

## Staff Report 2019-0223

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Meeting Date: October 22, 2019

Subject: Proposed Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment Triple Crown Line Developments Inc.

Submitted By: Mary T. Nordstrom, Senior Development Planner, Development – East and Alexis Alyea, Town Solicitor

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### RECOMMENDATION

That the Local Planning Appeal Tribunal (LPAT) be advised that Council opposes the development proposed by the Official Plan Amendment (POPA 17-01), Draft Plan of Subdivision (21T-17004C) and Zoning By-law Amendment (RZ 17-06) submitted and appealed by Triple Crown Line Developments Inc. (Appellant) as it does not meet the applicable provincial, regional and municipal policy framework or the Town's Development Standards, Policies and Guidelines for the reasons outlined in Staff Report DP-2019-0223;

That Town staff be authorized to retain and instruct external counsel, consultants and peer reviewers as necessary to represent Council's position before the LPAT regarding the proposed development;

That Town staff be authorized to continue to meet with the Appellant and Parties to narrow or resolve issues and that if any development proposal is revised to the satisfaction of Town staff to facilitate settlement of all issues that it be presented to Council for approval;

That staff be authorized to draw from the Town's Operating Contingency Reserve to fund the costs to be incurred relating to the LPAT appeal to an upset limit of \$200,000.

### REPORT HIGHLIGHTS

- Applications for Official Plan Amendment (POPA 17-01), Zoning By-law Amendment (17-06) and Draft Plan of Subdivision (21T-17004C) were filed on June 14, 2017 and deemed complete June 27, 2017 to subdivide a 64.93 ha (160.45 ac) parcel to create 562 single detached dwelling lots at a net density of 22.0 units per hectare, a relocated Neighbourhood Park (1.96 ha), future development blocks and a network of public roads. Supplemental information to the submission were made on August 4, 2017 and September 28, 2017 (Original Application).
- The Original Application was circulated to commenting agencies and departments and Resident Meetings held on Tuesday, September 19, 2017 and Monday, November 13, 2017. A full summary of comments on the Original Application was provided to the applicant on December 11, 2017 and highlighted concerns with the proposed development from policy and technical perspectives, including but not limited to stormwater management, grading, noise, servicing, transportation, geotechnical, hydrogeology, environmental, agricultural, parkland, housing mix, urban design, planning and heritage.

- On November 27, 2017 the applicants appealed the Zoning By-law Amendment Application to the then Ontario Municipal Board (“OMB”) and followed with appeals on the Official Plan Amendment and Plan of Subdivision Applications on December 29, 2017.
- On April 3, 2018 a Public Meeting was held at Town Hall which was well attended by the public who expressed comments and concerns with respect to housing variety, density, design, parkland, seniors housing, affordable housing, trails, heritage, traffic, interface with Airport Road, interface with existing lots on Valewood, intersection safety for school-agers and families, servicing capacity, and provincial policy implications.
- Staff received a revised submission in September, 2018 to subdivide a 70 ha (173 ac) parcel to create 554 single detached dwelling lots, 67 townhouse units, a 17-30 unit high density (apartment) block and a 20-unit single detached residential condominium block at a net density of 22.3 units per hectare, a relocated Neighbourhood Park (1.85 ha), future development blocks and a network of public roads (“2<sup>nd</sup> Submission”).
- Staff at the Town, Region and TRCA attended regular meetings with the applicant and a further Resident’s Meeting was held on January 21, 2019 to discuss the 2<sup>nd</sup> Submission.
- Formal written comments were provided to the applicant on February 28, 2019 that highlighted on-going policy and technical concerns with the 2<sup>nd</sup> Submission including stormwater management, servicing, grading, transportation, noise, urban design, parkland, landscaping, environmental, the limits of development and heritage.
- The applicant made partial submissions in June and July, 2019 to subdivide a 72.0 ha (177.9 ac) parcel to create 549 single detached lots, 68 townhouse units, a 17-30 unit high density (apartment) block and a 20-unit single detached residential condominium block, a relocated Neighbourhood Park (2.03 ha), future development blocks and a network of public roads (“Current Proposal”) that were circulated for review and comment. Agency and Town Staff continued to meet with the applicant and a subsequent Public Meeting was held on September 17, 2019.
- Formal written comments were provided to the applicant on September 11, 2019 that highlight on-going policy and technical concerns with respect to the limits and configuration of the proposed development, stormwater management, noise, transportation, servicing, grading, agricultural impacts, heritage and design.
- Each of the applicant’s submissions and the formal written comments have been made available to the public at Town Hall and posted on the Town’s website.
- To date, two Pre-Hearing Conferences (PHC) have been heard by LPAT: September 21<sup>st</sup>, 2018 and May 1<sup>st</sup>, 2019. Parties to the Hearing include Triple Crown Line Developments Inc., The Town of Caledon, Region of Peel and Toronto and Region Conservation Area (TRCA). More than 20 participants have been registered for this Hearing to date. A 3<sup>rd</sup> Pre-Hearing Conference is scheduled for November 25<sup>th</sup>, 2019.

- Staff are seeking Council's direction to attend the November 25<sup>th</sup>, 2019 PHC to set an issues list in accordance with the concerns outlined in this Staff Report and to set a timetable for scheduling and attending the LPAT hearing of the issues with Council's position regarding the Current Proposal.

## **DISCUSSION**

### **Purpose (background)**

On June 14, 2017, the Town of Caledon received Official Plan Amendment, Draft Plan of Subdivision and Zoning By-law Amendment applications from Design Plan Services on behalf of Triple Crown Line Developments Inc. for the property municipally known as 15717 and 15505 Airport Road, located on the east side of Airport Road, south of Old Church Road in Caledon East (see Schedule "A" – Location Map). The applications were deemed complete on June 27, 2017.

