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**For Information**

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**REPORT TITLE: Update on the City of Brampton, Town of Caledon and City of Mississauga Official Plan Conformity Reviews and Phase Two of the Peel Municipal Comprehensive Review**

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

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**OBJECTIVE**

To provide an update on the status of the City of Brampton, Town of Caledon and City of Mississauga local official plan conformity reviews, and Phase Two of the Peel Municipal Comprehensive Review.

**REPORT HIGHLIGHTS**

- The City of Brampton, Town of Caledon and City of Mississauga are currently undertaking local official plan reviews for conformity with the Region of Peel Official Plan.
  - Peel continues to be the approval authority for the local official plan conformity reviews, until provisions from Bill 23, *More Home Built Faster Act, 2022* regarding the removal of Peel's responsibilities as a planning authority are enacted.
  - Provincial legislation has been introduced that will revoke and replace the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 with a new land use policy document known as the Provincial Planning Statement. Once enacted by the Province, any decision on a planning matter made on or after the effective date of the new proposed Provincial Planning Statement will be subject to the new policy framework and any transition regulations.
  - Peel staff are working with Mississauga and Caledon staff on Phase 2 of the Peel Official Plan/Municipal Comprehensive Review for three employment conversion requests in Mississauga and one in Caledon, in addition to Caledon's Mineral Aggregate Resources Policy Review.
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**DISCUSSION**

**1. Background**

The Region of Peel Official Plan (RPOP) was adopted by Regional Council on April 28, 2022 and approved by the Minister of Municipal Affairs and Housing (the "Minister") with modifications on November 4, 2022, and come into effect on the same date. As required under the *Planning Act*, the City of Brampton, Town of Caledon and City of Mississauga (the "local municipalities") are currently undertaking official plan reviews to bring their plans into conformity with the RPOP. Under current legislation, the Region is the approval authority for official plan reviews. Each local municipality is required to bring forward their draft official plans to local municipal council for adoption. Once local council adoption is received, each

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local municipality is required to forward its official plan to Peel for review and approval. This report provides an update to Regional Council on the status of the official plan conformity reviews currently being undertaken by the three local municipalities and legislated requirements, and also provides an update on Phase 2 of the of the Peel Official Plan/Municipal Comprehensive Review.

### **2. Planning Act Requirements**

#### **a) Approval Authority**

Under the *Planning Act*, all municipalities, including upper- and lower-tier, are required to update their official plans to conform to provincial plans every five or 10 years, depending on whether the plan has been updated or repealed and replaced, depending on whether the plan has been updated or repealed and replaced.

Last year, Peel completed its provincial plan conformity exercise through the Peel 2051 Official Plan Review and Municipal Comprehensive Review (MCR) which was adopted by Regional Council on April 28, 2022, and was subsequently approved by the Minister with modifications on November 4, 2022. The *Planning Act* stipulates that the lower-tier official plan is required to come into conformity with the upper-tier official plan within one year of Provincial approval of the upper-tier plan.

The Region of Peel Delegation By-law 1-2000 provides circumstances where the approval of local municipal official plan amendments can be delegated to local councils. Despite this, the *Planning Act* requires Peel to act as approval authority in the following instances:

- Local municipal official plan updates conducted as part of a provincial plan conformity exercise, as required every five or ten years; and
- Local municipal official plan amendments that include policies pertaining to land uses and minimum densities of lands and structures within Protected Major Transit Station Areas (“Protected MSTAs”).

Given the local municipalities are updating their official plans for the above-noted reasons, Regional Council is required to be the approval authority for these local official plan review amendments.

#### **b) Pending Changes in Planning Responsibilities**

As a result of the provisions in Bill 23, *More Home Built Faster Act, 2022* (Bill 23), at a date to be proclaimed, Peel’s responsibilities as a planning authority will be removed, and the RPOP will be deemed to be an official plan of each local municipality, in addition to their own official plans. The Province has not provided a specific date for the proclamation of these changes but advised that the earliest would be winter 2024. Until further Provincial direction is provided, Peel continues to be the approval authority for the local official plans, which will need to conform to the RPOP.

