

Staff Report 2021-0439

Meeting Date: December 6, 2021

Subject: Interim Control By-law for the Caledon Major Transit Station Areas

Submitted By: Stephanie McVittie, Manager, Development and Design, Planning Department

RECOMMENDATION

That staff be directed to initiate and complete a land use study that will examine the following for the lands identified on Schedule 'A' to Staff Report 2021-0439 as part of the Official Plan Review:

- mix of land uses within the Major Transit Station Area (MTSA);
- the existing and long range planned transit service; and
- analyze regional and local transit connections

That the proposed Interim Control By-law attached as Schedule 'C' to Staff Report 2021-0439 be enacted to restrict the use of all lands identified on Schedule 'A' to Staff Report 2021-0439, for a period of one year;

That Section 38 of the *Planning Act* has deemed to have been met; and

That staff be directed to give notice of the passing of the Interim Control By-law in accordance with the *Planning Act* and as identified in Staff Report 2021-0439.

REPORT HIGHLIGHTS

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe defines Major Transit Station Areas as the area (including and around) any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core, generally being defined as the area within an approximate 500 to 800 metre radius (approximate ten minute walking distance) of a transit station. In such areas municipalities are required to plan for a mix of uses and at minimum density targets for intensification.
- As detailed in Staff Report 2020-0312, attached as Schedule 'B' to this report, the need for a Caledon GO Rail Station and Mayfield West Bus Rapid Transit Station have been identified and established through many studies.
- The Region is currently undertaking an Official Plan Review for the planning horizon up to 2051 and the draft schedules and policies identify both the Caledon GO Rail Station and Mayfield West Bus Rapid Transit Station as Major Transit Station Areas (MTSA).
- Town staff have identified the need for an Interim Control By-law due to growth pressures in the areas. The proposed Interim Control By-law would allow staff to initiate and complete a land use study to determine the mix of land uses and minimum intensification densities as part of the Official Plan Review.

- The purpose of this Report is to recommend that Council enact the proposed Interim Control By-law (Schedule 'C') to restrict new development on the lands identified on Schedule 'A' for a period of one year to complete the land use study.

DISCUSSION

The purpose of this Report is to recommend that Council enact the proposed Interim Control By-law (Schedule 'C') to restrict new development on the lands identified on Schedule 'A' for a period of one year to complete a land use study to support Major Transit Station Areas (MTSAs).

A Place to Grow Plan - Major Transit Station Areas (MTSAs)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) contains policies which direct growth to settlement areas with a focus on Major Transit Station Areas (MTSAs). The Growth Plan recognizes transit as a priority and seeks to align transit with growth by directing growth to major transit station areas and promoting transit investments in these areas.

The Growth Plan defines Major Transit Station Areas (MTSAs) as the area (including and around) any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core, generally being defined as the area within an approximate 500 to 800 metre radius (approximate ten minute walking distance) of a transit station.

The Growth Plan directs the Region to work with the Town to delineate the boundaries of MTSAs in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station.

Once identified, MTSAs are to be planned for a minimum density target of:

- a) 160 residents and jobs combined per hectare where the MTSA is served by bus rapid transit; and,
- b) 150 residents and jobs combined per hectare where the MTSA is served by the GO Transit rail network.

Within an MTSA, land uses and built forms which would adversely affect the achievement of the minimum density target would be prohibited. MTSAs are to be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to transit services, active transportation opportunities and commuter pick-up/drop-off areas and affordable housing.

The Town is looking to establish two MTSAs as part of the Official Plan Review:

- a) Mayfield West Phase 2, being a bus rapid transit station/stop
- b) Caledon GO Station, being a station on a GO Transit rail network

The Official Plan Review process will also seek to identify the minimum density targets, land uses and built forms within the area surrounding these MTSAs. Both of these have also been identified in the draft Region of Peel Official Plan on Schedule Y7, Major Transit Station Areas.

What is an Interim Control By-law?

An Interim Control By-law is a provision within the Section 38 of the *Planning Act* which places a temporary prohibition or limitation on development of lands to allow for the municipality to study or review its land use policies applicable to the area. Essentially these by-laws prohibit development activity to allow the municipality to conduct a land use study, examine planning issues and establish appropriate planning policies and zoning.

The *Planning Act* does not require a public process prior to the enactment of an Interim Control By-law; however, the Town is required to give notice after the passing of the by-law. An Interim Control By-law can be imposed for one year, with an option to extend for one further year. There is no ability for an Interim Control By-law to be appealed when initially passed; however, should the by-law be extended for a second year it may be appealed.

Should the Interim Control By-law be appealed, the *Planning Act* provides that the by-law remains in effect until a final decision by the Ontario Land Tribunal. Furthermore, if, during the period of time the Interim Control By-law is in effect, a zoning by-law is passed based on the review or study that was the purpose of the Interim Control By-law, and that new zoning by-law is then appealed to the Tribunal, then the Interim Control By-law also remains in effect for the duration of the zoning by-law appeal, until the final decision of the Tribunal is made.

