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**OPPI's Preliminary Response to Proposed Bill 66, *Restoring Ontario's Competitiveness Act* (EBR Registry Number: 013-4293), Proposed open-for-business planning tool (EBR Registry Number: 013-4125) and New Regulation under the Planning Act for open-for-business planning tool (EBR Registry Number: 013-4239)**

On behalf of the Ontario Professional Planners Institute (OPPI), I am submitting our preliminary response to the proposal for Bill 66, *Restoring Ontario's Competitiveness Act*, and the associated "open-for-business" planning by-law tool and proposed regulations, which is currently at first reading in the legislative process.

OPPI is the recognized voice of Ontario's planning profession and our over 4,500 Registered Professional Planners (RPPs). RPPs are the skilled, professional and dependable navigators that are employed to help lead communities towards the Ontario of tomorrow. RPPs are the local experts that bring together differing points of view, consult and develop recommendations that provide informed choices for decision-makers and elected officials. Like you, RPPs act in the public interest as professionals who work to improve the quality and livability of communities in Ontario today and their sustainability long-term. We are uniquely positioned to provide feedback on this legislation as RPPs live and breathe economic development and are often the first point of contact for developers looking to invest in communities across Ontario.

OPPI understands that the intent of Bill 66 is to provide municipalities with a Minister Zoning Order-like tool to capitalize on employment opportunities that are time sensitive. OPPI and our RPPs believe a robust economy is crucial to Ontario's prosperity and having strong strategies and tools in place is vital. We also believe that economic development can be expedited while balancing social and environmental choices and consulting with the public and stakeholders.

While Bill 66 is at first reading and many details remain to be developed, OPPI believes that an "open-for-business" by-law is another tool in the planning toolbox and, when used appropriately, can position municipalities to be able to respond to those opportunities. We encourage the government to consider these changes as part of the larger planning reform it's taking to ensure that municipalities continue to have the right tools to be responsive to economic development priorities as they emerge within the landscape.

### **OPPI's understanding of this by-law:**

As OPPI understands, the “open-for-business” by-law will complement policies and practices established for growth in the province today. Our understanding is that this tool is intended to expedite very specific, time-sensitive opportunities in communities that would provide broad community benefit. The key features as we understand it are:

- The proposed regulation includes eligibility criteria for the applicability of the by-law, including a minimum job creation threshold of 50 jobs for municipalities with a population of less than 250,000, or 100 jobs for municipalities with a population of more than 250,000 people.
- The tool is intended to be applied narrowly, for major manufacturing or research and development uses only, not applications for residential, commercial or retail uses as a primary use.
- A municipality would need to request to introduce this by-law in their community, and this would be subject to a ministerial approval.
- As part of the ministerial review, the request would be shared with partner ministries and agencies. We understand the Minister and partner ministries would review the request in the context of applicable provincial policies and may identify conditions/criteria of approval in order to meet provincial interests.
- If provincial approval was obtained, and any conditions/criteria have been met, the municipality would then pass the “open-for-business” by-law and notify the public. It is also OPPI's understanding that the Minister can rescind their approval up until the by-law comes into force.

This tool is not intended to address other issues municipalities are experiencing with respect to employment growth in their communities, specifically challenges with servicing industrial lands to produce “shovel-ready” projects. The province should consider this challenge as it reflects on what is needed to attract broader economic development and opportunities in Ontario.

### **Member Feedback on Bill 66**

Given its significance, OPPI took the opportunity to survey our membership and gather their reaction to Bill 66. We received hundreds of responses in a variety of formats: survey, direct feedback and comments. Presented below is a snapshot of the results:

- 51 percent of respondents are planners employed by a local municipality and half of respondents come from the Greater Toronto and Hamilton Area.
- Close to 60 percent of respondents have more than 10 years of planning experience.
- An overwhelming majority of respondents (77 percent) somewhat or strongly oppose the planning by-law tool.
- An overwhelming majority of respondents (83 percent) somewhat or strongly agree that the “open-for-business” by-law would undermine key planning rules.
- Approximately 60 percent of respondents believe an “open-for-business” by-law could be an acceptable tool but it must not undermine the integrity of planning.
- Approximately 90 percent of respondents think the provincial government should slow down and consult further before creating this planning by-law tool.

