dealing with faulty decisions by a municipal council or lack of decision by a municipal council or an appeal by the MMAH on a matter of provincial interest. Municipal planning decisions should be final and binding unless it can be demonstrated that a significant error or impropriety has taken place. The onus of demonstrating the error or impropriety should be placed on the complaining party. In situations where the municipality failed to make a decision on an application within a prescribed legislative timeframe, it is proposed that an appeal would still proceed directly to a de novo hearing at the Board.

Where the Minister is the approval authority, for example, of upper-tier official plans and official plan amendments, it is proposed that the Minister be empowered with the discretion to appeal these matters to the OMB for a de novo hearing if he/she believed the amendment was not consistent with the PPS.

Providing a true appeal process would greatly enhance the role of elected municipal councils in planning decision-making by placing primary responsibility and accountability on elected councils. It would also enhance the role of the OMB as an independent third-party adjudicator to protect landowners and the public from unreasonable actions by municipal councils, and to be the guardian of the PPS.
e) It is recommended that the Provincial Government clarify the differences between local appeal bodies and other bodies hearing local matters, and provide more direction on accountability.

The Region of Peel appreciates the implementation of Bill 51, allowing municipalities to establish local appeal bodies. This effectively replaces the OMB for purely local matters such as minor variances and severances further reducing the scope of the OMB's decision making influence, streamlining the development application process, and possibly saving resources. Matters affecting the broader public interest would still be heard at the OMB.

However, there is concern of accountability and transparency since the appeal bodies are made up of non-elected citizens, perhaps encouraging more appeals. The difference and fit between the local appeal body and the Committee of Adjustment is also unclear, particularly regarding matters that can/cannot be dealt with. Furthermore, municipalities would be responsible for funding much of the upfront and operating costs, such as staffing and lodging, for the local tribunal further restraining the municipal budget. It is important that the Province clarify matters of accountability and transparency of local appeal bodies.

f) It is recommended that the Provincial Government provide one consistent set of definitions in all provincial land use planning regulations and policies.

Each provincial planning document contains a glossary of the significant terms used within it. However, these terms are not consistently defined among the various provincial planning documents. For example, section 1.3.2 in the PPS references "Employment Areas" while section 2.2.6 of the Growth Plan uses the term "Employment Lands". It is not clear why different terminology is used, nor is it clear what the difference is between the two terms. "Infrastructure" and "mineral aggregate operations" are two other examples of terms which have different definitions within different provincial plans.

In some instances, the same term is used to define two different policies. This is currently the case with municipal comprehensive reviews (MCR). The Growth Plan and the PPS identify a MCR for the conversion of lands within employment areas and for the expansion of a settlement area boundary. The various MCR criteria also differ between both policies, which sometimes cause confusion on what is required. Inconsistent terminology can lead to challenges when municipalities are developing policies to implement the provincial direction.

Provincial policies can be further strengthened by clarifying terminology in a number of areas to assist municipal interpretation of the intent, as well as the successful administration to lower-tier municipalities.
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Theme C: Better engage citizens in the local planning process

As noted earlier, it is necessary for the Province to address the obstacles municipalities currently face in the local planning and appeal process in order to improve citizen engagement. This includes a consistent and streamlined provincial review process, limited appeals to the OMB by strengthened municipal decision making, and establishes the Province as the primary body defending disputes on provincial plans. These enhancements would lead to citizens who feel empowered and confident that they are meaningfully contributing to the local land use planning process.

Theme D: Protect long-term public interests, particularly through better alignment of land use planning and infrastructure decisions, and support for job creation and economic growth

g) It is recommended that the Provincial Government change the current approach to allow flexibility in planning for optimal greenfield densities, including separating the combined density measure in the Growth Plan and establishing two separate and realistic targets for the greenfield growth area.

