

**For Information**

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**REPORT TITLE: Update on Regional Official Plan Amendment 30 as Approved by the Local Planning Appeal Tribunal**

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**OBJECTIVE**

To update Regional Council on the approval of Regional Official Plan Amendment 30 at the Local Planning Appeal Tribunal and provide an overview of next steps in policy implementation.

**REPORT HIGHLIGHTS**

- Regional Official Plan Amendment (ROPA) 30 was adopted on December 8, 2016, by Regional Council to accommodate 2031 residential (community land) growth in Bolton on the lands known as “Option 6” and “the Triangle Lands”.
  - In 2017, ROPA 30 was appealed to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT), and hearings commenced August 2020, with additional phases of the hearing scheduled into mid-2021.
  - A revised version of ROPA 30 resulting from settlement discussions was presented to the LPAT on November 30, 2020 and approved in an oral decision.
  - ROPA 30 was the final of three settlement expansions in Caledon to accommodate 2031 population and employment growth, thereby concluding Peel’s planning process that began in 2007 to implement the 2006 Provincial Growth Plan.
  - ROPA 30, as approved by the Tribunal, incorporates several changes from the version originally adopted by Regional Council including 90 hectares of additional settlement expansion land in Option 3, Option 1, and Rounding Out Area B and policy updates.
  - A memorandum of oral decision (a written decision) will follow from the Tribunal.
  - ROPA 30, as approved, is now being implemented by Regional staff and incorporated into the ongoing Peel 2041+ Official Plan Review and Municipal Comprehensive Review.
  - The Region of Peel will work with the Town of Caledon to implement the policies and growth allocated to ROPA 30 through local official plan amendments conforming with the Regional Official Plan.
  - Regional staff anticipate that the requirement of conformity with the Regional Official Plan as amended by ROPA 30 will lead to significant residential land use designations being sited within the Option 6 lands.
  - In response to the Town’s request, a Minister’s Zoning Order (MZO) was made by the Minister of Municipal Affairs and Housing on March 5, 2021 (*Ontario Regulation 171/21*) to implement mobility transit hub zoning on the future Bolton GO Station lands and mixed use residential zoning on surrounding lands in Option 3. A request by the Region for an MZO to implement community use zoning on the Option 6 lands, remains outstanding.
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## DISCUSSION

### 1. Background

In response to discussion at the February 18, 2021 Planning and Growth Management Committee meeting, this report provides background on the November 30, 2020, LPAT approval of ROPA 30 and discussion about next steps for implementation.

Regional Official Plan Amendment (ROPA) 30 establishes a settlement area boundary expansion for residential and employment growth in Bolton to meet the requirements of the provincial Growth Plan, 2006 and ROPA 24 which set out Peel's framework for allocating 2031 growth. The Region's consideration of settlement expansion for Bolton was based on technical information and recommendations stemming from the Bolton Residential Expansion Study (BRES).

The Town of Caledon ("Town") commenced the BRES process in 2012 which established six "option areas" and three smaller "rounding out areas" within the lands around Bolton (see Appendix I) to be the subject of detailed technical analysis. On October 14, 2014, the Region of Peel received a ROPA application made by the Town based on Option 3 and the Rounding Out Areas as their recommended areas to accommodate the settlement area boundary expansion. The Region's process for the preparation of ROPA 30 was guided by the provincially facilitated settlement of ROPA 28 (Bolton Employment Lands), which provided details for a comprehensive review process, including additional technical analysis and public consultation.

On December 8, 2016, Regional Council adopted ROPA 30 by By-law 67-2016 based on Option 6 and the Triangle Lands. ROPA 30 was subsequently appealed to the Ontario Municipal Board, now the Local Planning Appeal Tribunal (LPAT).

Between 2017 and mid-2020 a number of proceedings were held to arrange administrative matters, and the hearing was scheduled to commence in summer 2020, proceeding in several phases concluding in July 2021. Further details on the BRES project background, ROPA 30 process, and the LPAT proceedings, are available on the Region's BRES webpage: [www.peelregion.ca/planning/officialplan/bres/](http://www.peelregion.ca/planning/officialplan/bres/).

