

Submission on Proposed Land Use Compatibility Guideline

Introduction - Dramatic Changes in Proposed Guideline would Introduce Severe Restrictions, Unduly Blocking Construction of Industrial Facilities and Sensitive Uses Like Priority Provincial Residential Intensification and Growth

The recently released proposed Land Use Compatibility Guidelines are an effort to update the provincial regulations that work to ensure industrial uses can operate without causing unacceptable impacts on sensitive land uses such as residential uses.

Unfortunately, by being overly restrictive, the proposed guidelines will paradoxically make it more difficult to establish or maintain industrial facilities and the associated economic activity they generate. In too many cases, the excessively large Areas of Influence and Minimum Separation Distances proposed in the draft guideline will block, or create excessive red tape and regulatory hurdles that will have the effect of introducing uncertainty and discouraging investment in new job-creating industrial facilities, especially by those unfamiliar with Ontario's already very complex system of land use approvals.

Similarly, the effect of the proposed draft guideline will be to discourage residential development and intensification that other provincial policies are actively seeking to promote through provincial policies and the Growth Plan for the Greater Golden Horseshoe. Again, with increased uncertainty and excessive red tape, investment that might otherwise proceed will be discouraged. Even individual longstanding homeowners may unwittingly find themselves captured by new rules that make it necessary to spend tens of thousands of dollars on technical studies, and months or years of uncertainty, to do something as simple as building a back-yard deck.

The excessive proposed Areas of Influence and Minimum Distance Separations should be reconsidered in many cases. In addition, the draft guideline should be modified to strengthen the ability to fulfill provincial policy objectives respecting intensification, including in Major Transit Station Areas

Newly Expanded Areas of Influence Massively Increase the Lands Constrained by the Guidelines - By More than 50 Times in Some Cases!

The new guideline proposes to expand Areas of Influence in a massive fashion, now capturing a huge amount of land that was previously unaffected.

For example, the radius for the area of influence of a meat processing facility is proposed to go from 300 m to 1500 m. This is a significant increase in the radius of some 500% (five times).

In fact, because the calculation is a radius, the ACTUAL impact of the new radius is to capture 25 times as much land - an increase of 2,500% in the land area regulated by the guideline for a single facility!

A single meat processing facility's area of influence grows from 0.28 square km under the existing rules, to a massive area of influence exceeding 7 square km!

Whenever any sensitive land use (including residential) is seeking to be introduced, or even modified in a minor way by seeking a minor variance, within the newly expanded area of influence, they will be put to the burden of undertaking a land use compatibility study. The consequence is to expose, based on the mathematics, 25 times as much land to the burden of undertaking land use compatibility studies.

While this 25 fold increase will undoubtedly be welcomed by the professionals whose business it is to prepare compatibility studies, it represents a massive increase in the red tape burden property owners will face in trying to make productive use of their land.

A similar situation arises with respect to the industrial activity of chemical blending and packaging. This Area of Influence radius is proposed to go from 70 m to 500 m - an increase of 714%. In terms of the area of lands captured by the Area of Influence, this is an increase from 1.5 hectares to 78.5 hectares - an increase of over 51 times, or 5,100%, in the amount of land proposed to be included in the area of influence.

In fact, the proposal that Areas of Influence be measured from the property boundary of the facility, to the property boundary of any sensitive use means that the actual impact of the expanded radius (while different in each case) will be even greater in every case than what is presented in the mathematics above.

Proposed Increases In Minimum Separation Distance Also will Massively Expand the Areas Now Blocked from Consideration for Residential Uses, Blocking as Much as 100 Times the Area of Land from Residential Uses

Just as the expanded radii for Areas of Influence capture huge increases in the amount of land affected, the proposed enlarged Minimum Distance Separation also captures huge swaths of land previously not affected.

In the case of Meat Processing Facilities, the proposed guidelines expand the amount of land blocked from consideration for residential use by 5,100% or 51 times (78.5 hectares, or 193 acres).

In the example of a single chemical blending and packaging facility, the area of land blocked from consideration for residential use will increase by 10,000% or 100 times!

This phenomenon will be replicated literally thousands of times, all across the built-up areas of Ontario, with massive negative impacts on the ability to construct the residential housing so sorely needed, and encouraged by provincial policy.

Expanded Restrictions Directly Conflict with Provincial Land Use Planning Policy Objectives

The proposed massive expansion of areas regulated, and blocked from accommodating sensitive uses as a result of the proposed new Land Use Compatibility Guideline runs in direct opposition to provincial policies in the Growth Plan and the Provincial Policy Statement on Land Use Planning.