To achieve the goals and objectives of the Growth Plan, including the creation of complete communities, a density target for designated greenfield areas was established. The minimum density target, as prescribed in Policy 2.2.7.2 of the Growth Plan, is a combined 50 residents and jobs per hectare measured across the Region's entire designated greenfield area. Averaging the density target on a region-wide basis enables some flexibility for greenfield densities to be higher in some areas and lower in others. Through Regional Official Plan Amendment 24, the Region developed a set of targets for the area municipalities that resulted in meeting the density of 50 residents and jobs per hectare at the Regional level.

There are many examples in Peel where residential greenfield development will achieve, if not exceed, the minimum targets. For example, the Springdale neighbourhood in Brampton exceeds 65 residents and jobs per hectare and the Mount Pleasant neighbourhood is close to 100 residents and jobs per hectare. The Region supports maintaining density targets in residential areas that are transit supportive. On the other hand, employment areas throughout the Region achieve much lower densities. While some employment areas (e.g. along urban corridors and nodes) may intensify over time, recent analysis of Peel floor space per worker ratios (FSW, square metre per worker) from the past decade for new industrial buildings indicated increasing FSWs or lower densities of these buildings.

When implementing density targets, particularly within employment areas, economic realities, not arbitrary targets, have to be taken into account to properly inform Regional and local planning decisions so that employment density targets are achievable, appropriate and recognize the realities of local areas.
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The delay in provincial planning for the Greater Toronto Area West Corridor infrastructure has also led to challenges in planning for employment lands within the corridor, making it difficult to achieve employment area density targets on the ground. Envisioning and initiating large provincial plans and subsequent studies at a much earlier date would mitigate the issues of planning for realistic and appropriate employment area densities.

h) It is recommended that the Provincial Government provide leadership through policy coordination to implement public health tools to support sustainable built environments.

The PPS supports well-planned and well-designed sustainable communities with community design that contributes to the attractiveness, vibrancy, health and resilience of communities. In 2007, the principle of sustainable communities, the relationship between healthy people and well-built environments, was incorporated in the Planning Act through “the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians”.

The Province should provide greater leadership through strategic alignment, policy coordination and staff training to enhance uptake and implementation of policies and tools that support shared goals (e.g. health, sustainability, compact design, reducing congestion, etc.). For example, it is requested the PPS include stronger language around health and sustainability principles while requiring municipalities to implement policies that guide the planning process to achieve these principles.

The Province should also consider providing leadership to identify “healthy and sustainable communities” as a long-term provincial interest. Planners require technical supporting documents that provide qualitative and quantitative targets that are informed by research and that link standards and targets to public health outcomes. This can be achieved by supporting regional and municipal staff to strengthen and coordinate policies within the land use planning system which increase the uptake and implementation of existing evidence based tools, such as the Region’s Health Background Study Framework, to maximize the health promoting potential of land use and infrastructure decisions. From a public health perspective, building healthy compact, complete communities has the potential to improve the public’s health and wellbeing, reduce the burden of chronic disease on the healthcare system, and thereby contribute to that system’s sustainability.

CONCLUSION

The Region of Peel is determined to work closely with the Province to develop solutions to the issues raised in this report. The Region of Peel advocates for an expansion of the consultation scope to include matters related to the achieving greater efficiency, access and transparency in the existing land use planning and appeal system. The Region identifies the need to provide more predictability and accountability through improved coordination and communication among provincial plans (e.g. through one review cycle and one set of definitions) and provincial departments (e.g. when receiving provincial
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input). The Region of Peel recommends that amendments be made to the Planning Act that limit appeals to the OMB by strengthening municipal decision making and providing a true appeal process. An improvement to the OMB member appointment process and procedures, in addition to clarification on local appeal bodies would also improve transparency and accountability concerns. The Region of Peel also suggests allowing flexibility in planning growth management targets. Finally, the Province should strive to promote stronger policy leadership when implementing public health tools to support sustainable built environments.

Thank you for the opportunity to provide comments on these important land use planning and appeal process matters.