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### **c) Statutory Approval Timelines**

When a local municipal council adopts its new official plan and/or official plan amendments related to Protected MTSA policies, the local municipality must issue a notice of adoption to all prescribed bodies and forward the official plan and supporting documents to Peel for review and approval.

Once Peel receives an adopted local official plan and deems it complete, a statutory 120-day official plan review timeline commences. As the approval authority, Peel can make one of three decisions on the plan: approve, approve with modifications, or refuse to approve the plan or parts of the plan. A recommendation report is prepared for Regional Council and a notice of decision is issued within this timeline. However, if during the 120-day review period, Peel concludes that the adopted local municipal official plan or any part of it does not conform to the RPOP, the 120-day official plan review timeline does not begin to elapse until Peel confirms the non-conformity is resolved, essentially putting a pause on the timeline.

### **3. Local Municipal Official Plan Conformity Review Status**

Peel staff have worked collaboratively with local municipal staff and various stakeholders throughout the local official plan review processes, provided input on various draft official plan versions to achieve conformity with the RPOP. All three local municipalities have undertaken workshops, discussion papers, and released draft policies for public and stakeholder review. The following section provides an update on local municipal official plan reviews and timelines.

#### **a) City of Brampton**

##### **i) Official Plan Review Status**

The City of Brampton is in the final stages of its official plan review, referred to as the Brampton Plan, to conform to the RPOP, and includes a comprehensive update to city-wide policies and designations as well as Primary MTSA policies further detailed below. Brampton's official plan review commenting period closed October 2, 2023, with City Council adoption targeted for November 1, 2023.

##### **ii) Protected Major Transit Station Area Amendments**

On May 17, 2023, Brampton adopted OPA 2006-247 which replaced "Mobility Hub" policies with MTSA policies to help guide lands within MTSAs prior to adopting the Brampton Plan. This amendment did not require Regional approval because policies pertaining to land uses and minimum densities of lands and structures, which would have triggered Regional approval under the *Planning Act*, were not included. This OPA is currently under appeal at the Ontario Land Tribunal. Peel staff are monitoring the next steps of the appeal process. Draft MTSA policies and land use schedules for the Primary MTSAs, which will be included in the Brampton Plan, were shared in September and October 2023 where preliminary comments were provided. This work will be reviewed as part of the Peel's local official plan conformity review process.

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### **b) Town of Caledon**

#### **i) Official Plan Review Status**

The Town of Caledon is undertaking a three-stage phased approach to updating its official plan. The first phase includes required RPOP conformity elements implemented through town-wide policies and designations, with an estimated completion in late 2023 or early 2024. The second phase encompasses policies currently under study, including additional growth phasing, MTSA, and aggregate policies, anticipated to begin spring 2024. Lastly, the third phase includes reviewing additional secondary plans, expected to follow phase two.

To date, Caledon has released three draft official plan versions and anticipates Town Council adoption late 2023 or early 2024.

#### **ii) Official Plan Amendment 274 - Bolton Option 6 Lands**

On October 10, 2023, Caledon Council passed a motion to adopt OPA 274. This amendment expands part of the Bolton Rural Service Centre boundary (ROPA 30) and replaces the Prime Agricultural Area designation with Employment Lands in advance of the ongoing Caledon Official Plan conformity review. As the Draft Caledon Official Plan review public meeting and open house were used to meet the statutory consultation requirements on this amendment, Regional approval is required.

### **c) City of Mississauga**

#### **i) Official Plan Review Status**

The City of Mississauga is undertaking their official plan review through two separate policy conformity exercises: an update to their official plan, including new city-wide policies and land use designations, and MTSA policy Official Plan Amendments (OPAs) with a focus on Protected MTSA, detailed below. Mississauga anticipates bringing forward their new draft official plan in 2024 for public review.

#### **ii) Protected Major Transit Station Area Amendments**

On August 10, 2022, Mississauga Council adopted a series of MTSA-related OPAs. The OPAs requiring Regional approval (OPAs 142, 143, 144 and 146) were forwarded to Peel. A report recommending approval of the OPAs was brought to Regional Council on February 9, 2023. A letter dated February 9, 2023 from Minister Steve Clark was sent to the Regional Chair with respect to maximum height limitations in MTSA. This letter indicated that the Minister modified the RPOP to remove the discretion of lower-tier municipalities to set maximum heights in MTSA. It also noted any endorsement by Regional Council of maximum height provisions is contrary to the Province's modifications made to the in-effect RPOP. The February 9, 2023 report to Regional Council was referred back to Peel staff to report back to Regional Council with an update (Resolution 2023-124).