Provincial Policy seeks to strongly encourage intensification, and infill - especially in Major Transit Station Areas. Under the Growth Plan, 50% of new population growth is to be accommodated by way of intensification. Most municipalities are looking to achieve these targets in large part through Major Transit Station Areas. Of course, by their nature, many Major Transit Station Areas (especially outside of the City of Toronto) are located around GO Train stations. Those train stations and train lines are usually surrounded by industrial areas filled with uses that attract the attention of the proposed Land Use Compatibility Guideline.

If implemented as proposed, the effect of the Guideline will be to block, or severely constrain the potential for residential intensification in EXACTLY those places where the province is seeking to encourage such residential growth!

For example, two of the three Major Transit Station Areas in the City of Burlington will be constrained just by meat processing uses (before analyzing for any other uses). In fact, 100% of the Appleby GO Station Major Transit Station Area will be in the proposed Area of Influence for a neighbouring meat processing facility. A majority of that Major Transit Station Area will be within the proposed Minimum Distance Separation of the Meat Processing Facility, meaning most of the area will be unable to accommodate the residential intensification intended by the province in its land use planning policies.

Simply put, the proposed Land Use Compatibility Guideline will make it impossible for municipalities to fulfil their planning and growth intensification obligations under the Growth Plan and the Provincial Policy Statement.

The simple solution to this policy conflict is to **clearly state in the guideline, that Growth Plan policies encouraging intensification - especially in Major Transit Station Areas - shall prevail over the constraints proposed by the new guideline.**

It is not a satisfactory response that the Ontario Land Tribunal could resolve such issues. Most Major Transit Station Area residential applications will involve employment conversions - which cannot be appealed to the Tribunal.

Expanded Areas of Influence and Minimum Separation Distance will Significantly Impair the Ability to Establish Uses Like Meat Processing Facilities

One of the likely unintended consequences of the proposed new guidelines will be to make it significantly more difficult to establish the types of industrial uses the proposed guidelines are intended to protect.

If a new facility must be surrounded by 50 to 100 times the amount of land that lacks sensitive uses by operation of the new Minimum Separation Distances, it will become very difficult to find new locations for such uses. Huge areas of land will simply no longer be available for the types of land uses covered by the guidelines.

It will be much more difficult to identify possible sites that satisfy the minimum separation distance - and even more difficult to satisfy the Area of Influence radius, and thus have the certainty that an investment in the land for the facility will be viable.

Farmers in the agricultural sector for have complained for years that they have been adversely affect by a decline in the number of meat processing facilities, and the available options for their products. If these new proposed guidelines are adopted, it will become even more challenging to establish any new facilities, or even to expand existing facilities, without running afoul of the proposed rules.

Paradoxically, a set of proposed rules intended to protect and encourage facilities like meat processing, will have exactly the opposite effect in practice, severely and excessively constraining and limiting their establishment and operation.

Structure of Draft Guideline Unpredictability on Minimum Distance Separation Introduces Further Uncertainty for Proponents and Potential Investors

A prudent investor, following the Guideline, will need to proceed initially by assuming that the extensive Area of Influence will be the Minimum Distance Separation.

A casual reader, reviewing the draft guideline, might conclude that the Minimum Separation Distances included in the document can be relied upon as a guide for planning. In fact, the structure of the draft guideline is that the figures identified as Minimum Separation Distance have little actual status.

The proposal states that the Area of Influence radius becomes the default Minimum Separation Distance “unless compatibility studies recommend a different separation distance”. The only Minimum Distance Separation with actual status under the document is the Area Of Influence radius. Any other dimension will not be drawn from the table in the document, but rather from the work of the compatibility study and its assessment of impacts. For any proponent, or investor, their initial analysis will almost certainly have to be made by assuming the application of the default separation - the much larger Area of Influence. Anything else will depend on the municipality’s evaluation of a land use compatibility study - which would take many months, or more likely years, to determine certainty respecting the Minimum Distance Separation.

This uncertainty will have a devastating impact on the ability to attract investment in employment uses, and will have a similar negative impact on potential introduction of residential uses.

The proposed guideline should include a clear statement that a proponent should be able to rely upon the Minimum Distance Separations identified in Tables 1 and 2. To present that information, when the guideline gives it little status, is misleading and is bound to lead to confusion, and even potentially acrimonious litigation, to which the province might be exposed.

