

## **Staff Report 2023-0079**

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Meeting Date: March 21, 2023

Subject: Proposed Official Plan Amendment Application (File. No. POPA 2022-0004), 0 King Street, Ward 6

Submitted By: Carmine Caruso, Senior Planner, Development Review Services, Planning Department

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### **RECOMMENDATION**

That no further notice is required with respect to the proposed Official Plan Amendment; and

That the proposed By-law and associated Official Plan Amendment generally in accordance with attached Schedule 'E' – Draft Official Plan Amendment to Staff Report 2023-0079 be enacted to introduce a site-specific policy to allow the creation of a new lot on the subject lands.

### **REPORT HIGHLIGHTS**

- An application to amend the Official Plan (POPA 2022-0004) was submitted by Glen Schnarr and Associates on behalf of Robert Speirs on June 3, 2022 and deemed complete on July 2, 2022.
- Through the Official Plan amendment application, the applicant is proposing to add a policy to the Official Plan that will permit a severance on the subject lands.
- The policy would not apply to any other lands located within an area designated *Prime Agricultural*.
- Through the approval of the Regional Official Plan on November 4, 2022, the subject lands were brought into the *Urban System* and the *2051 Urban Area*.
- A statutory Public Meeting was held on November 28, 2022 in accordance with the requirements of the *Planning Act*.
- If the proposed By-law and associated Official Plan amendment is enacted, an application for a consent to sever the land will still need to be considered by the Town of Caledon's Committee of Adjustment.
- The proposed amendment is consistent with Provincial policies and conforms to Provincial, Region of Peel and Town of Caledon planning policy documents.
- Planning staff recommends that Council adopt the draft Official Plan Amendment, attached as *Schedule 'E' – Draft Official Plan Amendment* to this report.

### **DISCUSSION**

The purpose of this report is to recommend adoption of the proposed Official Plan Amendment to introduce a site-specific policy that will permit a severance on the subject lands.



### **Subject Lands**

The land is municipally known as 0 King Street, located on the north side of King Street, east of the Gore Road and legally described as Pt. Lot 11, Concession 4 (Albion); Town of Caledon. See *Schedule 'A' – Location Map*, attached.

The property is approximately 54.06 ha (133.59 ac) in size and is currently vacant. Active agricultural uses, a wetland and a watercourse are situated on the property. The surrounding land uses are as follows:

South: King Street, beyond are agricultural lands and rural residential dwellings.

East: Agricultural lands and rural residential dwellings.

North: Agricultural lands and rural residential dwellings

West: The Gore Road, beyond are agricultural lands and rural residential dwellings.

Please see *Schedule 'B' – Aerial Photograph*, attached.

### **Proposed Official Plan Amendment**

On June 3, 2022, the Town of Caledon Received a proposed Official Plan Amendment (POPA 2022-0004) from Glen Schnarr and Associates. The application was deemed complete on July 2, 2022.

The proposed Official Plan amendment is intended to allow a severance on the subject property. No development is proposed as part of this application. As noted in the *Planning Review* below, this property is within the proposed Caledon Station (formerly Macville) Secondary Plan area Official Plan Application (POPA 2021-0002), which intends to take advantage of the location of the future Bolton GO Station and establish land-uses that will promote a transit supportive mixed-use community. This community will be developed in accordance with the *Urban Area and 2051 New Urban Area* designations of the Regional Official Plan, which are intended to accommodate significant development within the Region. The type and extent of land-uses permitted on the subject property will be reviewed through the POPA 2021-0002 application and will ultimately be decided by Town Council. Permitting the ability to sever the subject property places a portion of the lands planned for future development into the ownership of the developer. This allows development to take place once appropriate land-uses, policy and infrastructure are in place. If a future severance is approved on the property, it is intended that both the severed and retained lands will continue to be used for agricultural purposes until such time as land-uses are established and the property is ready for development.