### 2. The Appeal Proceedings and Settlement

#### a) Commencement and Approval of Motions to Include Select Lands in ROPA 30

On August 14, 2020, the hearing commenced with an uncontested overview of factual evidence on the history of the BRES and ROPA 30. The following motions with areas identified in Appendix II were brought forward at that time and approved, as follows:

- A November 10, 2020 decision and order approved the lands owned by Zancor Homes Ltd. in Rounding Out Area B (known as the "Chickadee Lane lands") to be included in the Bolton settlement area as part of ROPA 30.
- A November 30, 2020 decision and order approved ROPA 30 as it applies to the Triangle Lands, which were brought into the Bolton settlement area for the purposes of employment uses only (a restrictive covenant was registered against the property).

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Two motions were filed jointly by the representatives of Option 6 and Boltcol South Holdings Inc. to request this.

### **b) Key Planning Matters Leading to a Settlement and LPAT Approval**

Based on the most up to date information available, Regional staff worked with the appellant parties (which included the Town of Caledon) on a basis of good planning principles to determine the quantity of developable lands needed in Bolton to meet 2031 growth in Caledon. The analysis also considered the intended employment uses adjacent to the GTA West corridor such as on the Triangle Lands. The total “take-outs” of land not developable for community uses in the Caledon Designated Greenfield Area (“DGA”) included the GTA West Corridor alignment, environmental features, and employment uses on the Triangle Lands and notionally in Option 6 adjacent to the GTA West Corridor. This analysis resulted in the identification of a need for an additional 90 hectares of community land beyond the Council adopted ROPA 30 lands.

The analysis confirmed conformity with the ROPA 24 Land Budget population and employment allocation to the Caledon DGA (40,000 people, 21,500 jobs) and the density target for the Caledon DGA (42 people and jobs per hectare) required to achieve the overall Peel DGA density requirement for 2031 (50 people and jobs per hectare).

In addition to Option 6 and the Triangle Lands, ROPA 30 was revised to identify 90 hectares of additional developable land in Bolton. Working in conjunction with the parties’ planning experts, the appropriate location of this land was identified in Option 3 (56 hectares), Option 1 (28 hectares), and Rounding Out Area B (6 hectares) (Appendix II). The policy framework was updated to reflect the additional lands, changes requested by the Province, and to refine servicing policies.

The Region’s planning witnesses presented the proposed settlement and revised ROPA 30 (Appendix III) to the LPAT on November 30, 2020, and the settlement was accepted as proposed by an oral decision of the Tribunal. A ‘memorandum of oral decision’ (a written decision) will follow, and the contents of this report are subject to the written decision when it should become available.

### **3. Implementation and Next Steps**

ROPA 30, as approved, is now being implemented by Regional staff and will be incorporated into an updated publicly available Regional Official Plan office consolidation with other recent ROPAs (e.g. ROPA 33 - Ninth Line). As the planning work to implement ROPA 30 advances, a local official plan amendment (LOPA) and secondary plans will need to be prepared to accommodate the 11,100 people and 3,600 jobs on approximately 245 hectares of developable land designated by ROPA 30.

We understand that Town staff and the landowners of the Option 6, Option 3 and Option 1 landowners are establishing work plans to initiate those processes and Regional staff look forward to working with them. The Rounding Out Area B LOPA process has been initiated by that landowners’ group and is well underway.

ROPA 30 is also being incorporated as final in the ongoing Peel 2041+ Official Plan Review and Municipal Comprehensive Review (MCR), which plans for growth to the year 2051.

