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**REPORT TITLE:**     **Recommending a New Region of Peel Official Plan for Regional Council Adoption**

**FROM:**                Kealy Dedman, Commissioner of Public Works

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## **RECOMMENDATION**

**That the new Region of Peel Official Plan as it pertains to Peel 2051 Official Plan Review and Municipal Comprehensive Review, be declared to meet the requirements of Section 26(1)(a), (b) and (c) of the *Planning Act* as required by Section 26(7) of the *Planning Act*;**

**And further, that the Region of Peel Official Plan, as summarized in the report of the Commissioner of Public Works titled “Recommending a New Region of Peel Official Plan for Regional Council Adoption” and attached as Schedule A to the by-law listed as By-law 20-2022 on the April 14, 2022 Regional Council agenda, be adopted in accordance with Section 17(22) of the *Planning Act*;**

**And further, that the By-law (20-2022) to repeal the July 11, 1996 Region of Peel Official Plan (By-law 54-96, as amended) and replace it with the new April 14, 2022 Region of Peel Official Plan be presented for enactment;**

**And further, that the requirements of 17(15) and 17(16) of the *Planning Act* be declared to have been met and that no additional public meeting or open house be required;**

**And further, that the notice of decision of Council’s adoption of the new Region of Peel Official Plan be given in accordance with Section 17(23) of the *Planning Act*;**

**And further, that staff be directed to report back to Council with updates regarding further phases of the Peel 2051 Municipal Comprehensive Review including the results of the Aggregate Resources Policy Review and consideration of potential employment area conversions that warrant further analysis and collaboration with local municipalities;**

**And further, that a copy of the subject report be provided to the Town of Caledon, and Cities of Brampton and Mississauga;**

**And further, that a copy of the subject report and supporting materials be provided to the Ministry of Municipal Affairs and Housing for review and approval, in accordance with Section 17(31) and 26(6) of the *Planning Act*;**

**And further, that the Minister of Municipal Affairs and Housing be requested to work with Region of Peel staff to implement as appropriate, modifications to the Region of Peel Official Plan, such as Minister’s Zoning Orders under consideration.**

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### REPORT HIGHLIGHTS

- The Peel 2051 Regional Official Plan Review and Municipal Comprehensive Review (MCR) has been completed and meets the MCR *Planning Act* requirements.
- Regional staff have presented a new Peel 2051 Region of Peel Official Plan (RPOP).
- The new RPOP contains new or revised policies to guide growth and development within the Region to the year 2051, implement new regional policy initiatives and plans, and plan for complete communities.
- Since 2013, numerous technical studies, discussion papers, and policy analyses have been undertaken under various focus areas to respond to new Provincial legislation, regulations, and policies.
- The new Peel 2051 RPOP presents new and updated policies that plan for a complete community including responding to climate change; managing growth in a manner that is balanced and sustainable, exceeds Provincial intensification and density targets, does not require Highway 413, is walkable, transit-supportive, fiscally responsible, healthy, plans for a diverse range of jobs and housing, includes affordable housing, and enhances our natural heritage system, agricultural lands, and rural landscapes.
- A meaningful and comprehensive consultation process supports the recommendation to adopt a new Peel 2051 RPOP and was undertaken with the public, agencies, stakeholders, and Indigenous communities.
- Since the Fall 2021 statutory consultation process, approximately 790 submissions have been received and considered.
- Regional staff recommend that Regional Council repeal and replace the July 11, 1996 Regional Official Plan with the new Peel 2051 RPOP, under Sections 17 and 26 of the *Planning Act*.
- Not proceeding with the MCR at this time could result in the Province stepping in to put in place official plan policies for Peel; major delays to ongoing local municipal official plan updates; delay of enabling policies for Major Transit Station Areas, Inclusionary Zoning and affordable housing; more potential for privately initiated applications to proceed contrary to Peel interests upon appeal; and, additional Minister's Zoning Orders that may not be comprehensively planned or consider public and stakeholder input.
- Should Regional Council adopt the new Peel 2051 RPOP it will be submitted to the Minister of Municipal Affairs and Housing as the approval authority for Regional MCRs and official plans, in order to meet the Provincial conformity deadline of July 1, 2022.
- If a decision of the Minister is made within 120 days of the submission, the new Peel 2051 RPOP cannot be appealed. However, if no decision is made within 120 days, the Region may appeal the non-decision.
- Regional staff will work with local municipal staff to implement the new Peel 2051 RPOP policies through local official plan reviews.
- Further phases of the Peel 2051 Official Plan Review and MCR will include the aggregates policy review currently underway and consideration of potential employment area conversions that warrant further analysis and collaboration with local municipalities.

