

April 19, 2024

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**RE: Caledon Strong Mayor Powers – Proposed Zoning By-law Amendment
Lands North-West Corner of Columbia Way and Mount Hope Road, Town of
Caledon
Town File Number: RZ 2024-0006C (Area A8)
Region File Number: RZ 24-006C**

Dear Eric,

On April 4, 2024, the Region received a request for comments on a proposed Zoning By-law Amendment to implement the use of Strong Mayor Powers for the lands north-west corner of Columbia Way and Mount Hope Road. As part of the request for comments, the Region received a copy of the Notice of Application and Public Meeting, as well as correspondence from Loopstra Nixon to the Clerk which included a copy of the proposed Zoning By-law Amendment.

On April 17, 2024, the Region received a request for comments with a revised copy of the proposed Zoning By-law Amendment for the same lands.

The proposal will create a new community with a variety of land uses through the rezoning of lands from Agricultural (A1) and Environmental Policy Area 2 Zone (EPA2) to various site-specific zones permitting residential, commercial, mixed-use and environmental protection land uses.

Application is Premature

The Region of Peel suggests that this By-law is premature without comprehensive planning (i.e. Secondary Planning) supported by technical studies (i.e. subwatershed study, servicing study, transportation study, stormwater management study, etc.), a Growth Management and Phasing Plan supported by Town of Caledon Council, as well as the lack of infrastructure capacity in the existing system (i.e. servicing, an adequate transportation/transit network, etc.) being available to the lands. In undertaking these comprehensive planning exercises, all stakeholders would collaborate to ensure that the community will be a well-planned and sustainable community with a variety of land uses (including housing types and affordable housing types), community infrastructure (including schools, parks, recreation centres, emergency services, matters of public health, etc.) and hard infrastructure (such as water and wastewater services, stormwater management and a road/transit network). This area should be serviced through the north as part of the secondary plan being undertaken.

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Furthermore, with the significant infrastructure required, further discussions on the financing of those services are also required to ensure fiscal responsibility for the Town and Region. Finally, the By-law as circulated contains a number of areas of concern and lacks some clarity, zoning standards and holding provisions.

While the Region is a supportive partner in addressing the housing crisis and delivering affordable housing, without fundamentals such as servicing in place, houses cannot be constructed regardless of the approval of a Zoning By-law Amendment like this one.

Despite the prematurity of this application, the Region is committed to working with our municipal partners and has provided additional comments and requests holding provisions as outlined for your review and consideration below. These will help address some of the application's prematurity concerns.

2051 New Urban Area

Through the adoption of the Region of Peel Official Plan*, the subject lands were brought into the Regional Urban Boundary and are identified as 2051 New Urban Area. The 2051 New Urban Area is approximately 4,646 net hectares, comprised of 1,584 net hectares of employment lands and 3,062 net hectares of community (i.e. residential) lands.

The Zoning By-law Amendments (A1 to A8 and A11) proposed through Strong Mayor Powers will rezone a significant portion of the New Urban Area which is planned for development to 2051. Cumulatively, these By-laws will rezone approximately 26% (1,185 net hectares) of all lands within the 2051 New Urban Area and approximately 39% (1,185 net hectares) of the community lands. Individually, this Zoning By-law Amendment will rezone 20 net hectares.

Town of Caledon staff were partners in preparing the newly adopted Regional Official Plan* and provided comments and input in the development of the Plan and its policies.

For lands within the 2051 New Urban Area, the Regional Official Plan* requires Secondary Plans and Block Plans, as well as that development applications be received and approved to permit development of these new communities.

The Regional Official Plan* policies require that certain matters be addressed prior to approving secondary plans, including the need for Phasing Plans to stage development, a need for a connected transportation system, technical studies such as scoped Subwatershed Studies, Functional Servicing Reports, as well as additional studies required by the Town related to undertaking secondary planning. The Region has not received notice of a proposed Secondary Plan application within this area which includes the required supporting material. The requirements of the 2051 New Urban Area policies have not been satisfied.

The proposed Zoning By-law Amendment will not conform to the Region of Peel Official Plan*; however, the Region will continue to work closely with the Town and other stakeholders to address the conformity matters.