### **Planning Review**

Documents that have been considered by the Town in its review of the proposed applications include the Provincial Policy Statement, 2020, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, 2020, the Greenbelt Plan, 2017, the Region of Peel Official Plan, the Town of Caledon Official Plan, the Minister's Zoning Order (Ontario



Regulation 171-21), the Comprehensive Zoning By-law 2006-50 and Interim Control By-law 2021-0092. Supporting technical studies and reports as well as comments and recommendations provided by internal departments, external review agencies and the public also informed the review of these applications.

***Provincial Policy Statement, 2020 (PPS)***

The PPS provides policy direction on matters of provincial interest related to land use planning and development, with the goal of enhancing the quality of life for all Ontarians. The Planning Act, as amended, requires that planning decisions be ‘consistent with’ the policies PPS.

The subject lands are located within the Rural Area of the Town of Caledon and are designated *Prime Agricultural* in the Official Plan. As a result of this designation, Sections 1.1.4.1, 2.3.1, 2.3.3.1, 2.3.3.2, 2.3.4.1 and 4.6 of the PPS apply to this application and provide guidance on how these land-uses are managed. The proposed Official Plan amendment introduces a site-specific policy for the lands to permit lot creation in an area designated *Prime Agricultural Area* is consistent with the PPS by:

- Maintaining the conditions of the land, including the continuation of agricultural uses, so that the rural character and agricultural use is maintained;
- Maintaining the existing rural infrastructure on site;
- Preserving the on-site natural features; and,
- Not contemplating development as part of this application.

***A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)***

The Growth Plan builds on the PPS policy foundation to respond to challenges faced in the Greater Golden Horseshoe (GGH). It establishes a long-term framework for managing growth and development across the GGH up to the year 2051. Section 4 of the Growth Plan establishes policy direction for the management and protection of natural heritage, cultural heritage and cultural resources. Section 4.2.6 of the Growth Plan provide guidance with respect to the Agricultural System and applies to the proposed Official Plan amendment. The subject lands are located within the Agricultural System and conforms to the Growth Plan since it does not contemplate development, a change of land-use nor the removal of lands from the Agricultural System.

***Region of Peel Official Plan***

The Region of Peel Official Plan provides policies that guide land-use and manages growth for the three member municipalities (i.e. Town of Caledon, City of Mississauga and the City of Brampton). The Regional Official Plan was approved by the Province on November 4, 2022.



It is noted that this application was submitted prior to the approval of the Regional Official Plan. In light of this, the proposal is evaluated based on the policies that applied when the application was submitted. However, new policies should consider the implications of newly established policies.

*Region of Peel Official Plan 2021*

The previously in force Regional Official Plan designates the western portion of land as *Rural System* and the eastern portion *Rural Service Centre*. The Plan directs a limited amount of growth within the *Rural System* designation focused in specified locations, including lands located in the *Rural Service Centre* designation.

The *Rural Service Centre* area of the subject lands are recognized as an appropriate and desirable location for redevelopment to occur. The *Rural Service Centre* policies direct the Town to develop policies in the Town's Official Plan that will provide specific direction to growth within the rural service centres. In this regard, the Town is currently undertaking the preparation of a new Official Plan.

The *Rural System Policies* of the 2021 Plan that apply to the eastern portion of the site include 5.4.1.1, 5.4.1.3, 5.4.1.5, 5.4.2.1, 5.4.2.3, 5.4.2.5, and 5.4.2.6. *Schedule B* of the 2021 Official Plan identifies the west portion of the site as *Prime Agricultural Area*. Section 3.2.2.2, 3.2.2.6, 3.2.2.7, 3.2.2.9 and 3.3.3.30. The proposal conforms to the *Rural System* and the *Prime Agricultural Area* policies by maintaining lot sizes in both the retained and severed portion of the lands that will continue to be capable of supporting agricultural uses, ensuring the proposed Amendment is consistent with the PPS and conforms to the Growth Plan.

*Region of Peel Official Plan 2022*

The Region of Peel Official Plan, approved on November 4, 2022, designates the lands *Urban System* and *2051 New Urban Area* on *Schedule 'E-1' - Regional Structure*. Areas within the *Urban System* are intended to accommodate most of the growth within the Region. As noted, there is no new development contemplated by this proposal and agricultural uses on these lands are expected to continue. As a result of this proposal, there is no significant policy implications as it relates the 2022 Official Plan.