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### DISCUSSION

#### 1. Background

The Regional Official Plan (ROP), originally adopted in 1996, has been the primary long-range strategic land use policy document in the Region of Peel and has been amended over nearly 30 years. The Peel 2051 Regional Official Plan Review and Municipal

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Comprehensive Review (MCR) was initiated in 2013 and undertaken to fulfill a periodic review of the Regional Official Plan for planning to the year 2051 and to achieve Provincial conformity.

Throughout the Peel 2051 MCR there have been numerous technical studies, discussion papers, and proposed revisions to draft policies for the public's consideration through a meaningful and comprehensive consultation process. Public engagement and consultation has occurred through informal and formal avenues including open houses, "pop-up" events, public meetings, and surveys, both virtually and in-person as appropriate. Regional staff have worked closely with the Indigenous community, stakeholders, local municipal partners, the Province, and other agencies to develop policies that address planning Peel as a complete community and advance the MCR.

In October 2021, a draft ROP consolidation was released for statutory public consultation, with two open houses held virtually on October 26 and 27, 2021, a public meeting held on November 4, 2021, and four in-person open houses. Minutes of the public meeting are available online through the Regional Council agendas and minutes webpage. Comments received throughout the Peel 2051 process and statutory consultation were summarized at a February 3, 2022 meeting of the Planning and Growth Management Committee.

Since the release of the October 2021 draft ROP for statutory consultation, various policy and mapping updates were made in response to comments received, further internal review, and meetings with the Province, local municipalities, and other stakeholders. Resolution 2022-104 (see Appendix I) provided Regional staff with direction to finalize the draft ROP developed through the Peel 2051 MCR and deliver it to Regional Council for adoption.

This report provides a summary of the Peel 2051 MCR and recommends that the 1996 ROP be repealed and replaced with a new Region of Peel Official Plan (RPOP).

Proceeding with the MCR at this time will bring forward new and updated policies that plan for a complete community including responding to climate change, managing growth in a manner that is balanced and sustainable, exceeds provincial intensification and density targets, does not require Highway 413, is walkable, transit-supportive, fiscally responsible, healthy, plans for a diverse range of jobs and housing, includes affordable housing, and protects and manages our natural heritage system, agricultural lands, and rural landscapes

Although part way through the MCR process the Province extended the planning horizon from 2041 to 2051, comprehensive policies are established to provide a strong ongoing regional role in ensuring growth is well managed addressing fundamental issues such as climate change, infrastructure, finances, complete communities, natural heritage, agriculture and rural landscapes. Not proceeding with the MCR at this time could result in the Province stepping in to put in place official plan policies for Peel; risk to ongoing local municipal official plan updates; a lack of enabling policies for Major Transit Station Areas, Inclusionary Zoning, and affordable housing; more potential for privately initiated applications to proceed contrary to Peel interests upon appeal; and additional Minister's Zoning Orders (MZO) that may not be comprehensively planned or consider public and stakeholder input.

If Peel does not continue to plan for balanced growth that responds to household needs, there are risks in terms of quality of life, housing affordability, and leap frogging of development beyond Peels borders.