In addition, the *Planning Act* indicates that upon the expiration of an Interim Control By-law on the affected lands, any subsequent Interim Control By-laws on those same lands cannot be imposed for a period of 3 years.

Proposed Interim Control By-law

The proposed Interim Control By-law (attached as Schedule 'C') will restrict new development on the lands identified on Schedule 'A' for a period of one year, to allow the Town to complete the MTSA land use study. Town staff have identified the need for an Interim Control By-law due to current and future growth/development pressures within these specific areas of the Town. There is a concern that certain development applications may prevent the efficient establishment of MTSAs and the supporting surrounding land uses.

Basis for the MTSA Study and Interim Control By-law

As noted above, Caledon GO has been identified as a “primary major transit station area”, being an area that has existing planned transit supportive built-forms and can meet or exceed the minimum transit-supportive density target. Mayfield West has been identified as a “planned major transit station area”, which is given to areas which are intended to become major transit station areas that are not yet delineated but will be when infrastructure planning and investment and/or land use changes unlock potential. Both have the potential to serve the larger area beyond the community and provide connectivity to various communities and employment centres within not only the Region of Peel but also the Greater Toronto Area.

Through the recommendations of Staff Report 2020-0312, attached as Schedule ‘B’, Council requested the Region to designate these two areas as ‘high priority’ and also directed staff to bring forward an Interim Control By-law to ensure protection of the Caledon GO Station Lands. This same staff report provides analysis and details of each of the Mayfield West and Bolton MTSA.

Summary of the Need for Bolton MTSA

As detailed in Staff Report 2020-0312, attached as Schedule ‘B’ to this report, the need for a commuter GO rail service between Caledon and Union Station has been identified and established through many studies. Further to the need expressed in Staff Report 2020-0312, the following additional documents provide support for the MTSA:

- On November 30, 2020, Regional Official Plan Amendment 30 (ROPA) was approved by the (then) Local Planning Appeal Tribunal on November 30, 2020, to bring the neighbouring lands to the north and west (known as Option 3) into the Bolton Rural Service Centre (settlement area).
- On March 5, 2021, a Ministerial Zoning Order (MZO) was issued through Ontario Regulation 171/21 for the Caledon GO Station, as well as the lands to the north and west. The MZO identified a Mobility Transit Hub, protecting for the Caledon GO Station, and also established a Mixed Use Residential Zone for lands to the west of the station.
- The Region of Peel has released their draft Official Plan, which identifies the Caledon GO Station Lands as a Major Transit Station Area on Schedule Y7, as shown below.
- On February 11, 2021, the Town received a proposed Official Plan Amendment (POPA 2021-0002) application from Glen Schnarr and Associates Inc. on behalf of the Bolton Option 3 Landowners Group. The proposed application seeks to establish a secondary plan for the area to the west of the Caledon GO Station, as well as a portion of the lands to the north of the Station site.

Figure 1: Excerpt from Draft Region of Peel Schedule Y7 Major Transit Station Areas

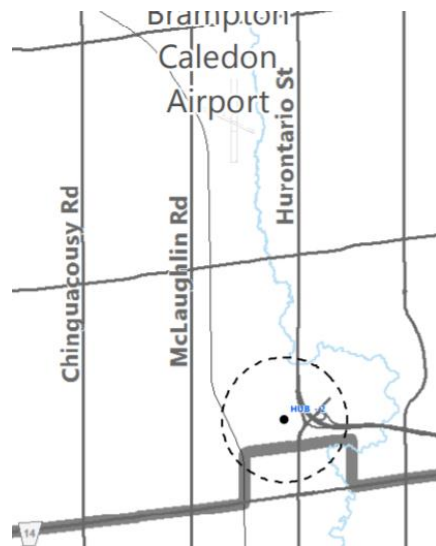


Summary of the Need for Mayfield West MTSA

As detailed in Staff Report 2020-0312, attached as Schedule 'B' to this report, the need for a Transit Hub in Mayfield West has been identified and established through many studies and documents. Further to the need expressed in Staff Report 2020-0312, the following additional documents provide support for the MTSA:

- On September 10, 2020, Regional Official Plan Amendment 34 (ROPA 34) was adopted by the Region of Peel to bring additional lands (known as Mayfield West Phase 2, Stage 2) into the settlement area of Mayfield West. ROPA 34 was approved by the Province on January 21, 2021.
- The community is being developed as a transit-oriented community and through the MW2 Transportation Master Plan, new transportation infrastructure was recommended comprising of a road network, active transportation and the recommended transit service.
- The Transit Hub has been designated in the Town's Official Plan.
- The Transit Hub lands have been identified on a draft approved plan of subdivision (21T-17007C) and will be conveyed to the Town in accordance with conditions of draft plan approval.