Ability of Municipalities to Determine Alternate Areas of Influence Invites Abuse Where Municipalities Seek to Block Controversial Uses

In section 2.1.2, the proposed guideline suggests that municipalities should be able to determine different Areas of Influence - including ones larger than those in the provincial guideline. Such an approach appears to be an invitation to abuse by municipalities seeking to block uses they wish to resist - whether they be industrial facilities thought to be undesirable, or residential towers that arouse community opposition.

This invitation to such misuse of the power is a serious flaw in the proposed draft guideline. Facing organized, unhappy community organizations, municipal Councils will now have yet another avenue by which to respond to their campaigns by introducing another barrier to block, delay or otherwise obstruct the proposed new land use. Experience with the land use planning system tells us that the temptation to use this power to block development will be irresistible in some politically charged situations.

It is not an answer to suggest that the Ontario Land Tribunal can provide a remedy. In many of these situations, employment conversions are in question - and under the Planning Act these cannot be appealed to the Tribunal.

“Demonstration of Need” Requirement Introduces Considerable Uncertainty that Will Discourage Investment and the Achievement of Provincial Policy Objectives

The proposed guideline introduces a new requirement for a “Demonstration of Need” if a sensitive use is to be introduced either with mitigation measures within

an Area of Influence, or if it is to be located within a Minimum Separation Distance (which other parts of the draft Guideline suggest “should not” be permitted).

The first major problem with this regulatory device is that the planning authority is to be the judge of whether the “demonstration of need” is satisfactory. The vesting of this authority in the municipality represents an invitation for the municipality to use this device to obstruct, delay or block development proposals that it wishes to resist for unrelated reasons. This invitation to abuse and the creation of undue red tape and delay must be kept in check.

A simple solution to some of this risk would be for the guideline to state that the identification of a site as being in a Major Transit Station Area would be, on its own, sufficient to satisfy the requirement of a “demonstration of need”.

The proposed requirement that a demonstration of need must examine and compare with at least two alternative sites is problematic. In the case of a Major Transit Station Area, there should be no requirement to identify alternative sites - in a land use as generic as housing, there will always be “other” possible sites. The policy objectives respecting intensification relate to accommodating growth overall across the province, and Regions. They cannot be meaningfully assessed by comparing which of three alternative sites is best - all three sites will likely be needed to achieve the growth policy requirements of provincial policy and the market in a time of immigration-driven high population growth.

Similarly, the proposed requirement that the proponent explain why other alternative compatible uses are not proposed instead, should not be in the guideline. The provincial policies in a Major Transit Station Area are intended to ensure residential or mixed use development - and that should be sufficient to justify the proponent’s choice to proceed with such a development. The residential developer should not be put in the absurd position of having to justify why a body shop, cookie factory, or plastic basket manufacturing facility is not being proposed instead of the provincially mandated and market-demand justified residential development.

The requirement for a residential development proponent to justify “why the proposed use in the proposed location is the best option” is clearly unreasonable. There are potentially thousands of locations for residential intensification across the Greater Golden Horseshoe - that a particular site would have to demonstrate that it is “the best option” for residential use is neither practical or reasonable.

This is particularly the case when the Growth Plan foresees the need to accommodate over 2.229 million additional housing units over the current planning horizon.

Draft Guideline Designed to Prevail Over Provincial Policy Statement on Planning and Growth Plan Policies - Making it Impossible to Achieve Many Top Provincial Policy Objectives on Housing and on Growth

In addition, the entire concept of the demonstration of need is rendered somewhat meaningless by the statement at page 56 of the proposed guideline that, regardless of any land use planning policies or plans from the province, “policy tests to ensure land use compatibility still need to be met.”

The effect of this statement is to ensure that, in all cases of conflict, the proposed draft guideline will prevail over the Provincial Policy Statement on Land Use Planning and the Growth Plan wherever there is a conflict. This statement for resolving the conflicts between the policies, when considered with the sweeping expansions of Areas of Influence and Minimum Distance Separation, means that the provincial policies respecting infill, intensification, Major Transit Station Areas, and Growth Plan growth targets, will no longer be achievable.

Philosophical Direction of Draft Guideline Runs Directly Contrary to Current Trends in Land Use Planning and Managing Land Use Impacts

In recent years, available land has been at a premium. Provincial policy has sought to constrain urban expansion, and increasing accommodate growth within existing urban or settlement areas. As a result, provincial policies have sought to encourage intensification, and accommodate more complex mixing of uses. This has included finding ways to increasingly assure that employment uses can co-exist with residential uses and residential growth and intensification.