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**As announced on April 10, 2024, as of July 1, 2024, the Region's statutory powers under the Planning Act will be removed. Once in effect, planning policy and approval responsibilities of the regional municipality will be removed and the lower-tier municipalities will assume primary responsibility for all planning in their geographies, except for matters requiring provincial approval. Instead, per section 70.13(2), the Region's official plan will be deemed to constitute the official plan of the Town of Caledon, and conformity will still be required until such time as Caledon amends it and approval is provided by the Province. Therefore, on July 1, 2024, the current Region of Peel Official Plan will become the Town of Caledon Official Plan and shall be implemented by the Town of Caledon.*

Town of Caledon Growth Management and Phasing Plan

The Region of Peel Official Plan* requires that the Town complete and implement a phasing plan for the entirety of the 2051 New Urban Area: the Town's Growth Management and Phasing Plan (GMPP). While the Region has reviewed a draft of the GMPP, it has not been finalized.

As part of the development of the draft GMPP, the Region worked collaboratively with the Town to identify the opportunities and constraints for the 2051 New Urban Area, especially as it relates to transportation and servicing. The results of those discussions and findings were to be incorporated into the GMPP. To date, the Region has not found the GMPP satisfactory, nor does it reflect the requirements of the phasing plan and the outcomes of the identified opportunities and constraints. This matter remains outstanding. The Town has not finalized or received Council endorsement on a Growth Management and Phasing Plan.

The overall development of the 2051 New Urban Area, including the lands subject to this By-law, is to occur in accordance with this future Growth Management and Phasing Plan that is satisfactory to the Region of Peel.

Servicing Constraints

A significant concern of the Region's is that there is insufficient capacity in the Regional water and wastewater systems (from our plants to more local mains) to accommodate this proposed community at this time pending completion of the ongoing Water and Wastewater Servicing Master Plan and approved capital projects as identified in the approved Water and Wastewater Capital Budget. Significant upgrades and additional watermains and sanitary sewers are required to service this community both in the local vicinity of this development and within the entire water and wastewater system. These projects include expansions to water treatment plants, new water transmission pipelines, upgrades and expansions to water pumping facilities and reservoirs, new large sanitary conveyance pipelines and wastewater treatment facilities. The majority of these will require multi-year design and construction efforts to complete. The Region currently estimates that the service upgrades and extensions are estimated to cost over \$6.2B for water and \$6.7B for wastewater for the housing pledges alone.

The Growth Management and Phasing Plan and the studies outlined above are required for the 2051 New Urban Area, are essential for the Region to plan for service delivery. The completion of these documents to the Region's satisfaction is imperative in order to deliver servicing infrastructure in an efficient and financially sustainable manner.

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In working collaboratively with the Town, the Region is advancing servicing for the four priority areas identified by the Town in 2023 – Macville, Wildfield, Tullamore employment area and the Mayfield West Phase 2, Stage 3 lands. The lands subject to the proposed Zoning By-law Amendment are not included in these priority areas. In the meantime, the Region is working to finalize an update to the infrastructure mater plan that will identify servicing needs and the timing of service availability for the balance of the New Urban Area, which will need to align with the Town’s Growth Management and Phasing Plan.

The Region is advancing servicing infrastructure within the Town’s borders and upstream and downstream to support all Bill 23 municipal pledges.

Housing Pledge

Based on previous conversations with the Town, the Region understands that these lands are not required and have not been identified as being necessary to meet the Town’s Housing Pledge of 13,000 units by 2031.

Development Application Status

The Region has not been notified of receipt of a *Planning Act* application for these lands, except this application. The Region has been involved in a pre-consultation process for proposed applications; however, we understand that a formal application(s) has not been received.

Specific Comments on the Proposed Zoning By-law

Request for Amendments to the Proposed Zoning By-law

In reviewing the proposed Zoning By-law Amendment, Regional staff request the following amendments to the By-law:

- The environmental limits on a site-specific basis have not been examined or substantiated through detailed Environmental Studies, so the limits of the proposed EPA1 zone cannot be validated. However, as part of the Region of Peel Official Plan*, the Greenlands System (which includes all Provincial Natural Heritage System designations and overlays, Core Areas of the Greenlands System, Natural Areas and Corridors and Potential Natural Areas and Corridors) was reviewed and is identified in Schedule C-1 of the Region of Peel Official Plan*.