OPPI's survey invited comments and feedback from members which allowed them to articulate their thoughts on the proposed legislation. The feedback received indicates that they have concerns and

questions in the following areas which relate to when the by-law could be used and how it is used. These concerns are directly rooted within the profession's statement of values which require that Professional Planners balance social, economic and environmental interests when providing advice to decision-makers. OPPI's thoughts are further reflected below:

### **1. Consideration should be given to how this planning by-law could be used:**

The current planning framework in Ontario encompasses many different pieces of legislation and documents. Within this framework, our members make their objective recommendations on planning matters in local communities across Ontario to inform local decisions. The following considerations should be given to how the planning by-law could be used:

- Ensure the review process is fair and transparent.
- Approval of large projects should be conditional on the availability or provision of services and infrastructure needed to accommodate them. This includes sanitary, water, storm and energy infrastructure as well as public transit and area amenities for employees.

### **2. What is an appropriate job threshold to consider?**

Ontario is a diverse province and a one-size-fits-all approach will not work given the different socio-economic experiences with many different regions and their various stages of growth. Feedback from OPPI's membership suggests the employment threshold listed (50 jobs for municipalities with a population of less than 250,000 people, or 100 jobs for municipalities with a population of more than 250,000 people) is low and does not align with the intent of the tool, which is to be applied to unique, major employment opportunities.

Municipalities should be given the opportunity to define major industrial and economic opportunities in their own communities. This could occur through the Official Plan similar to other enabling policies like the community planning permit process. In addition, there are some further considerations that need to be given to the job threshold:

- Incorporate a clear distinction between employers offering full-time and part-time employment.
- Ensure there is a monitoring system in place to monitor actual job creation realized after development.
- It should be used for specific types of uses that are limited such as manufacturing, research and development, and not institutional, office, commercial, residential, etc.

### **3. What is the process of applying the "open-for-business" by-law tool?**

Our members raised concerns regarding the fit of this planning tool with existing local policies in addition to provincial policies and tools. These concerns are legitimate. The province should ensure this new tool balances economic, environmental and social goals and objectives at the provincial and local levels prior to decisions being made. Additional information and clarity is needed on this proposed legislation and its application to fully understand and comment on its ability to be successful in achieving the intended results. OPPI would recommend the province outline the intent and process to use the "open-for-business" by-law tool, in addition to the following recommendations:

- Clarify the anticipated process and timeline associated with the Minister, staff and partner ministries review of any request.
- Include an appeal mechanism for the by-law.

- Consider a minimum threshold for public consultation. This could include posting requests from municipalities seeking to pass a by-law on the government's Environmental Registry website and/or holding a public meeting in front of Council with an appropriate notice period, prior to municipal request to the Minister.
- From a municipal perspective, allow flexibility for municipalities to prioritize economic, environmental and social objectives as part of the local planning process. This speaks to the legislative standards for implementation which are currently being considered through broader provincial planning reform.
- The planning by-law tool may provide an unintended disincentive to municipalities to maintain their Official Plan policies and standards as it relates to employment land use. The government should consider requiring updates of Official Plan policies and zoning as a pre-condition of using this planning tool.

**4. Consideration must be given to ensure public health and safety:**

Ontario has a robust framework to protect public health and safety. With the broad exemption powers given by the "open-for-business" planning by-law tool, and a lack of information and clarity on how the proposed legislation will work to protect public health and safety, there is uncertainty in terms of how public health and safety will be addressed and who will address it. In addition, consideration needs to be given to how issues in cases of opposing views between municipalities and the province will be resolved. OPPI welcomes additional information and clarity from the province on this matter, and we reserve final comment until we understand these details.

OPPI is happy to work with the government and consult further on this legislation. We would welcome the opportunity to meet with provincial staff to discuss our submission and broader legislative changes, and answer any questions you may have. Please feel free to contact OPPI's Executive Director, Mary Ann Rangam, at 416-483-1873 or by email at [executivedirector@ontarioplanners.ca](mailto:executivedirector@ontarioplanners.ca).

Sincerely,



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