

**For Information**

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**REPORT TITLE: Overview of Regional and Local Planning Roles and Processes**

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**OBJECTIVE**

To provide the Planning and Growth Management Committee with an overview of Regional and Local municipal roles in the land use planning process, including settlement area boundary expansions.

**REPORT HIGHLIGHTS**

- The land use planning process in Ontario is governed by the *Planning Act*, Provincial Policy Statement, and other Provincial Plans, including the Growth Plan for the Greater Golden Horseshoe.
  - In two-tier municipalities such as Peel the responsibilities and approval authority for planning decisions have been split between the Regional and local municipalities.
  - The Region of Peel has delegated approval authority for many planning applications to the local municipalities (i.e. plans of subdivision), except for approving new official plans or where proposals do not conform to Regional or Provincial policy.
  - Expansions to settlement areas require a municipal comprehensive review conducted by the Region, with the Region identifying new greenfield community (mixed-use) and employment areas, and the Province acting as the approval authority.
  - Secondary plans and block plans are key local planning policy tools that further guide land use, built form, environmental protection, coordination of infrastructure, and development phasing in more detail than in the Regional Official Plan or general Local Official Plan policies.
  - Recent changes in Provincial legislation and policy will affect local implementation through the following mapping of new provincial policy area requirements:
    - Regional Official Plan to map all settlement boundary requirements to the 2051 planning horizon by the Provincial approval deadline of July 1, 2022.
    - Regional Official Plan to map employment areas required to meet employment targets including employment areas in new settlement areas.
    - Regional Official Plan to map and set policies for Major Transit Station Areas. Once delineated in the Regional Official Plan, local municipalities must implement them in local official plans within one year.
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## Overview of Regional and Local Planning Roles and Processes

### DISCUSSION

#### 1. Background

Policy and development planning in Peel is shaped by the complex land use planning system in Ontario. In recent years, the Regional and local municipal roles in planning have evolved as the Provincial policy framework has changed. One of the largest undertakings in land use planning is a Municipal Comprehensive Review (MCR), which is a new official plan or official plan amendment, initiated by an upper-tier (or single-tier) municipality like Peel under section 26 of the *Planning Act*.

A number of Regional Official Plan Amendments (ROPA) under the previous MCR for population and employment growth to 2031 have been approved recently, and the Region is conducting an MCR which plans for growth to 2051. Considering the many active initiatives in the Region, staff were requested to provide an overview of the planning process including information on Regional and Local municipal roles in determining settlement expansions. This report provides the background on the land use planning policy framework, planning for growth through settlement expansions, implementation, and approval authority of planning applications.

#### 2. Land Use Planning Policy Framework

In Ontario the *Planning Act* governs land use planning and provides the framework for provincial plans and policy statements to be created, and outlines planning responsibilities provided to municipalities. Key requirements of municipalities include:

- Both upper-tier and lower-tier municipalities must have Official Plans in place and update them at least every five years for compliance with Provincial Policy through an MCR.
- Lower-tier official plans must conform with the upper-tier (regional) official plan.
- Any municipal council decision that affects a planning matter shall be consistent with all policy statements (e.g. the Provincial Policy Statement) from the Province and conform to all provincial plans (e.g. The Greenbelt Plan).

Of the planning activities managed at Regional level, this report focuses on Settlement Area Boundary Expansions (SABE), while other important activities include Major Transit Station Area (MTSA) planning, employment area planning, environmental studies, and resource studies, as shown in Figure 1. Local planning activities include local official plans, detailed land use designations and zoning, secondary plans, subdivision of land, and site plans.

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Figure 1. The Land Use Planning Policy Framework



### a) Approval Authority

The *Planning Act* also sets out the legislated approval authority that applies to the various planning instruments. The Province is the approval authority in the case of a new Regional Official Plan or the five-year MCR process, which is underway now, known as the Peel 2041+ Official Plan Review. Regional Council is the approval authority for amendments to the Regional Official Plan, a new Local Official Plan or amendments to one, as well as for plans of subdivision and consent to sever applications (“consents”). Local municipal councils are the approval authority for zoning by-law and site plans.

In Peel, Regional Council has delegated approval authority to local municipal councils for a number of planning tools, provided the amendments comply with provincial policy and the Regional Official Plan:

- Local Official Plan Amendments – Delegation By-law (1-2000)
- Subdivisions – Delegation By-law (9-2001 and 56-2001)
- Consents – Delegation By-law (5-1989)

The *Planning Act* does not allow delegation of Regional Council approval of new Local official plans or the required five-year comprehensive reviews – such as those currently underway in all three local municipalities in Peel.