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### **a) Implementation Policies in ROPA 30**

As the local planning process gets underway, in addition to considering Provincial Policy and the overall policy requirements of the Regional Official Plan, the specific detailed policies included in ROPA 30 must also be addressed and conformed with. The following summarises the applicable specific ROPA 30 policies (see Appendix III):

#### Key Implementation Policies of ROPA 30

##### ROP Policy 5.4.3.2.9

- The ROPA 30 lands must accommodate approximately 11,100 residents and 3,600 jobs.
- An appropriate mix of jobs, employment lands, local services, housing, including affordable housing, community infrastructure, and a full range of transportation options must be planned for.
- Natural heritage features must be identified and protected.
- Employment land uses must be included in the expansion area (to reflect the November 30, 2020 Triangle Lands LPAT decision and accommodate 3,600 jobs).

##### ROP Policy 5.4.3.2.9.1

- Prior to the Town adopting a LOPA and secondary plan, the Town must prepare a phasing plan which provides for the Region to approve phasing, staging, implementation, and financial plans and agreements prior to approval.
- The Region may consider more than one local official plan amendment/secondary plan within the ROPA 30 lands to address phasing, staging, and financing requirements independently.
- Specific requirements were included to require that the secondary plan or plans address issues such as healthy development, affordable housing, natural heritage, agriculture, transportation and protection of the GTA West corridor.

#### Permitted Land Uses and Implications of the Provincially Significant Employment Zone

ROPA 30 requires that the lands designated as the “Bolton Residential Expansion Settlement Area 2031” (The ROPA 30 lands) be planned to accommodate 11,100 residents and 3,600 jobs. As noted above, local planning of the Option 6, Option 3, Option 1, Rounding Out Area B and the Triangle Lands will now proceed. Policies guiding the planning and development of the area have been applied to create a complete community including an appropriate mix of jobs, employment lands, local services, housing, affordable housing, community infrastructure, and a full range of transportation options while ensuring natural heritage features are identified and protected.

While the Growth Plan, 2006, applied to ROPA 30 for the purposes of the LPAT hearing, the secondary plans and local official plan amendments will be subject to the current Growth Plan, 2019, which includes provincially significant employment zones (PSEZ) as shown in Appendix IV. The current PSEZ policy framework arises in the 2019 version of the Growth Plan which provides very little guidance on the role that PSEZs are to play in the planning process. The Growth Plan definition of a PSEZ contemplates that it be comprised of employment areas as well as mixed use areas that contain a significant number of jobs.

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The implications of the PSEZ will unfold through further decisions of Regional Council associated with the ongoing MCR, Caledon's decisions on detailed local land uses and any further policy guidance that may be provided by the Province regarding the implementation of PSEZ designations. The PSEZ does not automatically change designated use of land nor does it require such a change as a matter of conformity. However, the Growth Plan does preclude conversion of existing employment designations unless certain criteria have been met. ROPA 30 does not contemplate the conversion of any employment uses to non-employment uses. The 2019 Growth Plan permits the Minister to provide specific direction for planning in areas identified as a PSEZ through appropriate official plan policies and designations, and in economic development strategies. In the case of the Bolton PSEZ, no such direction has been received from the Minister.

The *Planning Act* requires lower tier Official Plans to conform with the upper tier Official Plan. In the case of ROPA 30, the expansion of the Bolton settlement boundary does not designate a land use. The residents and jobs set out in ROPA 30 must form the basis for the land uses to be designated by Caledon. Many of the jobs have already been allocated to the Triangle lands. There are not enough jobs identified in ROPA 30 to allow all ROPA 30 lands within the PSEZ (i.e. Option 6) to be designated for employment purposes. Similarly, the proposed expansion areas in Option 1, 3, and Rounding Out Area B will not consume all the residents identified in ROPA 30, even if few jobs are allocated to them. Those residents must be attributed to other ROPA 30 lands (i.e. Option 6). Caledon will have jurisdiction to adopt local official plan policies applicable to the ROPA 30 area provided they conform with the Region's Official Plan. The Region, as the approval authority for the Town's Official Plan, could refuse to approve an amendment should it not conform and such a refusal could then be appealed to LPAT. The LPAT would be required to ensure that the Caledon Official Plan conforms with ROPA 30 and the Regional Official Plan.