Town staff is currently reviewing a separate proposal that includes a land area generally located north of King Street, east of The Gore Road and west of Humber Station Road and the Canadian Pacific Railway corridor and incorporates this site (POPA 2021-0002). The proposal is intended to facilitate the development of a compact, mixed-use, transit supportive and pedestrian oriented community with varied land-uses, built form and densities. A more detailed review will be undertaken as part of a future report that will evaluate the planning merits of the POPA 2021-0002 application.

### **Town of Caledon Official Plan**

The Town of Caledon Official Plan designates the property *Prime Agricultural Area*. The applicant is proposing to amend the Official Plan to create a site-specific policy that will permit the subject lands to be severed. The *Prime Agricultural Area* designation will be maintained on the property.

Chapter 5 of the Official Plan provides the policy goal with respect to this designation that encourages and promotes agricultural businesses, innovation and diversification and limiting non-agricultural uses and non-agricultural severances. As development is not proposed as part of this application, and agricultural uses on the property are to continue, the proposal is consistent with the intent of the *Prime Agricultural Area* designation policies.

### **Minister's Zoning Order**

A small portion on the east side of the subject lands are partially subject to the Minister's Zoning Order, Ontario Regulation 171/21. This portion of the lands is zoned *Mixed Use Residential Zone*, which permits a range of residential and commercial uses. No changes to the Minister's Zoning Order is proposed through this application.

### **Town of Caledon Zoning By-law 2006-50**

The west portion of the subject lands are zoned *Agricultural (A1)* by Zoning By-law 2006-50, as amended. The A1 zone permits a range of agricultural and agricultural related uses. The zone requires a minimum lot area of 8 hectares, and minimum frontage of 120 metres. As indicated on *Schedule C – Proposed Concept Plan*, the retained and severed lands within the zone comply with these development standards. No changes to the Zoning By-law are proposed through this application.

### **Interim Control By-law**

A portion of the property is subject to the Interim Control By-law 2021-92, as amended. The Interim Control By-law was enacted on December 14, 2021, to protect the area surrounding Major Transit Station Areas in Bolton and Mayfield West from new development and future severances for a period of 1 year. On December of 2022, Council enacted amending By-law 2022-0086, which extended the length of time the Interim Control By-law is in place for an additional year. The amending By-law also exempted this property from the prohibition of severances provision in the original By-law. If the Official Plan amendment is approved, a severance can be considered on this property only through an application to the Committee of Adjustment.

A portion of the property is subject to Interim Control By-law 2021-92 (ICBL), as amended. The ICBL was enacted on December 14, 2021 to protect the area surrounding Major Transit Station Areas in Bolton and Mayfield West from new development and future



land division for a period of 1 year. On December 13, 2022, Council enacted amending By-law 2022-0086, which extended the length of time the Interim Control By-law is in place for an additional year. The amending By-law also exempted the subject property from the prohibition of the severance provision in the original By-law. The extension to the ICBL approved by Council has been appealed to the Ontario Land Tribunal (OLT). While the ICBL as amended is under appeal, it continues to be in force and effect until OLT issues its decision on the appeals. If the Official Plan amendment application is approved and with the ICBL as amended continuing to apply, a severance can be considered on this property through an application to the Committee of Adjustment.

## **Consultation**

### *Notice of Application*

In accordance with the *Planning Act*, a Notice of Application was placed in the Caledon Citizen and Caledon Enterprise on July 14, 2022. In addition, the Notice was mailed to all landowners within 120 metres (393.7 ft) and placed on the Town's website. Signs describing the proposal were erected on the property, on August 24, 2022.

### *Agency and Department Review*

The proposed amendment was circulated to external agencies and internal departments for review and comment. No objections to the proposed Official Plan Amendment application were received (See *Schedule D – Agency and Department Comment Sheet*).

### *Public Meeting*

In accordance with the *Planning Act*, a Notice of Public Meeting was placed in the Caledon Citizen and Caledon Enterprise on November 3, 2022. In addition, the Notice was mailed to all landowners within 120 metres (393.7 ft) and placed on the Town's website. Signs on the property describing the proposal were updated with the details of the Public Meeting on October 27, 2022. The Notice was also placed on the Town's website.