In addition, provincial environmental policies have sought ways to facilitate this policy direction to mixing land uses. For example, the provincial noise guideline has been modified through NPC-300 to relax limits. In addition, it included latitude for municipalities to establish “Class 4 areas” that allow residential use where it would be previously barred by the noise limits.

The proposed land use compatibility guideline moves in exactly the opposite direction to this philosophy, by increasing the number of situations with conflicts, raising barriers to development, and frustrating the potential to achieve provincial

policy objectives for residential intensification and growth. As such, the draft guideline is out of step with prevailing trends and planning practices on these issues.

Measurement of Distances from Property Lines Instead of from Uses Is Problematic

The proposed guideline suggests that Areas of Influence and Minimum Separation Distances shall be measured from property lines. The effect of this approach is to dramatically increase the scope of application of the guideline - and the number of properties affected. In many cases, this means that distances will be measured from boundary points that could be a significant distance already from the facility in question. Far more land would be sterilized from residential use, or subject to the obligation for land use compatibility studies, than the actual conditions would suggest is necessary.

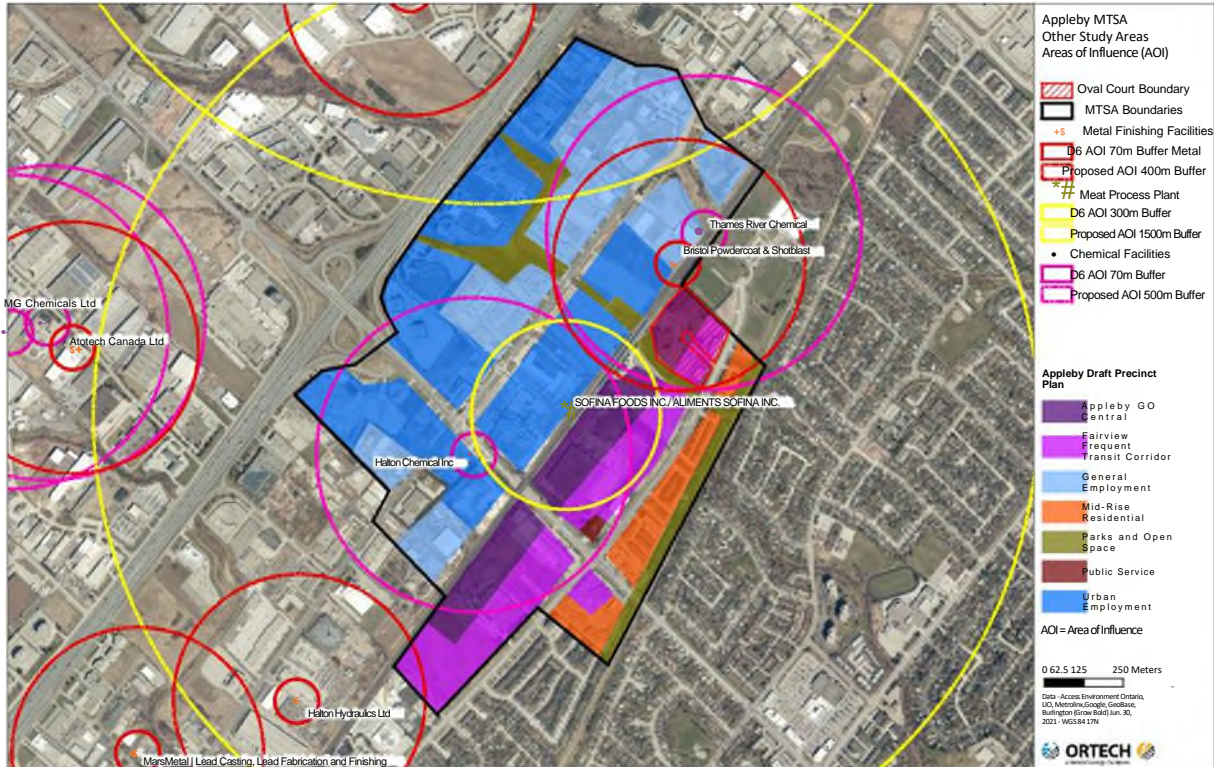
Similarly, many properties that may have only a few square feet of land in a corner well-removed from the actual sensitive use proposed, will find themselves entirely captured by the use of property lines - unnecessarily exposing them to the burden of compatibility studies, and in some cases freezing the land from such uses.

