



Ontario Federation of Agriculture

Ontario AgriCentre

100 Stone Road West, Suite 206, Guelph, Ontario N1G 5L3
Tel: (519) 821-8883 • Fax: (519) 821-8810 • www.ofa.on.ca

June 3, 2015

Mr. Ken Petersen, Manager
Provincial Planning Policy Division
Ministry of Municipal Affairs and Housing
777 Bay Street. 13th Floor
Toronto, ON
M5G 2E5

Dear Mr. Petersen;

Re: EBR Registry 012-3651 Bill 73 – Smart Growth for Our Communities Act, 2015.

The Ontario Federation of Agriculture (OFA) is Canada's largest voluntary general farm organization, representing more than 36,000 family farm businesses across Ontario. These farm businesses form the backbone of our robust food system and rural communities with the potential to drive the Ontario economy forward.

The Smart Growth for Our Communities Act, 2015 proposes a number of amendments to the Planning Act and the Development Charges Act, 1997. Following are our comments on those amendments to the Planning Act which we believe affect Ontario's farmers.

The OFA supports the proposed amendment to section 2.1 of the Planning Act to ensure municipal-level public input consideration by the approval authority and by the OMB. That being said, we do question how this would be implemented.

The OFA supports the proposed amendment to section 3(10) of the Planning Act to extend the review period for reviews of policy statements, such as the Provincial Policy Statement (PPS), issued under this section from the current five years to ten years after the policy comes into effect. This change; aligns these reviews with reviews of Greenbelt Plan, Oak Ridges Moraine Conservation Plan, the Niagara Escarpment Plan, etc. However, given the most recent Provincial Policy Statement review, OFA is concerned that the review process could extend several years beyond the start of the designated review period. The OFA advocates the Ministry of Municipal Affairs and Housing ensure the duration of each review be as brief as possible.

The proposed amendments to section 8(1) makes it mandatory for upper tier and single tier municipalities to have a local Planning Advisory Committee. The OFA supports this change with the added provision that at least one member of this committee be an active farmer, where agriculture is a significant land use in the municipality.

Bill 73 proposes an added requirement on how the municipality will inform the public, and gather their views, on Official Plan amendments and revisions, zoning by-laws, plans of subdivision and consents (severances). In addition, the Official Plan will have to contain descriptions of the measures and procedures to be used to obtain public's views. These proposed amendments are set out in section 16. The OFA wholeheartedly endorses these amendments.

Amendments to section 24.2 would prohibit appeals on an entire Official Plan, while appeals of parts of an Official Plan would be permitted. The OFA supports the prohibition of an entire Official Plan appeal.

Furthermore, section 24.5 would prohibit Official Plan appeals related to identification of an area under the Clean Water Act, the Lake Simcoe Protection Act, the Greenbelt Act, the Oak Ridges Moraine Conservation or the Places to Grow Act. The OFA supports these changes.

The amendments contained in section 26(1) – (1.2) would place new Official Plans and Zoning By-laws on a 10 year review cycle, in lieu of the current 5-year review cycle. After this 10-year period, subsequent reviews of the existing Official Plan and Zoning By-law would be on a 5-year cycle. These sections would also prohibit privately-initiated appeals for the first 2 years of the plan or zoning by-law's existence. The OFA supports these changes too.

Under section S17(25.1), appellants would be required to explain in writing how the decision they are appealing is inconsistent with, fails to conform with or conflicts with a provincial plan or the Official Plan. Requiring appellants provide the rationale for their appeal has merit, and may serve to root out frivolous appeals. The OFA supports bringing more rigour to the appeals process, with the caveat that the Ministry of Municipal Affairs and Housing will need to provide potential appellants with guidance on enunciating how a decision is inconsistent with, fails to conform with or conflicts with a provincial plan or the Official Plan.

The proposed amendments to section 45 on minor variances would require the proposed variance conform to prescribed criteria. The OFA welcomes this development. All too often we hear of minor variance applications that propose to reduce planning requirements by factors that are anything but minor. Developing criteria to guide applications, municipal decision makers and the OMB on what constitutes "minor" in a variance application is long overdue. The OFA looks forward to working with the Ministry of Municipal Affairs and Housing and other stakeholders on their development.

The OFA takes this opportunity to advance an additional Issue. From time to time, we see municipal councils and/or committees of adjustment grant severances that are contrary to the Provincial Policy Statement, the local Official Plan, or both. It's asking too much of local citizens to know the content of the Provincial Policy Statement, a regional land use plan and Official Plan, and understand when the municipality is not following one or more of these. Ontario needs a better way to deal with situations like these. It shouldn't be left to local concerned citizens to "police" their municipal council and/or committee of adjustment. Relying on appeals to the Ontario Municipal Board is inadequate. The OFA suggests that Ontario needs a simpler means to address these situations. Perhaps the Ministry of Municipal Affairs and Housing should develop a decision tree system to screen out applications that run counter to the Provincial Policy Statement, other provincial policy or plan, or the local Official Plan. Any application that, based on the decision tree, is counter to the Provincial Policy Statement, other provincial policy or plan, or the local Official Plan, is denied, and not brought to council and/or committee of adjustment.



The OFA welcomes this opportunity to provide its perspectives on the proposed amendments to the Planning Act as found in the *Smart Growth for Our Communities Act, 2015* (Bill 73).

Sincerely,

A handwritten signature in black ink, appearing to read "Don McCabe", is positioned below the word "Sincerely,".

Don McCabe
President

DM/pj

cc: OFA Board of Directors
OFA County Federations