### Minister Zoning Order Requests

**Bolton GO Station:** The Town of Caledon had requested a Minister's Zoning Order (MZO) to implement transit station area zoning on the future Bolton GO Station and surrounding lands in Option 3. On March 5, 2021 an MZO was made under the *Planning Act* through *Ontario Regulation 171/21* (see Appendix V):

- The lands within Option 3 and ROPA 30 are a Mixed-Use Residential Zone
- The lands east of Humber Station Road and north of the settlement boundary are a Mobility Transit Hub Zone (a public transit depot with specified non-residential accessory uses)

Before the actual development can occur, the Town of Caledon and landowners will need to undertake the detailed local planning processes including preparing a LOPA and secondary plan, subdividing the lands, completing engineering and technical requirements and obtaining necessary permits and approvals. In addition, the Town will need to work with the Region on establishing the engineering details, timing and funding arrangements of key infrastructure such as water and waste water services. Note that zoning is more typically completed towards the end of the local planning process.

**Option 6 Lands:** A request for an MZO was submitted by the Region to the Minister of Municipal Affairs and Housing to request that community use zoning be applied on the Option 6 lands to reflect conformity with ROPA 30, as adopted by the Region. The lands

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were requested to be zoned to permit development of a complete community including an appropriate mix of jobs, local services, housing, including affordable housing, community infrastructure, and a full range of transportation options while ensuring natural heritage features are identified and protected. The Minister has not advised of a response to the Region's request for an MZO.

Given the approval of ROPA 30 by the Tribunal, the Region, the Town and landowners can now move forward with the detailed local planning and implementation of ROPA 30 on the designated lands.

### **b) Impacts on the Peel 2041+ Municipal Comprehensive Review**

In establishing Regional employment areas mapping in the Growth Management focus area of the Peel 2041+ MCR, the Region has depicted the Triangle Lands as employment on draft Regional Official Plan mapping.

The ROPA 30 LPAT decision also impacts the Settlement Area Boundary Expansion (SABE) Study being conducted within the Peel 2041+ MCR to identify lands to accommodate greenfield community (residential or mixed use) and employment land growth to 2051. The SABE conceptual area presented to Planning and Growth Management Committee on February 18, 2021 did reflect the revised ROPA 30 as within the Bolton settlement area. All of the lands included in the 2031 ROPA 30 Bolton settlement area approved by the LPAT were also supported for 2051 growth in the draft SABE concept map.

The Region will continue to consider the updates and results of the SABE study in addition to ROPA 30 on planning for Major Transit Station Areas (MTSA) like the future Bolton GO station.

## **CONCLUSION**

The approval of ROPA 30 represents a successful conclusion to the Region's MCR to conform to the Growth Plan, 2006 and accommodate growth to 2031. The Region will continue to work with the Town to implement ROPA 30 through LOPAs and plan for the next stage of growth in Peel and Caledon to 2051 through the Peel 2041+ Regional Official Plan Review. Regional staff anticipate that the requirement of conformity with the Regional Official Plan as amended by ROPA 30 will lead to significant residential land use designations being sited within the Option 6 lands.

## **APPENDICES**

Appendix I - Map of Regional Official Plan Amendment 30 as Adopted, December 8, 2016

Appendix II - Map of the Revised Regional Official Plan Amendment 30 and Approved Motions, November 2020

Appendix III - Revised Regional Official Plan Amendment 30 (as Approved by Oral Decision of the LPAT, November 30, 2020)

Appendix IV - Map of Provincial and Regional Employment Policy Layers in Bolton

Appendix V - Minister's Zoning Order for the Bolton GO Station Area O. Reg. 171/21

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*For further information regarding this report, please contact Adrian Smith, Chief Planner & Director, Regional Planning and Growth Management, Ext. 4047, [adrian.smith@peelregion.ca](mailto:adrian.smith@peelregion.ca).*

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***Reviewed and/or approved in workflow by:***

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