A statutory Public Meeting was held on November 28, 2022 in accordance with the requirements of the *Planning Act*. The following questions and comments were raised at the Public Meeting and/or received during the processing of the proposed amendment:

<b>Question/Comment</b>	<b>Response</b>
Questions related to the Minister's Zoning Order and the associated motion.	Of the 56 hectares of total land holdings approximately 10 hectares is within the area covered by the Minister's Zoning Order.  There is no development proposed through this application. The size and

<b>Question/Comment</b>	<b>Response</b>
	<p>frontage of the proposed retained and severed portion of the property comply with the provision of the Minister's Zoning Order as well as Zoning By-law 2006-50.</p> <p>The motion that was forwarded to the Province and the boundaries of the Minister's Zoning Order are generally consistent with the discussions and minutes of the September 22, 2020 Planning Development Committee Meeting, which were ratified by Council on September 29, 2020.</p>
Questions regarding the location of water and wastewater services.	<p>There is no need for the extension of water or wastewater services as a result of this application since there is no development being proposed as result of this application.</p> <p>Currently both the sanitary trunk and watermain trunk terminate in the vicinity of King Street and Coleraine Drive.</p>
Question relating to the number of severances on this property.	<p>There have not been any severances specific to this property. A proposed severance will require approval from the Committee of Adjustment.</p>
Question with respect to the application circulation and specifically for comments from Fire and Emergency Services.	<p>This Official Plan amendment application was circulated to internal departments and external agencies. No concerns were raised with respect to this proposal, including no concerns from Fire and Emergency Services.</p>
Question with respect to the use of the property	<p>In the longer term, and due to the proximity of the site to the future GO Station, the property will likely be developed for uses that are urban and more intense.</p> <p>Town staff is currently reviewing file POPA 2021-0002, which envisions the properties generally located north of King Street, east</p>

<b>Question/Comment</b>	<b>Response</b>
	of The Gore Road and west of Humber Station Road and the Canadian Pacific Railway corridor to be developed for varied land-uses, forms and densities. A future report will evaluate POPA 2021-0002 and make recommendations to Council.
Question regarding the reason for the severance.	The land is being severed to facilitate the expected future development of the larger area. Until development occurs, it is intended that both the proposed retained and severed portions will continue to be used and function as they are currently being used for agricultural purposes.

### **No Further Notice or Public Meeting**

Since the Public Meeting, there have not been any refinements to the application. As a result, no further notice or Public Meetings are required.

### **FINANCIAL IMPLICATIONS**

For property tax purposes, 0 King Street (Part Lot 11, Concession 4 (Albion) and Part 10 of Plan RP 43R-31863) is currently assessed as Farmland (\$2.10M CVA). The Town's share of taxes levied, based on current value assessment is approximately \$2,100. As at February 10, 2023 the property tax account is determined to be current.

The Official Plan Amendment application, as currently circulated, does not include references to new or additional floor space. As a result, there is no comment with respect to Development Charges.

The Development Charges comments and estimates above are as at February 10, 2023 and are based upon information provided to the Town by the applicant, current By-laws in effect and current rates, which are indexed twice a year. For site plan or rezoning applications dated on or after January 1, 2020, Development Charges are calculated at rates applicable on the date when an application is determined to be complete; and are payable at the time of building permit issuance. Interest charges will apply for affected applications. For site plan or rezoning applications dated prior to January 1, 2020, Development Charges are calculated and payable at building permit issuance date. Development Charge by-laws and rates are subject to change. Further, proposed developments may change from the current proposal to the building permit stage. Any estimates provided will be updated based on changes in actual information related to the construction as provided in the building permit application.

**COUNCIL WORK PLAN**

There is no development proposed as a result of this application, therefore the Council Workplan does not apply.

**ATTACHMENTS**

- Schedule A: Location Map
- Schedule B: Aerial Map
- Schedule C: Proposed Concept Plan
- Schedule D: Agency and Department Comment Sheet
- Schedule E: Draft Official Plan Amendment