### 3. Planning for Growth and Managing Settlement Expansions

As the population grows in Ontario, the Province forecasts and allocates growth to municipalities to be prepared for through long-range planning. The overall population and employment allocation by the Province is based on fundamental demographics, migration and immigration rates and land use potential. This growth allocation appears in the Growth Plan for the Greater Golden Horseshoe (Growth Plan) Schedule 3 for each municipality.

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Regional staff work with local municipal partners to explore opportunities to accommodate growth in existing local plans (i.e. through intensification), planning that may be underway, and emerging community visions for where change may occur in the future. Detailed distributions of where growth may go are drafted for consultation with the public, stakeholders, infrastructure testing, and evaluating financial implications.

Preferred alternatives are used to prepare higher level growth policies and allocation to each local municipality in Regional Official Plan and to determine land needs for SABEs. The provincial policy framework requires targets to be established, such as the intensification rate, greenfield density, and density in Strategic Growth Areas (e.g. Urban Growth Centres, MTSAs).

In the Region's MCR, growth allocations are incorporated through intensification in existing communities and greenfield development determined through Land Needs Assessment work and SABE(s). In recent years that process has changed as a result of updated provincial policies, including the Growth Plan.

### **a) Growth to 2031 and Settlement Expansions under the Growth Plan, 2006**

Under the 2006 Growth Plan, the MCR study to support a settlement expansion could be initiated at the local level and then submitted as an application by the local municipality to amend the Regional Official Plan. This was subject to approval by Regional Council and open to appeal to the Ontario Municipal Board (now Local Planning Appeal Tribunal of "LPAT"). For example, this Growth Plan 2006 process applied to the most recent SABEs in Mayfield West and Bolton. Appendix I shows the various settlement expansions that have been approved over the last 15 years which essentially implement the growth allocated to Peel in the original 2006 Growth Plan including:

- Northwest Brampton (ROPA 15)
- The Ninth Line Lands (ROPA 33)
- Mayfield West Phase 2 Stages 1 and 2 (ROPA 29 and 34)
- Bolton Employment Lands (ROPA 28)
- Bolton Residential Expansion Study Lands (ROPA 30)

### **b) Growth to 2051 and Settlement Expansions under the Growth Plan, 2019**

Under the current 2019 Growth Plan an MCR must be initiated by the Region, include a comprehensive update of the entire official plan, and include the full settlement expansion needed for the entire planning horizon – currently to 2051.

As presented through Peel 2041+ updates to Regional Council, the Region is anticipating about 4,300 hectares or more of additional settlement land will be required to accommodate growth in Peel to 2051 with an overall population of 2.3 million people. The conceptual SABE for community and employment lands on Appendix II is under evaluation through the MCR.

Once a SABE is recommended and adopted by Regional Council, the Province is now the approval authority for the Region's MCR and the provincial approval is not appealable to the LPAT provided the decision is made in the prescribed timeframe. The Province has made it clear that all elements of the MCR, including identifying SABE

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lands for the 2051 planning horizon, must be completed by the July 1, 2022 MCR approval deadline.

### 4. Settlement Expansion Implementation

The identification of SABE lands and the land uses to meet growth allocations from the Province includes a both regional role and a local role. Under the Growth Plan 2006 process, after the SABE was determined, the location of community (residential and mixed use) and employment lands were determined by the local municipality, whereas under the current Growth Plan 2019, the location of community and employment land is determined by the Region at the same time that areas for expansion are identified. The local municipality then further identifies detailed land use designations through secondary plans, community/block plans, zoning by-laws, and development approvals.

The Regional Official Plan does include broad policy that must be followed in undertaking policy implementation through local official plan amendments such as Secondary Plans. Policy direction in the Regional Official Plan may include the number of residents and jobs to be accommodated, the general land use mix, requirements for affordable housing, protection of natural heritage features, etc. These more specific requirements in the land use planning process are typically taken on at the local municipal level through secondary planning and block planning.