As part of the Planning process, it is common for the environmental limits to be refined as more granular environmental studies are completed. As the more detailed supporting studies have not been completed and submitted for review, the limits of the EPA1 zone should also include the Natural Heritage System as depicted on Schedule C-1 Greenlands Schedule of the Region’s Official Plan*.

Although Zoning By-laws are typically regulatory in nature, the proposed By-law currently indicates that the limits of the EPA1 zone can be refined through the processing of further development applications. This text would support the ability

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for the environmental limits to be more broadly captured at this stage (based on Schedule C-1) and then refined through studies, where appropriate, at a later stage. This would more closely resemble the process of how environmental systems are identified and protected through the overall planning process.

- In accordance with Region of Peel policy 5.4.19.7, development within the Designated Greenfield Area shall be designed to meet or exceed a minimum density of 67.5 residents and jobs combined per hectare. The Region encourages the Town to include a standard reflecting the area's minimum density target.

For additional information, to inform the ongoing planning process for these lands, the Town will need to ensure an upfront plan is in place to meet the density (through secondary plans) and a monitoring plan is to be in place to track density as the applications are received across the Designated Greenfield Area.

- The Region is a supportive partner in addressing the housing crisis and delivering affordable housing options. Typically, though the Secondary Planning and Block Planning exercises affordable housing options are considered and related policies implemented. All stakeholders should be working together to ensure that an array of housing options is available, and that affordable housing is provided within the community. As Secondary Planning and Block Planning has not occurred for this community, the specifics with respect to type and tenure of housing options (including affordable housing) are unknown.

While the Region is supportive of ensuring a broad array of housing types and tenure are available, it is not best practice to isolate housing tenure in such a way as the definition of “Non-Market Housing”, unless there is no other way. In reviewing the various housing typology definitions in the Town’s Zoning By-law, it is not clear that the distinction of tenure in such a way is warranted. The Region would encourage the Town to look at the types of housing permitted (i.e. apartment building, detached dwelling, townhouse dwelling, etc.) and define these unit types in that manner instead. Should the Town continue to define and permit this use, zone standards (i.e. setbacks, building height, etc.) should be incorporated into the By-law for this use.

- The Region is encouraging the Town to permit a variety of housing unit types in the By-law. The Town should review the existing By-law to identify other unit types permitted elsewhere in the Town which could be added to the By-law. An example would be to include back-to-back stacked townhouses. Should additional uses be added, zone standards (i.e. setbacks, building height, etc.) should be incorporated into the By-law for those uses.

The Region would encourage permitting Multiplex as a use with the appropriate standards in the RM-X zone, considering Townhouses and Apartment Buildings are permitted.

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- With more urban forms of development, it is common to see an increase of rear lanes, private roads, etc. These street types often come with reduced right-of-way widths which has proven to be a challenge for waste management collection vehicles. These vehicles require a minimum right-of-way width of 6 metres and the vehicles can only collect from the right-side of the vehicle. There is also a turning radius for these vehicles which must be designed for too. Regional staff note that the proposed Zoning By-law Amendment identifies lanes and therefore are requesting that Town staff consider adding a standard to the RMD-X-H-XX and RM-X-HH zones which requires a minimum width of 6 metres for a private road/street or lane.
- In Paragraph 2 of the By-law, when referencing the zones the lands are to be rezoned to, reference should be made to the full zone including the Holding.

With respect to the statement that minor adjustments to the zone boundaries can be adjusted, how would public agencies, the public, stakeholders, etc. learn of this adjustment and the changes to zoning such as permitted uses and standards and how does this affect enforcement?

- Paragraph 3 of the By-law refers to the date that the By-law shall come into full force and effect. This date is proposed to be the date that the Future Caledon Official Plan (or the portions thereof affecting the lands shown on the schedule to the By-law) comes into full force and effect.