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At this time, Mississauga staff are making additional changes to the OPAs to address the letter from the Minister, and once received, Peel staff will report back to Regional Council.

### **4. Phase 2 of the Peel Official Plan/ Municipal Comprehensive Review**

Although the RPOP is in-effect, there is a second Phase of the Municipal Comprehensive Review which includes undertaking a more comprehensive review of employment conversion requests for four properties and undertaking the Mineral Aggregate Resources Policy Review.

Regional Council directed Peel staff to work with Mississauga staff to undertake a further review of three employment conversion requests submitted through the MCR and report back to Regional Council. An additional site was submitted by Caledon which has been incorporated into the review. Peel staff continue to advance this work and plan to report back to Regional Council in December 2023.

Prior to Bill 23, the Mineral Aggregate Resources Policy Review was proceeding as part of Phase 2 of the MCR to update policies and mapping, ensure conformity with provincial policy, and address Regional and local policy needs. Background work to support the review, including development of a background discussion paper, transportation study, mapping methodology and resource mapping, has been prepared jointly with Caledon. In light of Bill 23 and the future transfer of Regional planning to the local municipalities, Peel staff are not recommending initiating public consultation on a Regional aggregate amendment at this time to update the RPOP. Peel staff will continue to support Caledon's Supplementary Aggregate Resources Policy Study and official plan review processes.

### **5. Additional Legislative Considerations**

On April 6, 2023, the Province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023* (Bill 97) together with a proposal to consolidate the Provincial Policy Statement, 2020 (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan) into a single province-wide planning policy instrument. Both the PPS and Growth Plan are to be replaced with the new proposed Provincial Planning Statement and is anticipated to come into effect in the fall of 2023. Currently, the Province is reviewing feedback received through the Environment Registry of Ontario consultation posting which closed August 4, 2023. No further updates have been provided by the Province to date.

The proposed Provincial Planning Statement contains fundamental changes to the land use planning framework that redefines planning for areas of employment, removes requirements and references to affordable housing definitions and targets, growth forecasts, minimum intensification and density targets, climate change, and active transportation. Any decision on a planning matter made on or after the effective date of the proposed Provincial Planning Statement will be subject to the new policy framework and associated enacted transition regulations. Until such time the proposed Provincial Planning Statement comes into effect, local municipal official plans are to conform to the RPOP.

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### **BILL 112 RISKS AND IMPLICATIONS**

On May 18, 2023, the Province introduced Bill 112, the *Hazel McCallion Act, 2023* (Bill 112) that will dissolve the Region of Peel and make the Cities of Brampton and Mississauga and the Town of Caledon single-tier municipalities, effective January 1, 2025. The proposed legislation provides for the establishment of a Transition Board to make recommendations on implementing the restructuring. Details of the transition including matters as they relate to Regional roles and responsibilities are not known at this time and are to be addressed in future reports to Regional Council. Additional assessment to support the transition under Bill 112 will be provided as further details become known.

### **CONCLUSION**

Given the Province has indicated that Bill 23, *Planning Act* regulations related to changes in Peel's planning responsibilities will not take effect until winter 2024 at the earliest, Peel staff continue to operate under the current legislative framework and maintains planning responsibilities and Regional Council maintains planning authority. Timing of when updates on the proposed Provincial Planning Statement remains unknown, but staff acknowledge any decision on a planning matter made on or after the effective date will be subject to the new proposed Provincial Planning Statement policy framework. Timelines for each local municipal official plan review vary, with Peel staff continuing to support local municipal staff during the review process. Upon receipt of local official plan review amendments, adopted by local municipal Councils, Regional staff will undertake their reviews and prepare recommendation reports to Regional Council.

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Kealy Dedman, Commissioner of Public Works

*Authored By: Ricardo Razao, Principal Planner*