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### 2. Overview of the Planning Policy Framework

The *Planning Act* direct Regional Council to prepare and adopt an official plan for Peel (see *Planning Act* sections 17 and 26). The official plans of upper-tier municipalities like Peel are approved by the Minister of Municipal Affairs and Housing (the Minister). The content of the Peel 2051 RPOP is guided by the requirements of the *Planning Act*, and key Provincial plans and legislation such as:

- The Provincial Policy Statement, 2020 (PPS)
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)
- Greenbelt Plans (i.e. The Greenbelt Plan, The Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan)

The principal policy requirements of these documents are addressed in the new Peel 2051 RPOP, including planning for population and economic growth, cultural and demographic imperatives, protecting the environment, agricultural lands, and human health. In two-tier municipalities like Peel, local municipal official plans are required and must conform to the provincial policy framework and regional-level official plan.

### 3. Peer Review of the Peel 2051 Municipal Comprehensive Review

The Peel 2051 MCR represents a detailed and technically sound process that has resulted in a new RPOP that meets provincial policy requirements and complete community objectives. The Region retained Hemson Consulting Inc. to complete a peer review of the Peel 2051 MCR to ensure that the requirements of the Provincial policy framework were adequately addressed in the new RPOP. The Peer Review for the Peel 2051 Municipal Comprehensive Review, dated March 2022 is available on the Peel 2051 Reading Room webpage and will form a key supporting technical component to the Peel 2051 RPOP submission to the Province.

The Peer Review for the Peel 2051 Municipal Comprehensive Review confirmed that:

- The Peel 2051 process has had regard for all matters of Provincial interest set out in section 2 of the *Planning Act*, in part through structuring the Official Plan review and MCR review as 13 focus areas, and meets the statutory requirements of section 26 of the *Planning Act* with respect to notification requirements, public meetings and open houses.
- The new Peel 2051 RPOP implements all policies of the Growth Plan through a municipal comprehensive review (as defined by the Growth Plan).
- The new Peel 2051 RPOP is consistent with the PPS and conforms to the Growth Plan.
- The Peel 2051 process has facilitated extensive co-ordination of public bodies, including local municipalities, and undertaken regular and thorough consultation with a range of stakeholders including the Province and the general public. Engagement with Indigenous communities, in a manner required by the Growth Plan and PPS, has also been undertaken.

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### **4. The New Peel 2051 Region of Peel Official Plan**

#### **a) Staff Review and Responses to Comments on the Peel 2051 Municipal Comprehensive Review, and Other Changes**

Since the Fall 2021 statutory consultation process, approximately 800 submissions have been received, reviewed, and addressed in the Peel 2051 RPOP as appropriate. Please refer to Appendix II for a full compilation of all agency, public, and stakeholder comments and regional staff responses.

Following February 3, 2022 PGMCM, additional technical updates were made and available online to inform the Peel 2051 RPOP policies and mapping (e.g. the revised Land Needs Assessment, March 2022). Further refinements to policies and mapping were made in collaboration with Provincial and local municipal staff, and in response to additional public submissions. In particular, minor adjustments to the distribution of community and employment lands in the 2051 New Urban Area (settlement area boundary expansion in Caledon), policies were added to allow post-MCR technical studies to inform the land use permissions on a number of specific sites, and planning for employers like the Brampton-Caledon Airport and warehousing and distribution was addressed. These updates which are supported by staff are incorporated in the new Peel 2051 RPOP.

The Region received over 350 form letter emails requesting that staff be directed to prepare a new official plan with no settlement expansion. The many technical studies prepared throughout the Peel 2051 MCR concluded that a settlement area boundary expansion is necessary to meet the numerous objectives while providing diverse housing and employment opportunities in Peel through a balanced approach to growth. These recent matters, public or stakeholder comments, and staff responses are described in an April 7, 2022, report of the Commissioner of Public Works to the Planning and Growth Management Committee titled “Overview of Recent Matters Pertaining to the New Peel 2051 Official Plan.”

