



**PLANNING COMMITTEE**  
**AGENDA REPORT**

**TO:** Chair Bridgeman and Members of Planning Committee  
**MEETING DATE:** April 15, 2021  
**SUBJECT:** Role of the Municipal Land Use Planner

**RECOMMENDATION:** None. For information purposes only.

<b><u>APPROVALS:</u></b>	<b>Date</b>	<b>Signature</b>
<b>Submitted By: D. Pink, Director of Development Services and Environmental Sustainability</b>	<b><u>April 9/21</u></b>	<b><u>Original Signed By D. Pink</u></b>
<b>Acknowledged: D. Hammond, CAO</b>	<b><u>April 9/21</u></b>	<b><u>Original Signed By D. Hammond</u></b>

**ORIGIN**

Department of Development Services and Environmental Sustainability

**BACKGROUND**

Planning Committee plays a key role in shaping the character of the Township through land use planning decisions, recognizing that most planning decisions are long-term in nature. As Planning Committee has settled into its role this term of Council, members have likely found that much of their interaction with the public involves planning matters, and a large part of their time is devoted to community planning issues. As a result, it is not uncommon for questions to be raised surrounding the role of the Municipal Land Use Planner during Committee discussions, as has recently been witnessed. The following report is meant to provide clarification and background information to Committee to assist in their understanding.

**DISCUSSION**

**Land Use Planning**

Community or land use planning can largely be defined as managing our land and resources. Through careful land use planning, the Township aims to manage growth and development while addressing important environmental, social, and economic concerns. More specifically, the land use planning process balances the interests of individual property owners with the wider needs and objectives of the community, and can have a significant effect on resident’s quality of life.

**Ontario Framework**

The responsibility for long-term land use planning in Ontario is shared between the Province and municipalities. The Province sets the ground rules through the [Planning Act](#) and broad land use planning policy direction through the [Provincial Policy Statement \(PPS\)](#), to which all land use planning decisions are required to be consistent with. Municipalities are the primary decision makers and implement the

provincial policy direction through their official plans and zoning by-laws, and also through decisions on planning applications. People do not always agree on planning decisions made by Planning Committee and Council. Because of this, the Local Planning Appeal Tribunal (LPAT) exists as an independent tribunal to hear appeals and make decisions on a variety of municipal land use planning matters for the protection of provincial interests and interests of individual land owners and proponents.

Planning is fundamentally a public process, with the public playing an essential role. It includes the input of property owners, communities, Indigenous communities and individuals to help the Township achieve its goals and implement the provincial and municipal policy frameworks. Planning decisions made by Committee and Council directly affect the people living in the Township, and thus the planning process is designed to give the public the opportunity to share their views on Township's planning policies, to examine planning proposals, register their concerns and ideas before decisions are made, and appeal decisions.

### Planning Applications

Council implements the objectives of the Official Plan predominantly through a Zoning By-law. Unlike many other By-laws, the Planning Act provides the right to apply for amendments to, or relief from, the Zoning By-law. Two of the more common planning applications before Planning Committee and the Committee of Adjustment are Zoning By-law Amendments and Minor Variances. While it is not uncommon for those in opposition to a particular application of these types to question why any exemptions from the Zoning By-law should be granted, this ability has been established in the Planning Act. As a result, to be defensible planning decisions should be based on consistency with the PPS, conformity with Official Plans, and represent good planning, and not be based on an unwillingness to consider change or steadfast opinion that the provisions of the Zoning By-law must always be adhered to without variation.

### Municipal Land Use Planner

Under the Ontario Professional Planners Institute Code of Practice, Professional Planners are required to impart independent professional opinion to clients, employers, the public, and tribunals. Independent professional judgment or opinion must be derived free of pressure, however subtle, or a Planner cannot maintain the independence necessary to serve both the client or employer, and the public. Professional Planners also need to distinguish an opinion from an administrative responsibility, in order to implement directions by clients or designated authorities such as Councils.

A professional planning opinion must be balanced and fair. Most issues have benefits and disadvantages or consequences. By stating both the benefits and impacts, a planner should present an opinion in a manner which allows Planning Committee to understand the basis and reasoning for the opinion. Conditions are often identified to qualify the opinion where more work is necessary to support any assumptions or to manage identified impacts. Independent professional judgment should be the end product of an evaluation process, openly and freely entered into with the application of research techniques, professional evaluation and thoughtfulness of the rights and privileges of others.

A common misunderstanding is how a planner may have an opinion that is different to that of Council's or the public. It must be noted that an independent professional opinion is an objective evaluation based on all the relevant information available and the planner's professional judgment. While Council or public input may inform a planner's opinion, they are not bound by it.

The role of the planner is to provide independent professional judgment or opinion. It is therefore important to distinguish an opinion independently from the position of the employer or client even though they may be the same. The Professional Planner in applying independent professional judgment cannot be an advocate of any position other than his or her professional opinion.

The role of an advocate is to “plead the cause of another”. As it relates to a municipality’s case in front of the LPAT, it is the role of the municipal solicitor to build and plead the case based on expert testimony or evidence, depending on the issues. Prior to participation in a LPAT Hearing, Professional Planners as expert witnesses must execute an [Acknowledgement of Expert’s Duty](#). By doing so, they acknowledge, amongst other provisos, to provide opinion evidence that is fair, objective and non-partisan and that this duty prevails over any obligation which they may owe to any party by whom or on whose behalf they are engaged.

As a result, once municipal planning staff have formed an independent professional opinion on an application and provide their recommendation to Committee or Council, their professional code of practice and potential ensuing acknowledgement to the court, prevents them from subsequently advocating a different position at the direction of Council or in order to advance Council’s position.

**FINANCIAL**

None

**ATTACHMENTS**

None