In the circulation dated April 17, 2024, Town staff indicate in the email: “Please note that except for A10, all of the applications will require the completion of secondary plans with supporting studies, to conform to the Official Plan”. This is not specified anywhere within the By-law. If the Town intends on requiring Secondary Planning, this should be indicated through a Holding provision in the proposed Zoning By-law Amendment. The Region has asked for this provision.

However, in noting that Town staff intend on requiring a Secondary Plan for these lands (although not expressed in the By-law) and noting that there is a paragraph of the By-law which delays the date that the By-law comes into full force and effect, Region of Peel staff request that this provision of the By-law (paragraph 3) be amended to reflect the date a Secondary Plan for the community is in full force and effect.

Alternatively, rather than bringing forward the By-law for approval on April 30, 2024 as intended, the Town could bring forward the By-law after the Future Caledon Official Plan and Secondary Plan are in full force and effect and therefore the provision would not be required.

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Request for Holding Provisions

The Region is requesting Holding (“H”) provisions be applied to the entirety of the lands subject to RZ 2024-0006, by applying a Holding (“H”) symbol to each of the zones: RMD-X-H-XX, RM-X-H-XX, CC-X-H-XX and EPA1.

While at first glance it may appear that the EPA1 zone would not warrant an “H”, the limits of the EPA1 zone may not reflect the boundaries of the environmental lands as explained in this letter.

As outlined above, although Town staff have indicated that a Secondary Plan would be required for these lands, it has not been included as a Holding provision in either version of the proposed Zoning By-law Amendment the Region has reviewed.

The existing Holding provisions in the proposed Zoning By-law Amendment do not sufficiently address the requirements to be satisfied prior to the Holding symbol being lifted. In addition, the timing of the Holding condition 4.a. is unclear:

- Does “approval of Draft Plan of Subdivision has been issued” mean draft approval or does it mean approval of the M-Plan?
- The status related to Site Plan described as “a Site Plan Approval – Final Summary Letter” is not a status under the *Planning Act* and can be loosely interpreted or may become null if the Town choose to improve its Site Plan Approval process.
- With respect to the statements that Environmental Policy Area zone can be adjusted, how would public agencies, the public, stakeholders, etc. learn of this adjustment and the changes to zoning such as permitted uses and standards and how does this affect enforcement?

In consideration of the lack of Secondary Planning, Block Planning and development applications, together with supporting material and completion of the Growth Management and Phasing Study, the Region is requesting a number of holding provisions to ensure that the community is developed effectively. The requested holding provisions are summarized at a high level below, with their specific content identified further in this letter:

- The first holding provision (comprised of subsections 1.a to 1.f) ensures that a Secondary Plan is completed, and submitted with the supporting information required in Region of Peel policy 5.6.20.14.17*. Recognizing that the planning authority will change as of July 1, 2024, it is not necessary that the Region be included as being a “satisfied” party in this condition.
- The second holding provision ensures that a Block Plan is completed in accordance with Region of Peel Official Plan policy 5.6.20.12)*. Recognizing that the planning authority will change as of July 1, 2024, it is not necessary that the Region be included as being a “satisfied” party in this condition.
- Recognizing the importance of Regional service delivery, the third holding provision (comprised of subsections 3.a and 3.b) ensures that the Town’s Growth Management and Phasing Plan (GMPP) is found to be satisfactory to the Region, receives Council endorsement and that the proposed secondary plan and further planning approvals reflect the GMPP. Similarly, the fourth holding provision ensures that the satisfactory Development Staging and Sequencing Plan for the Secondary

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Plan area is found to be satisfactory to the Region and that the proposed secondary plan and further planning approvals reflect the Plan.

- The fifth holding provisions looks to ensure that financial obligations required to deliver this community is shared among stakeholders appropriately.
- The sixth holding provision (comprised of subsections 6.a to 6.d) speaks to the requirements for delivering water and wastewater services in a timely, financially sustainable and effective manner.
- The seventh holding provision (comprised of subsections 7.a to 7.d) speaks to the requirements for ensuring a successful transportation network, including Regional roads and transit delivery.
- The eighth holding provision seeks to ensure that lands required for the delivery of Regional services, including public health, emergency services, transportation, water and wastewater services and affordable housing, are dedicated to the Region.
- The last two remaining holding provisions (9 and 10) require the submission of supporting studies required to be determined satisfactory by the Region to support development applications: Healthy Development Assessment and Waste Management Plan.