Figure 2: Excerpt from Draft Region of Peel Schedule Y7 Major Transit Station Areas



Official Plan Review

The Region is currently undertaking an Official Plan Review for the planning horizon up to 2051 and the draft schedules and policies identify:

- a) The Caledon GO Station as a Primary Major Transit Station Area (MTSA), with a Planned GO Rail Station connecting to the proposed GO Rail Line; and,
- b) The Mayfield West Transit Hub as a Planned Major Transit Station Area (MTSA), Station or Stop Location.

Through the Town's Official Plan Review, both MTSAs will be identified as such. An MTSA study is required to determine the land uses and policy framework supporting the Stations and the surrounding supporting land uses. It is anticipated that the Town's new Official Plan will be adopted by Council in Summer 2022 and the MTSA Study recommended as part of this Report is proposed to be undertaken and completed in parallel with the new Official Plan.

Growth/Development Pressures

The lands identified on Schedule 'A', attached, include lands surrounding both MTSAs. There is an urgency for the Town to help protect the proposed MTSA lands. Currently, the Town is receiving inquiries from landowners and potential purchasers to develop lands within these areas. Some of these inquiries, together with the applications received to date, consider land uses which would not be supportive of the MTSA and associated density.

It is recommended that an Interim Control By-law be passed to prevent development and protect the MTSAs, which would provide time for the Town to undertake a land use study

to examine the land uses and minimum densities. The use of an Interim Control Bylaw for this purpose is an appropriate use of Section 38 of the *Planning Act* to ensure no modification to the current use of the lands would happen until a land use study is completed and the MTSA land use designation and zoning is in place. Once the MTSA designation is in place then any future request to change zoning, etc., would have to have regard for the ultimate use of the lands as a MTSA.

The MTSA Study and anticipated MTSA land use designation will provide certainty as to the future use of these facilities and setting infrastructure priorities for the Town and Region, including the land in proximity to the Stations. The proposed MTSA Study will examine the mix of land uses including affordable housing within the MTSA, and the existing and long range planned transit service for the study area. The MTSA Study will also examine regional and local connections.

Land Use Study Exemptions

Each map on Schedule 'A' identifies the Station location, an 800 m radius surrounding the Station, and those areas within the 800 m which are subject to, and also those excluded from, the proposed Interim Control By-law.

While the intention is to study all lands within 800 m of each station, staff recognize the varying stages of approvals and development which may occur and be recognized within these areas. In both locations, staff has reviewed the area within the 800 m and has removed those properties which:

- Have received recent approvals, including but not limited to recent draft plan approvals for residential uses as well as existing lots with a dwelling unit, where the likelihood of redevelopment will not hinder the establishment of transit-oriented land uses
- Are subject to existing development applications which are focused and intend to achieving transit-oriented land uses

In both locations, staff has included:

- Vacant land parcels
- Lands which are good candidates for increased density to support the MTSA's
- Lands which may conflict with a proposed MTSA

Should Council approve the Interim Control By-law, attached as Schedule 'C', staff will ensure that all stakeholders inquiring on these lands are notified on the Interim Control By-law and proposed MTSA's.

While planning applications for the lands subject to the By-law may be received, approvals or decisions on the applications will not be made while the Interim Control By-law is in effect on the lands. Staff recognizes that there are some existing uses within the study

areas that will be affected by the Interim Control By-law and they will be prevented from being altered or expanded while the Interim Control By-law is in effect.

Consultation

In accordance with the *Planning Act*, there is no notice required prior to the passing of the Interim Control By-law and so notice has not been given.

Should Council pass the Interim Control By-law, notice of the passing of the By-law must be provided within 30 days of the passing in accordance with the *Planning Act*. The Town will provide notice of the passing of the by-law as follows:

- Publishing a notice in the Caledon Enterprise, Caledon Citizen and Brampton Guardian
- Providing mailout notice to all landowners within 120 m of the lands subject to the Interim Control By-law
- Providing notice to the Clerk of the Region of Peel
- Providing notice to the Ministry of Municipal Affairs and Housing

FINANCIAL IMPLICATIONS

The Land Use Study discussed above will be completed as part of the Official Plan Review process. This study will be funded from capital project #21-108 Official Plan Review Provincial Conformity Studies with a council approved budget of \$240,000 and remaining funds of \$177,192.77.

COUNCIL WORK PLAN

Sustainable Growth: Continue the implementation of the Transportation Master Plan; Pursue intensification in concert with accessibility and public transit, Bolton GO Station and other transit hubs

ATTACHMENTS

Schedule A: Location Map
Schedule B: Staff Report 2020-0312
Schedule C: Proposed Interim Control By-law