#### **b) Overview New Peel 2051 Region of Peel Official Plan**

The new final Peel 2051 RPOP, April 2022 is available online (see Appendix III) as a “clean consolidation” with no tracked changes and includes compiled schedules and figures mapping. Former copies showing track changes from the current in-effect ROP to the new RPOP are available on the Peel 2051 “draft policies and mapping” webpages for reference. The RPOP provides an updated Regional Structure to the year 2051, shown on Schedule E-1 (see Appendix IV). The policies present a holistic approach to planning through an overarching and coordinated sustainable growth framework for the Town of Caledon, City of Brampton, and City of Mississauga. The policies and mapping of the Peel 2051 RPOP:

- Protect the environment, improve health outcomes, address climate change, and improve quality of life through the planning of complete communities;
- Continue to protect an agricultural land base including prime agricultural lands that support the economic viability of farming and local food production;
- Manage growth of 700,000 people and 335,000 jobs to 2051, with the majority of new growth accommodated in existing urban areas (500,000 people and 270,000 jobs) and strategic growth areas that are served by transit;

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- Plan for more housing options (including affordable housing), equitable access to job opportunities, and everyday services to be located in walking and cycling distance and connected by transit;
- Identify or designate the location key growth areas and establish minimum densities (people and jobs per hectare), for areas such as employment areas, the 2051 New Urban Area and other designated greenfield areas, and strategic growth areas;
- Address housing options through new tools that enhance affordability, balanced forms of housing, land use efficiency, gentle intensification, and strategic greenfield development;
- Plan for new communities based on key factors such as land uses, healthy development, infrastructure, and the natural environment;
- Plan for growth in a manner that does not require Highway 413
- Strengthen strategic phasing and financing policies that will contribute to long term fiscal sustainability and delivery of infrastructure; and
- Recognize the Region's role in the delivery of programs and services (waste management, cultural heritage services, etc.).

### **5. Policy Implementation of the New Region of Peel Official Plan**

#### **a) A Guide to Policy Implications and Implementation**

The policies stemming from the focus areas reviewed in the Peel 2051 MCR are woven throughout the new RPOP. Background reports and technical studies which informed the policies and mapping that make up the RPOP are available for review on the Peel 2051 website. The implications and implementation of the policies under each of these focus areas are presented in Appendix V. While there are many separate policy focus areas in the Peel 2051 RPOP, it is important to recognize that they are all interrelated and, consequently, that policies cannot be considered in isolation of the results of other focus areas. The linkages between the implementation of focus areas like growth management, settlement area boundary expansions, major transit station areas (MTSA), and housing are described in further detail in Appendix V.

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The Health and Built Environment and Age Friendly Planning focus areas were approved by the Province in 2017 through Regional Official Plan Amendment (ROPA) 27 and are now in effect.  
\* Aggregates focus area is proceeding separately as a staged policy review and ROPA.

### b) Advancement of Related Projects & Monitoring Change

Once the RPOP is approved, the Region will update various infrastructure master plans and the development charges background study and by-law for growth-related infrastructure needs and costs associated with the planning context to the year 2051. The RPOP also directs other studies to be completed to assess the needs of growth and demographic changes, for example:

- Water & Wastewater Master Plans
- Long Range Transportation Plan and component studies
- Age-Friendly Planning Built Environment Assessment
- Broadband Internet Services Assessment

The release of new information will be monitored for its impact on the RPOP policies and mapping. For example, the 2021 census data on population age structure and employment, or transit infrastructure commitments from the federal, provincial, and local governments that impact MTSAs.

A review of the RPOP graphic design and layout is also under consideration to be more user friendly for readers. The Peel 2051 MCR webpages and overall Region of Peel Planning and Development Services webpages will also be reviewed and updated to improve navigation for the public.

### c) Further Phases of the Municipal Comprehensive Review

As previously noted to Council, the aggregate resources policy review will be proceeding as a separate staged amendment to the new RPOP. The release of a discussion paper,

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policy directions and draft mapping revisions is planned later in 2022. An update to the Planning and Growth Management Committee is currently scheduled for June 2022.