#### a) Secondary Plans

Secondary plans are land use plans for a particular area where more detailed directions are required beyond the general framework of the local official plan. In areas where significant change is expected Secondary Plans are prepared and approved to provide a framework for appropriate development of that area including but not limited to, establishing the vision and character of the area with respect to urban design, street and block patterns, adequate municipal servicing and infrastructure, and to determine the appropriate mix, location, and intensity of uses. It is customary and generally directed under Regional policy that large SABEs and redevelopment areas prepare a secondary plan.

While the Region typically delegates the approval authority for secondary plans to local municipalities, the Region is an active participant in the secondary plan process, participating in the review of background studies and the development of key policy directions, in addition to commenting on and directing the effective delivery of infrastructure. Implementation requirements, including infrastructure funding and timing are addressed at this stage, laying out the framework for implementation through the block plan and application processes.

#### b) Block Plans

The purpose of the Block Plan is to specifically address the extent and precise location of the secondary plan elements on the lands, including the natural heritage network, servicing and infrastructure details including road and pedestrian networks, lot patterns, and the location of community services such as schools, parks and community centres.

Block or Neighbourhood planning bridges the area specific policy framework from the secondary plan into direction, informing the preparation for the submission of individual development applications – primarily subdivisions. Strong tools can be developed to

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allocate development priority and apportion financial and construction responsibilities, including timing of infrastructure in addition to the achievement of core community design elements. Block Planning also enhances and further details the community design first laid out during secondary planning.

These pieces come together in tools like community development staging and sequencing plans which can be used to inform and structure developer and landowner group actions and the approach to conditions and clearance timing on individual development applications. This allows for an early and shared understanding of expectations and can mitigate issues that may otherwise come up through the review and processing of individual development applications.

### **5. Other New Regional MCR Requirements**

In addition to settlement expansions, other changes to the Provincial legislation and policy in recent years will affect the requirements of the regional MCR process that will then be implemented at the local level. Changes include conservation objectives related to water, energy, integrated waste management, and stormwater master plans. There is also increased emphasis on greenhouse gas emissions reduction, climate change adaptation goals, affordable housing, systems based environmental approach, Indigenous community engagement, and active transportation.

Under the theme of planning for jobs and concentrating growth around transit, the following new policy area mapping must be included in the Regional Official Plan:

#### **a) Employment Areas**

Provincial policy now requires that the Regional Official Plan include mapping of regional employment areas required to accommodate planned employment growth consistent with the Provincial Land Needs Assessment methodology. In existing settlement areas, this can largely be accomplished by reflecting and updating existing employment area mapping in the local official plans. In new settlement areas, the Region will be required to identify and map employment areas through the MCR process. These employment areas are to be protected from employment conversions outside of an MCR.

#### **b) Major Transit Station Areas**

A new policy framework for MTSAs has been established in Provincial legislation and plans. The Regional Official Plan is required to identify, map, and set policies and minimum densities for MTSAs specified in the Growth Plan, 2019 and may identify others. Along with that requirement comes certain advantages and obligations such as sheltering from certain LPAT appeals and opportunity to implement Inclusionary Zoning within MTSAs. Local official plans must implement MTSA mapping and policies within one year of the delineation in the Regional Official Plan.

### **6. Planning and Development Application Process**

The Region comments on and establishes conditions during local official plan amendments, secondary plan or block plan processes, and other development applications (i.e. zoning by-law amendments, subdivisions, site plans, etc.).

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Approval authority for privately initiated or developer-driven local official plan amendments has been delegated to local councils in Peel, but unlike delegation of approval authority for other application types, like subdivisions or consents, the Region must actively speak to the delegation through the comment and review process addressing criteria, including that the proposed amendment conforms with the Regional official plan.

Notwithstanding that, the Region participates in developing conditions and is a commenter and active stakeholder, providing comments on applications with respect to key policy areas including healthy development, environment, protection of employment lands in addition to technical commenting around the provision of services, site access and waste collection.

## CONCLUSION

Within the land use planning framework established by the Province, Regional staff will continue to conduct our Peel 2041+ MCR in collaboration with local municipal partners, and look forward to participating in policy implementation in local official plans and development applications. In summary, recent changes in Provincial legislation and policy will affect local implementation through the following mapping of new provincial policy area requirements:

- Regional Official Plan to map all settlement boundary requirements to the 2051 planning horizon by the Provincial approval deadline of July 1, 2022.
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## APPENDICES

Appendix I – Map of Greenfield Expansions to 2031

Appendix II – Settlement Area Boundary Expansion Concept Map

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