While the draft guideline does make some allowance for potentially measuring from the actual facility, instead of the property line, it adopts a highly inappropriate approach to doing so - giving the owner of the facility a veto. Such an approach should be based on realistic facts on the ground, objectively assessed. By giving a single landowner a unilateral veto over a reasonable approach, which then has the consequence of “freezing” the development potential of dozens of other landowners, represents bad public policy. It creates a situation where such an owner can literally practise extortion over neighbouring landowners, arbitrarily withholding such consent, until receiving some compensation (perhaps dressed up as improvements to their property characterized as “mitigation”). The land use planning process does give the public and landowners rights in a fair process. Fundamental to that fairness is the fact that under Ontario Planning law, no party is given a veto over the plans or aspirations of others. This proposed approach is problematic, and well outside the common law and statutory traditions in Canada.

Illustration #1 - Effect of New Guideline Area of Impact - Appleby GO Station Major Transit Station Area

The below image demonstrates the devastating impact of the proposed draft guideline on land use compatibility in just one example. The area is that around the major transit station area, at the Appleby GO Station in Burlington. The same type of impact will result in different places all across Ontario.

Solid line circles represent the D6 guidelines. The much larger dotted line circles in the same colour represent the proposed, expanded Areas of Influence. The light and dark purple, and orange coloured areas on the map are those intended for significant residential intensification. The photo also shows literally hundreds of homes that get captured in Areas of Influence, and thus subject to the burdens that will impose on them. The image actually underestimates the extent of the Areas of Influence, as they have been drawn from a single point, rather than from the property boundaries. The actual Areas of Influence will be much larger than what is shown.



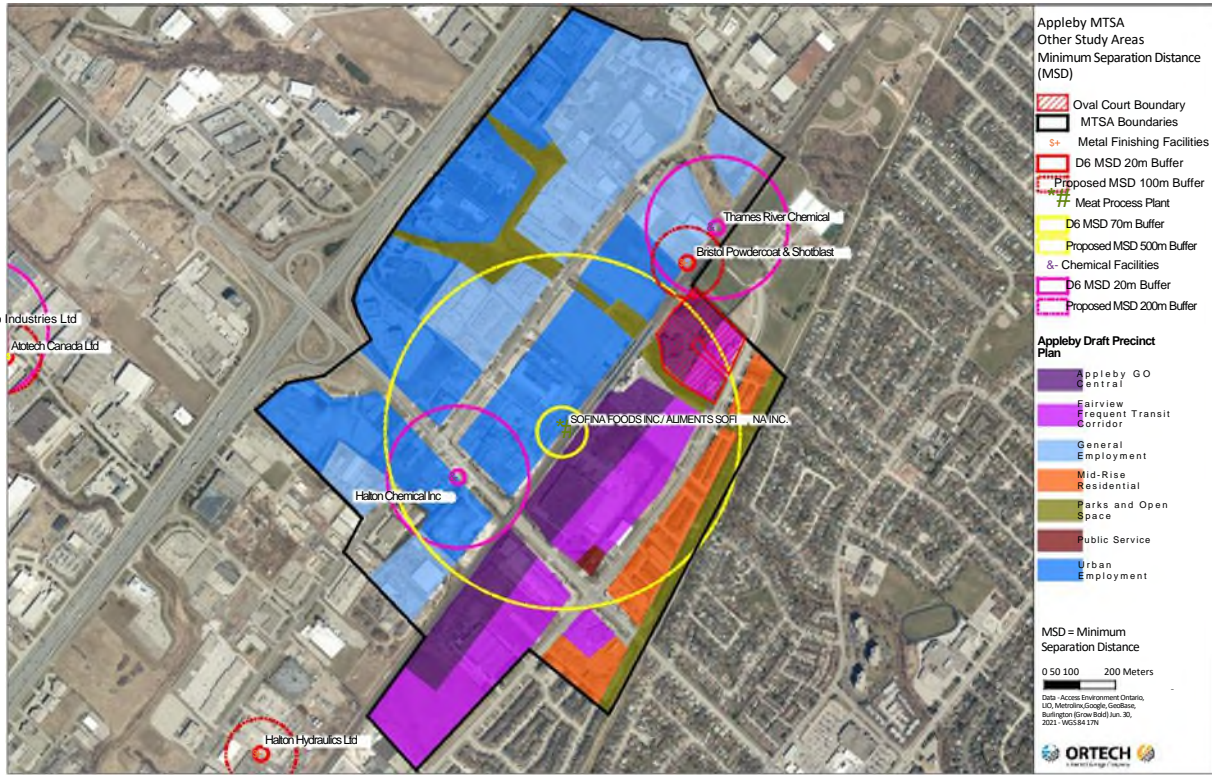
The following impacts are notable:

- 1). All of the Major Transit Station Area (including all the proposed residential intensification) is within the Areas of Influence of a number of industrial facilities. (A select few have been identified on the mapping to illustrate the effect).
- 2). Literally hundreds of single family homes are newly in the Area of Influence of Sofina Foods and Thames River Chemical. When any of those homeowners ever seek to apply to the Committee of Adjustment for a minor variance to build a deck, or add a bedroom, they will be required to undertake a land use compatibility study costing between \$30,000 and \$50,000. They will also face considerable delay for the study to be undertaken, and evaluated by the municipal staff.
- 3). The municipal staff burden will increase dramatically. Because of the need for all minor variances, or severance in these expanded Areas of Influence to submit land use compatibility studies, and this covering literally hundreds of sensitive use (residential) properties, the local municipal staff will face a dramatic increase in their workload evaluating such studies.
- 4). The expanded Areas of Influence will make it much more difficult to establish any new industrial uses anywhere in this rail corridor, despite the lands being zoned to permit such uses. As part of their site plan application, they will now need to account for impacts on hundreds more sensitive uses (the residential development south of the railway). This problem repeats continuously as one moves west along the rail corridor.
- 5). Social and political conflicts will escalate, making any development that requires planning approvals (residential or industrial) as minor as site plan or a minor variance very difficult. Homeowner who believed they were previously safely distanced from industrial uses will now become fearful and resistant to such uses - since the Government has said they can have a negative impact on them, and they are in the "Area of Influence". Industrial landowners can be expected to become more resistant to any residential intensification proposals even one and a half kilometres away, for fear that it will limit the range of allowable uses under the guideline on their land.

Illustration #2 - New Guideline Minimum Separation Distance - Appleby GO Station Major Transit Station Area

The below image demonstrates the similarly devastating impact of the proposed draft guideline on land use compatibility proposed minimum separation distances in the Appleby GO Station area. Again, the area is that around the major transit station area, The same type of impact will result in different places all across Ontario.

Solid line circles represent the D6 guidelines for Minimum Separation Distance. The much larger dotted line circles in the same colour represent the proposed, significantly expanded Minimum Separation Distances. The light and dark purple, and orange coloured areas on the map are those intended for significant residential intensification. Again, the image actually underestimates the extent of the Minimum Separation Distance areas sterilized from development, as they have been drawn from a single point, rather than from the property boundaries. The actual Minimum Separation Distance areas will be much larger than what is shown.



The following are apparent:

- 1). The area now sterilized from sensitive land use by the new Minimum Distance Separation (dotted line) is massive compared with the previous area (solid line).
- 2). Virtually the entire proposed residential area within the Appleby GO Major Transit Station Area is out of bounds for the residential uses intended by the planning exercise (the two shades of purple and the orange).
- 3). It will be impossible for Halton Region and the City of Burlington to achieve their provincially mandated goals for intensification and residential growth under the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement on Land Use Planning.
- 4). The use of property lines results in entire properties being captured when only a small corner of a site may be touched by the Minimum Separation Distance. As a result, even more land is sterilized from sensitive use permissions than shown in this image. Hundreds more intended residential units than the image suggests will be wiped out as a result of this proposed approach.

