
For Information

DATE: July 3, 2018

REPORT TITLE: **ADAPTING TO CHANGES IN LAND USE PLANNING LEGISLATION**

FROM: Janette Smith, Commissioner of Public Works
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OBJECTIVE

To provide an update on the Region of Peel's implementation of land use planning legislation.

REPORT HIGHLIGHTS

- Peel Region's growing population and growth pressures prompted Council to create the Growth Management Committee in 2015 to address these and other similar issues.
- Significant changes to Ontario's land use planning legislation are now in effect, and have implications on the Region of Peel's role and responsibilities.
- Amendments to the *Planning Act* require single- and upper-tier municipalities to have a Planning Advisory Committee, with at least one resident of the municipality.
- To support Council in land use planning and growth management decisions, the current Director position will also be designated as the Chief Planner and will be present at Council and Committee meetings.
- Terms of reference and other details required to create the Planning Advisory Committee will be brought forward in the new term of Council.

DISCUSSION**1. Background**

In 2017 significant changes to land use planning policy were enacted, including the updated Growth Plan for the Greater Golden Horseshoe (2017) and the *Building Better Communities and Conserving Watersheds Act*, previously known as Bill 139. The purpose of this report is to summarize the new legislative changes, outline the impacts to the planning context in Peel, and discuss how the Region can accommodate these through new and modified committees, and appropriate enhancements to staffing.

ADAPTING TO CHANGES IN LAND USE PLANNING LEGISLATION

2. Evolution of Planning and Growth Management

In 2014 Peel faced population growth at a rate that was outpacing Provincial forecasts, and an employment growth rate that was lagging behind the forecasts. The employment landscape overall was shifting towards a lower number of jobs per hectare, making it problematic to achieve Places to Grow density targets. At the same time the Region was required to make generational investments in water and wastewater treatment to support forecasted growth to 2031. In doing so, the Region took on over \$1 billion debt to finance the infrastructure. With growth not being realized, the financial risk associated with growth became apparent.

To address these challenges, the Growth Management Committee (“Committee”) was created in 2015. The Committee is currently responsible for:

1. Reviewing and making recommendations on growth forecasts and on Regional Official Plan Amendments related to growth, including opportunities for intensification;
2. Reviewing and providing comments on the studies related to and options for sustainable financing of growth in Peel;
3. Making recommendations respecting Regional Official Plan reviews.

Since then, the Region undertook a new approach to plan and actively manage growth, to ensure planning priorities reflect community needs and growth concerns. This comprehensive approach integrated water/wastewater servicing, transportation, and land use planning to reduce the Region’s Development Charge debt by \$0.5 billion from what was forecasted in the 2012 Development Charges Background Study.

The Region provided input on important changes to land use policy and Provincial planning studies, including:

- The Coordinated Plans Review (Growth Plan, Niagara Escarpment Plan, Oak Ridges Moraine Conservation Plan, and Greenbelt Plan)
- *Promoting Affordable Housing Act*
- The GTA West Corridor Environmental Assessment
- Amendments to the *Development Charges Act*
- Amendments to the *Planning Act*

Regional Council’s involvement in the changes to land use planning and growth management has resulted in ongoing dialogue with the Province and advocacy positions supporting the best interests of Peel’s current and future residents.

3. Increased Role in Planning

The recent changes in land use planning have brought with them a fundamental change in the role and responsibilities of the Region. The Growth Plan (2017) prompted changes to the *Planning Act*, which now requires that municipal comprehensive reviews be Region-led. By doing so, the following are now the responsibility of the Region:

- Growth forecasts, density, and intensification target implementation
- Settlement boundary expansions
- Employment area strategy, designation, conversion, and density requirements
- Major transit station area and strategic growth area delineation
- Natural heritage and agricultural systems mapping refinement

ADAPTING TO CHANGES IN LAND USE PLANNING LEGISLATION

Further, on April 3, 2018 the *Building Better Communities and Conserving Watersheds Act* came into effect, replacing the Ontario Municipal Board with the Local Planning Appeal Tribunal (“Tribunal”) and establishing new rules around the appeal of planning related matters.

As outlined in the report titled “Current Provincial Land Use Planning Context” presented at Regional Council on April 26, 2018 (Resolution 2018-344), key impacts on the Region resulting from the Tribunal appeal process include:

- The Tribunal will only hear appeals using evidence that informed a Council’s decision under challenge;
- If the Tribunal determines that a municipal decision does not meet the new standard of review on a first appeal, the matter will be referred back to the municipality for reconsideration;
- A new decision must be issued within 90 days by the original approval authority on a matter referred back by the Tribunal.