The zone schedule is to be amended to include reference to the Holding symbols.

As the proposed Zoning By-law Amendment does not reflect the Town’s formatting of a Zoning By-law Amendment, and more specifically, the formatting of Holding (H) provisions as per Section 13.3 of the Town’s Zoning By-law, the Region has provided our requested H provisions in the same format as Section 13.3.

<i>Zone Designation</i>	<i>Location</i>	<i>Conditions for Removal</i>
RM-X-H-XX RMD-X-H-XX CC-X-H-XX EPA1-H-XX	[to be inserted]	<p>Until such time as the Holding Symbol is removed, no person shall <i>use</i> the lands to which the letter (H) applies for any <i>use</i> other than the <i>use</i> which legally existed on the effective date of this By-law.</p> <p>With respect to the lands <i>zoned</i> RM -X-H-XX, RMD-X-H-XX, CC-X-H-XX and EPA1-H-XX the Holding “H” Symbol shall not be removed until such time as:</p> <ol style="list-style-type: none"> 1. The Owner has submitted and received approval of a Secondary Plan, which: <ol style="list-style-type: none"> a. Includes any policies and recommendations of an Agricultural Impact Assessment, submitted in support of the Secondary Plan and prepared in accordance with Region of Peel Official Plan policy 5.6.20.14.17 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024); b. Includes any policies and recommendations of a Community Energy and Emissions Reduction Plan, submitted in support of the

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		<p>Secondary Plan and prepared in accordance with Region of Peel Official Plan policy 5.6.20.14.17 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024);</p> <ul style="list-style-type: none"> c. Includes any policies and recommendations of a Climate Change Adaptation Plan, submitted in support of the Secondary Plan and prepared in accordance with Region of Peel Official Plan policy 5.6.20.14.17 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024); d. Includes any policies and recommendations of a Detailed Subwatershed Study (including the designation of the natural heritage system), submitted in support of the Secondary Plan and prepared in accordance with Region of Peel Official Plan policy 5.6.20.14.17 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024); e. Includes any policies and recommendations of an Area-Specific Environmental Implementation Report, submitted in support of the Secondary Plan and prepared in accordance with Region of Peel Official Plan policy 5.6.20.14.17 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024); and, f. Includes any policies and recommendations of a Housing Assessment, submitted in support of the Secondary Plan and any development or <i>Planning Act</i> applications with more than 50 residential units and prepared in accordance with Region of Peel Official Plan policy 5.6.20.14.11 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024). <p>2. The Owner has submitted and received approval of a Block Plan, in accordance with Region of Peel Official Plan policy 5.6.20.12 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024).</p> <p>3. The Owner has received written confirmation from the Region of Peel that the Town-wide</p>
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		<p>Growth Management and Phasing Plan has been:</p> <ol style="list-style-type: none"> a. Completed to the satisfaction of the Region of Peel and endorsed by Town of Caledon Council; and, b. Implemented in the Secondary Plan policies as well as any other required development or <i>Planning Act</i> application(s). <p>4. The Owner has received written confirmation from the Region of Peel that the following documents a satisfactory Development Staging and Sequencing Plan for the Secondary Plan area has been received and implemented in the Secondary Plan policies as well as any other required development or <i>Planning Act</i> application(s).</p> <p>5. The Owner has received written confirmation from the Region of Peel that the required financing agreements and arrangements have been made to the satisfaction of the Region of Peel for cost-sharing and financing of Regional infrastructure.</p> <p>6. The Owner has received written confirmation from the Region of Peel that:</p> <ol style="list-style-type: none"> a. a satisfactory Servicing Report for the Secondary Plan area has been received and implemented in the Secondary Plan policies as well as any other required development or <i>Planning Act</i> application(s); b. a satisfactory site-specific detailed Functional Servicing Report has been received and implemented for any required development or <i>Planning Act</i> application; c. a development agreement has been executed with the Region of Peel to implement the required water and sanitary sewer services, which may include the payment of fees and posting of required securities; and, d. there is sufficient municipal water and sanitary sewer capacity to service the lands. <p>7. The Owner has received written confirmation</p>
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		<p>from the Region of Peel that:</p> <ol style="list-style-type: none"> a. a satisfactory Transportation Study for the Secondary Plan area has been received and implemented in the Secondary Plan policies as well as any other required development or <i>Planning Act</i> application(s); b. A satisfactory site-specific detailed Traffic Impact Study has been received and implemented for any required development or <i>Planning Act</i> application; c. The Transportation Study and/or Traffic Impact Study have demonstrated a connected transportation system in accordance with Region of Peel policy 5.6.20.14.12 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024); and, d. Where more than 10,000 residential units have been approved for development in the 2051 New Urban Area as identified in the Region of Peel Official Plan (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024), the jurisdiction and financing mechanisms to support a complete local transit system are in place in accordance with Region of Peel policy 5.6.20.14.13 (to be transitioned to be the Town of Caledon Official Plan on July 1, 2024). <p>8. The Owner has received written confirmation from the Region of Peel that satisfactory arrangements for the dedication of any lands (including fees and costs) to the Region of Peel for the required delivery of Regional services, including public health, emergency services, transportation, water and wastewater services and affordable housing.</p> <p>9. The Owner has received written confirmation from the Region of Peel that, a satisfactory healthy development assessment has been received and the recommendations of the assessment have been implemented through the development application.</p> <p>10. The Owner has received written confirmation</p>
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		<p>from the Region of Peel that, a satisfactory Waste Management Plan has been received and the recommendations of the report have been implemented through the development application.</p>
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Advisory Comments

