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File: P-1108

March 18, 2024

Town of Caledon
Mayor and Members of Council
6311 Old Church Road
Caledon ON L7C1J6

Attention: Mayor and Members of Council

**Re: Planning and Development Committee Meeting March 19, 2024 – Item 7.2
Proposed Official Plan and Zoning By-law Amendment Application (the “Caledon Applications”)
Glen Schnarr and Associates Inc. on behalf of / Argo Summer Valley Limited (the “Applicant”) 12211, 12213 and 12231 Hurontario Street, Town of Caledon (the “Subject Property”)
Town File Numbers: Official Plan Amendment (POPA 2022- 0005), Zoning By-law Amendment (RZ2022-0008) and Draft Plan of Subdivision (21T-22005C)**

Mayor and Members of Council:

We act on behalf of West Mayfield Developments Ltd. (“West Mayfield”) which has been amalgamated with Di Battista Gambin Developments Ltd., the developer of the Creek’s Edge Subdivision (Plan 43M-1276), located south and east of the Subject Property in the City of Brampton (“Brampton”). West Mayfield also owns part lots within the Creek’s Edge Subdivision.

As you know, the Caledon Applications facilitate the development of a 57-unit residential plan of subdivision located immediately north of the boundary between the Town of Caledon (“Caledon”) and Brampton. On behalf of our client, in a letter, dated February 8, 2023 (the “Letter”), we provided comments in relation the Applicant’s development applications in Brampton for the lands at 12197 Hurontario Street (the “Brampton Applications”). As our client has the same concerns as indicated in the Letter with the Caledon Applications, on April 27, 2023, we forwarded the Letter to the Caledon Planning Department. We then provided additional comments relating specifically to the Caledon Applications in an e-mail dated May 2, 2023 again to the Caledon Planning Department (the “E-mail”).

Our client’s concern is ensuring that it will be fairly and reasonably compensated for the services that it installed and paid for that will benefit the Applicant’s proposed developments. In the Letter, we requested that Brampton withhold approval of the zoning by-law amendment (the “ZBA”) until the Applicant has entered into a cost sharing agreement with our client to ensure that all of our client’s reasonable servicing costs which benefit the Applicant’s proposed development are recovered. In the E-mail, we noted that it is in the public interest for the Town to support cost sharing in relation to the Caledon Applications and emphasized that Caledon’s Mayfield West Secondary Plan policies further support requirements for cost sharing agreements.

We have reviewed the Planning and Development Committee Staff Report 2024-0054 dated March 19, 2024 (the "Staff Report") and note that staff have not supported our request. On this basis, we continue to object to the proposed development.

In particular, page 4 of the Staff Report states:

"West Mayfield Developments Limited is the developer of 43M-1276, which is located to the south and east of the this application in the City of Brampton. The Subdivision Agreement includes a termination date of 15 years from the date of registration (December 19, 1997).

Further, there is a cost sharing agreement within the Town of Caledon for Mayfield West (Mayfield West Community Cost Sharing Agreement). The Town received a letter dated May 11, 2023 from the Trustee, confirming these lands were never included in the cost sharing agreement and therefore have no cost sharing obligations as it concerns the Mayfield West Developers Group."

In my opinion, staff's position does not address the fundamental principle that development should pay its appropriate share of the cost of services from which they benefit. I was present and involved with the subdivision agreement and the lapsing provision was included by the Brampton solicitor at the time to ensure that there was a sunset provision to avoid liability should the City refuse to impose conditions for which they would be contractually liable. Furthermore, because the Mayfield West Developers Group did not include these lands in their agreement or the fact that the subdivision agreement provision has lapsed does not exempt the approval authorities from imposing requirements for valid cost sharing where it was clearly in the public interest that services be designed and constructed to accommodate future external development. The burden of those costs should be the responsibility of those who benefit. In other words, there should not be a "windfall" for a benefiting development due to the passage of time.

The Traffic Impact Study prepared by the BA Group and the Functional Servicing Report prepared by Burnside in support of the applications confirm that the proposed development will utilize services installed by our client including roads for access, stormwater sewers, the stormwater management pond, sanitary sewers and watermains.

This is further confirmed on page 5 and 6 of the Staff Report which reference that the proposed development *"will connect to existing services" and that "under existing conditions, the site drains to an existing stormwater management (SWM) pond within the City of Brampton"*.

Lastly, in an attempt to resolve this cost sharing issue in advance of the matter returning to Committee and Council, we reached out to the Applicant's representative and on May 11, 2023, we provided cost sharing calculations that illustrated the principles for which we are seeking recoveries. To date, other than an acknowledgement of receipt and that they would be in touch with us, we have not received any comments or response to those materials.

Based on the foregoing, we would request that Committee and Council modify the staff recommendation in the Staff Report such that it reads as follows:

That prior to the adoption of the By-law attached as Schedule 'C' to Staff Report 2024-0054 that Official Plan Amendment No. 275 to redesignate the subject lands from Residential Policy Area B to Residential Area be modified to add the following policy to the Town of Caledon Official Plan:

7.12.22.4 To address the equitable sharing of costs for infrastructure installed external to the Town of Caledon, for lands municipally known as 12211, 12213 and 122231 Hurontario Street(the

“Subject Lands”), the implementing zoning by-law shall not be adopted until such time as the Town has been advised by a trustee appointed by the owner of the Subject Lands and Di Battista Gambin Developments Ltd. (the current owner of lands within 43M-1276) that a Cost Sharing Agreement has been entered into. The Cost Sharing Agreement shall :

- i. permit the registration of the Cost Sharing Agreement on title to the subject lands;*
- ii. provide for the equitable sharing of reasonable land and construction costs for services that have been installed by West Mayfield Developments Ltd. as part of Subdivision 43M-1276 that benefit the future development of the Subject Lands; and*
- iii. require payment of such obligations by the Owner to DiBattista Gambin Developments Ltd. prior to registration of a plan of subdivision or as may be agreed to through the agreement in writing by the parties.; and*

That the By-law attached as Schedule D to Staff Report 2024 not be enacted until the above noted policy has been satisfied.

Should there be any questions or concerns, don't hesitate to contact the undersigned.

Yours truly,

KLM PLANNING PARTNERS INC.

Mark Yarranton, BES, MCIP, RPP
President

cc. West Mayfield Developments Ltd.