The Peel 2051 MCR has assessed 60 employment conversion requests to date. Through the process, staff supported 16 requests totaling approximately 275 hectares.

Provincial staff advise that employment conversions may only occur through an MCR undertaken by an upper-tier municipality and MCRs are typically undertaken every five to 10 years.

17 of the sites not supported for conversion at this time were identified as having the potential to support mixed use development. The sites are located within 12 select MTSA where new policies provide a process for local MTSA implementation work to consider the introduction of a mix of uses including commercial and residential uses, subject to criteria. However, further technical study and comprehensive analysis in collaboration with the local municipalities is required to determine where residential uses would be appropriate.

As noted above, flexibility to consider mixed use in employment areas is captured in policy 5.8.36 of the new 2051 Region of Peel Official Plan, but this policy is only applicable in select MTSA identified on Schedule E-4 Employment Areas (Appendix VI). Therefore, a handful of sites that have requested conversions not supported at this time that may warrant further consideration such as Heartland Town Centre, 8200 Dixie Road (Rogers), 5923 Mayfield Road, 3155 Argentia Road (SmartCentres) and others are outside of MTSA and not subject to the flexible policy. As a result, these sites could have to wait five to 10 years until the next MCR for their employment conversion request and supporting comprehensive analysis to be considered.

With all three local municipalities currently engaged in local official plan reviews, it is anticipated that further comprehensive analysis and engagement on employment areas and policies will be undertaken. Through the local official plan reviews and studies, recommendations may be proposed that further consider the changing nature of employment and retail uses in the post pandemic environment. These considerations may result in proposed land use changes in employment areas that would also be subject to waiting until the next MCR, if policy 5.8.36 is not applicable.

Based on the foregoing, staff recommend the employment conversion requests that have been submitted through the current MCR process which warrant further analysis and collaboration with local municipal staff be brought forward in a future phase of the Peel 2051 MCR. In 2023, staff will report back on these matters along with the results of the aggregate resources policy review. The additional time will allow technical studies and comprehensive analysis to be undertaken and the local official plan reviews to be further advanced.

### **d) Local Municipal Implementation of the New Region of Peel Official Plan**

The local municipalities are also required to undertake reviews of their official plans in accordance with the *Planning Act* to address provincial policies and conform to the ROP. Once the RPOP is approved and in-effect, local municipalities have one year to bring forward amendments to conform to the polices, and these comprehensive local official plan amendments will require Regional approval.



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### 6. Next Steps

Regional staff recommend that Regional Council adopt the new Peel 2051 RPOP, by repealing and replacing the 1996 ROP. In adopting a new official plan, Regional Council has the option to extend the next review of the RPOP to no later than 10 years after approval. Currently RPOP reviews remain scheduled every five years.

Upon Regional Council adoption, staff have 15 days to submit the final RPOP and all supporting information from the Peel 2051 MCR process to the Province for approval. Provided the Peel 2051 RPOP is adopted and submitted on the anticipated timeline, the Provincial conformity deadline of July 1, 2022 will be met. Upon receipt of the Peel 2051 RPOP submission, the Province has 120 days to issue a decision. The *Planning Act* specifies that there is no appeal of MCRs for which the Minister is the approval authority, provided the Province makes a decision within defined timelines. If no decision is made the Region may appeal the non-decision to the Ontario Land Tribunal (OLT).

The Province has allowed upper-tier municipalities to undertake MCRs through phased amendments. As a result, the Region will be conducting an aggregate resources policy review later in the year 2022, and further analysis and collaboration with local municipal staff on select employment conversion requests received to date will proceed through amendments to the new RPOP in 2023.

### RISK CONSIDERATIONS

Once the Peel 2051 RPOP is adopted and submitted to the Province, the Minister has the ability to make modifications to the plan in accordance with the *Planning Act*. Therefore, staff recommend that the Minister of Municipal Affairs and Housing be requested to work with regional staff to implement as appropriate, any modifications to the RPOP under consideration such as those that may be associated with outstanding MZO requests.