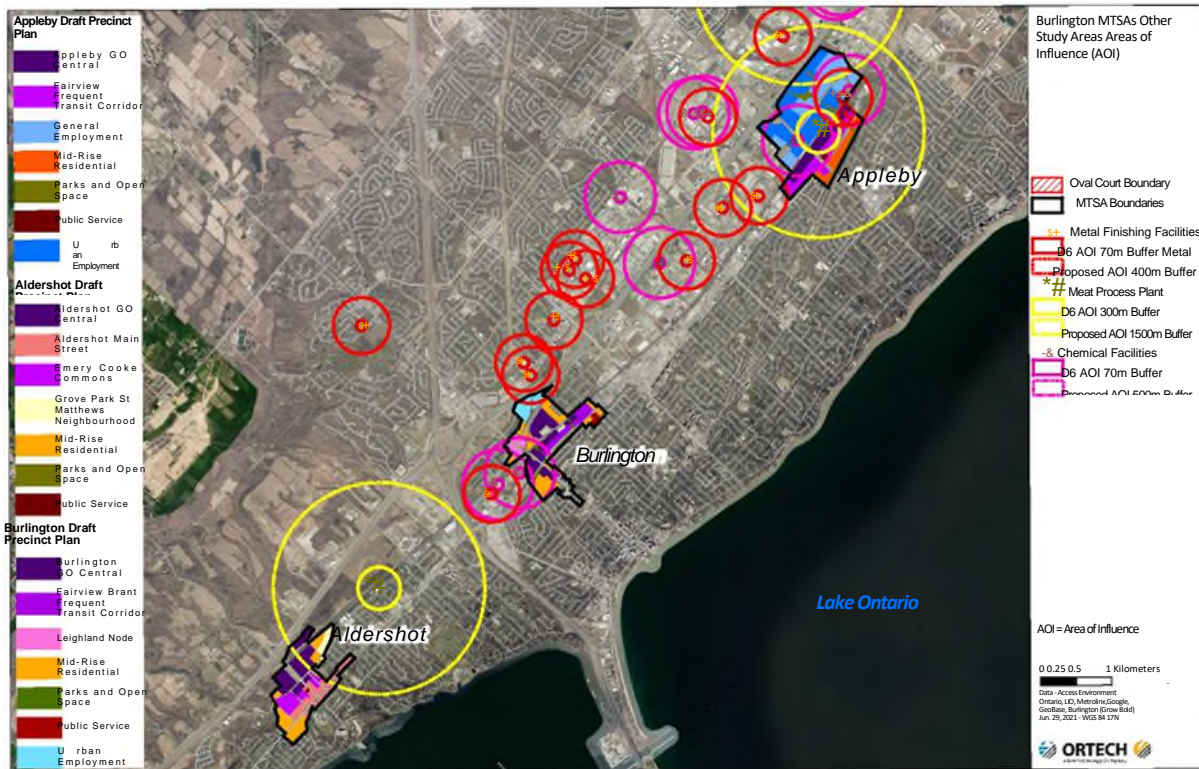
Illustration #3 - All Three Major Intensification Areas in Burlington Are Severely Compromised by the Proposed Land Use Compatibility Guideline

The image below demonstrates how the new draft guideline, if applied, will severely constrain the ability of just one Municipality (Burlington) to achieve its provincial policy objectives for residential growth and intensification. The image shows that the Appleby GO and Aldershot Go major transit station areas, and the Burlington Urban Growth Centre will all be severely compromised by the guideline.

Of note, the attached image evaluated the impact of just three types of facility covered by the draft guideline - meat processing, metal finishing and chemical facilities.

Of course, there are literally hundreds of additional industrial facilities in the area that all have their own Minimum Separation Distances and Areas of Influence that are not shown in this image. As a result, the constraining impact of the proposed guideline is, in fact, much greater than what is shown in the image.

The same pattern will be repeated in municipalities across the Province.



Regulatory Burden of Expanded Areas of Influence is Much Greater than Policy Forms and Impact Assessment Suggests

The impact assessment from the Ministry of the Environment suggests that the draft guideline will “slightly increase” the number of land use compatibility studies that will need to be undertaken by proponents. In reality, there will be a massive increase in the number of studies that must be undertaken by proponents of new, or even slightly modified, sensitive uses, including residential uses.

The expansion of these areas of influence by over 50 times in the case of some uses **will mean as many as 50 times the number of proposals for residential development or other sensitive uses being captured by having to undertake land use compatibility studies.**

Intensification and Major Transit Station Areas targeted by provincial policy for such intensification naturally occur along rail lines - the same locations along which much employment land is located. This means that **the massive increase in the frequency of requirement for compatibility studies is not speculative. It is a certainty.**

Similarly, proposed introductions of new industrial facilities will be much more likely to face the requirement for a study than under the current guidelines. For example, a new meat processing facility would now need look at potential sensitive land use receptors in an 300 metre radius. Many locations would have no sensitive uses in that radius, and could proceed without the need for a compatibility study. The expansion of that radius to 1 1/2 kilometres will mean that there are very few potential sites that could accommodate the use without a compatibility study. The expansion of the area of influence by 25 to 50 times for these facilities means that they will be approximately 25 to 50 times as likely to have sensitive receptors in the area, and **25 to 50 times as likely to have to undertake a land use compatibility study. It is not realistic to characterize in increase in frequency of study requirements of 25 to 50 times as only a “slight” increase.** It is a massive increase in the regulatory burden for a huge number of businesses and property owners.