Regional staff offer the following advisory comments on the content of the proposed Zoning By-law:

- There does not appear to be parking rates established for Non-Market Housing or Multiplex in either zone. In the CC-X zone, there is a reduced parking rate proposed for all uses permitted. With a limited public transit network, the Region is concerned that parking may overflow onto neighbouring roads. On-street parking is not permitted on Regional Roads unless in accordance with the appropriate By-laws. One of the holding provisions requested from the Region speaks to the need for a public transit system.
- Without the completion of Secondary Planning and Block Planning, as well as development application review (with the supporting materials), it is difficult to anticipate if the Zoning By-law Amendment will satisfactorily implement the proposed development. There is a risk that a further Zoning By-law Amendment or Minor Variance(s) may be required to implement the proposed development at a later date.

Further Review

At this time it is challenging for the Region to identify all requirements and comments which we may have on proposed developments within this community due to a lack of information and time being provided to complete a review. As part of any future revised submission of this proposed Zoning By-law Amendment or any future *Planning Act* or development application, the Region will have additional comments.

Region of Peel Review Fees

In accordance with the Region of Peel Fee By-law (By-law 50-2023), the required Zoning By-law Amendment fee payable to the Region of Peel in the amount of \$4,937.94 remains outstanding and is required. Please contact eftadvice@peelregion.ca to make the necessary payment arrangements.

Conclusion

In summary, the proposed Zoning By-law Amendment does not conform to the Regional Official Plan*; however, the Region will continue to work closely with the Town and other stakeholders to address the conformity matters. The Region is a supportive partner in addressing the housing crisis and delivering affordable housing options; however, we suggest that this By-law is premature for the reasons outlined in this letter and stresses to the Town that significant costly infrastructure (which will take years to complete) is required

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to develop these lands. Further discussion on the financing of those services is required to ensure fiscal responsibility for the Town and Region. The By-law as circulated contains several areas of concern and lacks clarity, zoning standards and holding provisions. Despite the prematurity of this application, the Region has requested zone provisions and holding provisions to be added to the proposed Zoning By-law Amendment and has also outlined a number of other considerations for the Town.

Correspondence for Public Meeting and Council Meeting

By copy of this letter to the Municipal Clerk, the Region is requesting that this letter form part of the public record and be made available as part of any Public Meeting, Committee Meeting and Council Meeting on this matter.

If you have any questions or concerns, please contact the undersigned at 905-791-7800 ext. 4455, or by email at: tara.buonpensiero@peelregion.ca.

Yours truly,



Tara Buonpensiero, MCIP, RPP
Chief Planner and Director of Planning and Development Services
Public Works Department

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