Should the Region not complete the Peel 2051 MCR process and Regional Council not adopt new RPOP policies that conform to the provincial plans by July 1, 2022, the *Places to Grow Act* gives the Minister of Municipal Affairs and Housing authority to amend the current Regional Official Plan to bring it into conformity with provincial policy. Should the Region's adoption of the new RPOP be delayed and the Minister exercise that authority there would be risk that those decisions may not be in the interest of the Region. In addition, the Region would not have an up-to-date regional policy framework to respond to the challenges of today and current regional priorities. Delays in adopting Peel 2051 could subsequently impact planning decisions at the Regional and local level recognizing that the current ROP has a planning horizon that ends in 2031, and results could include:

- A lack of guidance to local municipalities for accommodating growth to 2051.
- A lack of enabling policies for MTSAs, IZ, affordable housing.
- Privately initiated applications for less-than-40-hectare settlement area boundary expansions.
- Additional MZOs that may not be comprehensively planned or consider the public and stakeholder input received to date.

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It should be noted that the *Planning Act* specifies that there is no appeal of Regional MCRs, provided the Province makes a decision within the specified 120 day timeline. If the Province does not issue a decision within 120 days of receiving the Plan, the Region may appeal in circumstances of a non-decision. A non-decision by the Province is only appealable by the Region, in accordance with section 17 (40) of the *Planning Act*.

Moving forward with the staff recommended new Peel 2051 RPOP will meet Provincial legislative deadlines and provide certainty for local official plan reviews which are all currently underway.

### **FINANCIAL IMPLICATIONS**

If an appeal of a provincial non-decision is required, the Region could face significant financial costs associated with the OLT proceedings. Appeals of official plans typically result in expensive and lengthy multi-year proceedings with internal and external legal counsel required.

### **CONCLUSION**

The Peel 2051 MCR process has been shaped by the essential input of Regional Council, the Planning and Growth Management Committee, the public, Indigenous communities, local municipal partners, stakeholders, conservation authorities, and other agencies. Informed by the input received and technical studies prepared, the new RPOP meets provincial policy and MCR requirements, presenting a long-term strategy for securing sustainable growth and a complete community for Peel to the year 2051.

Subject to any Regional Council direction for revisions, Regional staff are pleased to provide a recommendation to adopt the new Peel 2051 RPOP and repeal the 1996 ROP by-law 54-96 and subsequent amendments. Should Regional Council adopt the new RPOP, and Provincial approval is issued within 120 days of the staff submission, the RPOP will be in-effect by late summer 2022.

Following Provincial approval of the Peel 2051 RPOP, Regional staff will work with local municipalities to implement the policies in their local official plan reviews. In addition, Regional staff will conduct the aggregate resources policy review, targeted employment conversion review, updates to infrastructure master plans, complete a review of the RPOP and Planning and Development Services webpage design, and monitor new information to inform future changes to the RPOP.

### **APPENDICES**

Appendix I - Resolution 2022-104 Directing Staff to Finalize the new Region of Peel Official Plan and Bring it Forward to Regional Council for Final Adoption

Appendix II - Comment and Response tables [Available online and through the Regional Clerk]

Appendix III- The New Region of Peel Official Plan Consolidation, April 2022 [Available online and through the Regional Clerk]

Appendix IV- New Regional Structure (Schedule E-1 of the new Region of Peel Official Plan)

Appendix V - Region of Peel Official Plan Policy Implications and Implementation Guide, March 2022

Appendix VI - Employment Areas (Schedule E-4 of the new Region of Peel Official Plan)

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Additional background information and the documents referenced in this report are available on the Peel 2051 web pages at <https://peelregion.ca/officialplan/review>.

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*Authored By: Joy Simms, Principal Planner, Planning and Development Services, Public Works*