With these are new requirements, staff reports, available information, and the overall process leading to municipal decision-making on planning matters must now be more comprehensive, since the Tribunal will only hear appeals using evidence that informed a Council’s initial decision. This will warrant additional planning and related technical reports as part of a Council report, as new information cannot be added during an appeal process.

The 90-day decision timeframe for matters referred back to Council is a significant change, as this could impact Regional work processes and necessitate additional Council meetings.

The province has indicated that part of the Region’s role in land use planning will now be to handle matters of planning policy interpretation from its local municipalities, rather than the local municipalities contacting the province directly as they had in the past. The purpose of this change is to encourage local matters to be dealt with by the local and upper-tier municipality, while the province manages matters of upper- and single-tier municipalities. In this context, the Region becomes a one-window planning service between Peel’s local municipalities and the province.

Overall, the changes to provincial planning legislation and processes mean the Region will increasingly be involved in previously local matters, and will require significantly more staff time and effort to do so. With the Tribunal, local municipal comprehensive reviews now being initiated by the Region, increased collaboration and interaction with provincial ministries, and substantial support materials required to accompany planning decisions before Regional Council, staff have begun to assess the impact on Regional staffing resources.

As a way to better support Council decision-making amid changes in the Region’s land use planning role and responsibilities, the position of Director of Integrated Planning will be revised as Director of Planning and Growth Management and Chief Planner in the Public Works Department.

ADAPTING TO CHANGES IN LAND USE PLANNING LEGISLATION

The Director and Chief Planner will support Regional Council in their expanded land use planning responsibilities and will be present at all Council meetings to answer questions on planning and growth management matters. The position will be the planning lead for the Region at the Tribunal, and attend meetings with the province, municipalities, and planning-related committees.

Any additional staffing requests needed to support the expanded scope of work required for municipal comprehensive reviews will be brought forward as part of the next budget.

4. Mandatory Planning Advisory Committee

The *Smart Growth for Our Communities Act, 2015* (Bill 73) came into effect on December 3, 2015 with a number of new or revised *Planning Act* Regulations coming into effect on July 1, 2016. These Regulations provide direction on a range of matters, including giving notice on planning applications and public participation in the planning process through a newly mandated Planning Advisory Committee.

The *Planning Act* was amended to require such committees in all single- and upper-tier municipalities in an effort to promote input from members of the public on planning matters. Members of the Planning Advisory Committee are to be appointed by Council, and must contain at least one resident of the municipality who is neither a member of Council, nor an employee of the municipality. The *Planning Act* does not include a specified mandate for the Planning Advisory Committee, only that it is required.

An environmental scan of Ontario's single- and upper-tier municipalities identified that most have not yet instated a Planning Advisory Committee for the purpose of complying with the *Planning Act*, but will do so to coincide with the new term of Council in 2019.

There are several ways the Region can comply with the Planning Advisory Committee requirement:

- Using an existing planning committee, consisting of at least one member of the public;
- Expand the mandate of an existing committee;
- Create a new committee.

Since the Region currently has a Growth Management Committee dedicated to matters of land use planning specific to growth, staff are researching the option of creating the Planning Advisory Committee as a sub-committee that would provide advice to the Growth Management Committee. In this case, a newly created Planning Advisory Committee would be established and the existing Growth Management Committee's name and mandate would be expanded as the "Growth Management and Planning Committee" to encompass a wider breadth of land use planning matters. This arrangement would enable input from members of the public to be captured at Planning Advisory Committee and be brought forward to Growth Management Planning Committee for consideration. Similar to those proposed in other upper-tier municipalities, Peel's Planning Advisory Committee role in this regard would be consultative and advisory in nature, and as such would not have decision-making authority.

ADAPTING TO CHANGES IN LAND USE PLANNING LEGISLATION

Staff will continue with the necessary work required to enable the Planning Advisory Committee, and will bring a report in the new term of Council with the following proposed for approval:

- Committee reporting structure
- Terms of reference
- Amendments to the Growth Management Committee to expand the mandate, if necessary
- Member composition
- Recruitment details for resident members

This will allow additional research to be undertaken, specifically around the appropriate number and qualifications of the resident members. Staff anticipate further discussions with other upper-tier municipalities in the coming months to explore best practices in this regard.

CONCLUSION

Amendments to planning legislation have evolved the Region's role and responsibilities around land use planning. The work undertaken by the Growth Management Committee has positioned the Region to manage these changes, and revising the existing Director position to add the Chief Planner designation will support Council's work moving forward. There is no impact to the budget resulting from this change.

The Region is required to create a Planning Advisory Committee, consisting of at least one resident member of the public. Draft terms of reference and other necessary details will be brought back in the new term of Council for approval. This will allow additional research on resident member composition and qualifications to be undertaken.



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Approved for Submission:



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