The Forms and Impact Assessment concludes that the new guideline will reduce the burden on planning agencies. This is not credible. The larger Areas of Influence, producing an increase in the number of proposals captured by the need for a study in ranges from 25 times to fifty times, means that the planning authority will have to evaluate a number of studies increasing in a similar proportion. **The draft guideline will represent a massive increased burden (25 to 50 times as much) on planning authorities (mostly municipalities) in having to evaluate this massive increase in the number of compatibility studies required and submitted to them.**

Similarly, **the expansion of these Areas of Influence by such a massive amount will almost certainly increase the cost of such studies.** The reports will need to assess the impacts on a significantly higher number of potential receptors in the much larger area of influence, and as such the cost of individual studies can be expected to be higher.

The provincial regulatory objectives suggest that the proposal should impose a lesser burden on small business than a large business. The draft guideline does not achieve this objective - placing a uniformly high burden on any proposed sensitive land use introduction in the massively expanded areas of influence. A home renovator looking for a minor variance to add a bedroom or deck to an existing home in a residential neighbourhood captured in an Area of Influence (as shown above around the Appleby GO in Burlington), faces the same requirement as the builder of a proposed new six-plex, or a developer seeking approval for a 400 unit high-rise. All will need to commission a \$50,000 land use compatibility study. As such, the draft guideline fails this provincial regulatory objective - despite what the published report suggests.

The Policy Forms and Impact Assessment also suggests that the regulation should provide for certainty of timelines. There is no such certainty in the proposed guideline. Planning authorities like municipalities have the responsibility for evaluating the studies for proposals in their jurisdiction. **No timelines are established within which such evaluations of studies must take place.** In the case of planning proposals that are politically controversial, this creates an open-ended opportunity for delay, and increased uncertainty of proponents and potential investors.

Lack of Information is a Major Flaw in the Policy Development Process - Makes it Impossible to Properly Evaluate Proposed Guideline

The proposed guideline includes proposed new Area of Influence and Minimum Separation Distance figures, many of which represent significant increases from current rules. No basis has been provided for the dimensions being proposed.

The Ministry claims it is based on data. *“This increase is based on 10 years of MECP’s documented complaint data for noise, dust and odour.”*

However, no such data has been shared with the public or affected stakeholders. The Ministry has declined to make such information available in response to requests. This lack of transparency on what is said to be the basis for the proposed regulation is a serious flaw in the policy development process.

In addition, it makes it impossible for technical and scientific experts to evaluate the proposed new guideline in any meaningful way. As a result, any input from the public and stakeholders in this consultation is necessarily incomplete.

The consultation period should be extended to be a minimum 60 additional days AFTER the release of the data upon which the Ministry states the proposed new Areas of Influence and Minimum Separation Distances are based. Only then, can such a consultation be said to be meaningful.

Province Should Establish Technical and Stakeholder Working Groups to Evaluate and Recommend Improvements to the Proposed Draft Guideline

The policy development process for the Land Use Compatibility Guideline should be expanded to reflect standard policy development practices utilized widely elsewhere in the provincial Government.

A Technical Working Group should be established including representatives from the firms that currently work in the area of land use compatibility studies, as well as the officials that typically evaluate such studies within municipalities and other planning authorities. Their work should have the benefit of full availability of the data upon which the Ministry states that the new guideline is based.

A stakeholders working group should be established among many of the affected industries that will face increased restrictions on their activities under the proposed guideline.

Another stakeholders working group should involve representatives of the various aspects of the land use planning process that will be affected by the guidelines. Residential developers, employment land developers, regional and local municipality planning staff, and officials from the Ontario Growth Secretariat in the Ministry of Municipal Affairs would constitute an important working group. As currently constituted, the draft guideline would block the policy and development objectives of most of these stakeholders, and as such they have much at stake - and would be source of valuable feedback.

Making use of data from the province (once it is made available) these groups would provide recommendations to significantly improve the draft guideline. The province should then release a modified and improved draft guideline through the Environmental Registry for a new round of public consultation.

The process recommended here will help to overcome many of the serious process and substantive flaws in the current proposal.