The subject lands are comprised of lands owned by the applicant and additional lands in which the applicant has an interest. The lands proposed for residential development are largely within the Caledon East Settlement Boundary and Open Space Block 575, with a portion outside the Caledon East Settlement Boundary are owned by the Applicant ("Applicant Lands") and identified as Lands "A" on Schedule "A" to this report. The proposed stormwater management pond and open space block to the south, being Block 572 and 573 are lands in which the applicant has an interest ("Interest Lands") and are identified as Lands "B" on Schedule "A" to this report.

The Applicant Lands originally contained two residential dwellings: a modern farmhouse circa 1995 that has since been removed and a historical farmhouse circa 1860 as well as several outbuildings. Both the Applicant and Interest Lands are actively farmed.

The eastern and southern portions of the Applicant Land's comprise significant natural features such as the Widgee-Innis Lakes Provincially Significant Wetland Complex, woodlots, wetlands and significant slopes (valley lands).

Surrounding land uses include a commercial plaza and residential to the north; Airport Road and residential to the west; agricultural and rural residential to the south; and, environmental lands (Innis Lake) to the east (see Schedule "B" – Aerial Map).

### **Proposed Official Plan Amendment**

The purpose of the proposed Official Plan Amendment is to redesignate a portion of the property from Low Density Residential to Mixed High/Medium Density Residential, to increase the permitted net density and reduce the frontages for the Low Density Residential designation, and relocate the Conceptual Park location to a more central location (see Schedule "C" – Applicant's Proposed Official Plan Amendment).

The Applicant Lands within the settlement area are largely designated Low Density Residential with Open Space Policy along the settlement boundary edge on Schedule 'D' – Caledon East Land Use Plan. The Caledon East Secondary Plan identifies a maximum net density of 16.6 units per hectare in Low Density Residential whereas the applicant is proposing a net density of 21.2 units per hectare. The Secondary Plan encourages

frontages generally ranging from 15 metres (50 feet) to 23 metres (75 feet) whereas the applicant is proposing frontages ranging from 9.75 metres to 23 metres. The Official Plan encourages the conservation of the Town's built heritage resources and uses density bonusing in the context of development applications as a means to achieve cultural heritage conservation. The Town and applicant have discussed the retention, relocation and repurposing of the historical farmhouse for a sanitary pumping station; however, further analysis and documentation is required to ensure the protection and repurposing of the historical farmhouse.

A new Mixed High/Medium Density Residential designation is proposed along the Airport Road frontage and adjacent to the existing commercial plaza lands. The proposed amendment allows for a density range of 39.5 to 45.6 units per net residential hectare. The designation would capture the proposed townhouse blocks and the High Density Block. Staff are supportive of the proposed housing mix that avoids reverse frontage conditions along Airport Road; however, the form and content of the amendment is not satisfactory to staff. As currently drafted, the amendment does not specify built form types and the density average could prevent a high density built form from proceeding on the High Density Block. The applicant has not demonstrated the High Density Block is sufficiently sized to accommodate 17-30 units and meet associated standards (i.e. parking).

The Caledon East Secondary Plan Land Use Plan (Schedule "D") identifies a Conceptual Neighbourhood Park Location and Open Space Policy Area designation in the northeast corner of the Applicant Lands. While the proposed development provides a more centralized location for the park with greater accessibility for future residents, the form of the proposed Amendment references the Neighbourhood Park as a conceptual location and maintains a Low Density Residential designation, whereas it should be designated Open Space Policy Area.

The proposed development relies on a stormwater management approach that locates a stormwater management pond in the Interest Lands, which are south of the settlement boundary and designated Prime Agricultural Area. The applicant has not satisfied Town and Agency staff that the stormwater management approach is the preferred approach from a technical or policy perspective; however, should the stormwater management pond be found to be in an acceptable location then these lands should be redesignated to Open Space Policy Area.

Staff are not in a position to recommend support of the proposed Official Plan Amendment for the reasons stated herein and provided in the Town's Summary of Comments Letters on each submission.

**Proposed Draft Plan of Subdivision**

The Original Application proposed 562 single detached dwellings which has been revised to 549 single detached dwellings and provides a greater mix of housing types and incorporates additional lands both within and outside of the Caledon East Settlement Boundary (see Schedule "D" – Proposed Draft Plan of Subdivision (Current Proposal)). The following mix of units are now proposed:

- 161 Single Detached Units with minimum frontages of 15.2 m (50 ft)
- 112 Single Detached Units with minimum frontages of 13.6 m (45 ft)

- 93 Single Detached Units with minimum frontages of 11.6 m (38 ft)
- 183 Single Detached (Laneway) Units with minimum frontages of 9.75 m (32 ft)
- 68 Townhouse Units (decked and courtyard) with minimum frontages of 6.7 m (22 ft)
- High Density Block to accommodate 17-30 apartment units
- Condominium Block to accommodate 20 single detached units

The Draft Plan proposes three-storey decked (laneway) townhouses along Airport Road that reflect a historic 'main street' character and a high-density block to accommodate a future multi-unit residential building at the intersection of Airport Road and proposed Street A. This higher density built form along Airport Road transitions to a low-density community of single detached lots. To enhance the central community park's focal point, laneway singles are proposed around the perimeter of the park. Courtyard townhouses are proposed along the west side of the extension of Mountcrest Road to transition from the abutting commercial plaza.

The Draft Plan of Subdivision proposes two park blocks, a centrally located 2.03 ha park as well as a 0.15 ha parkette. A buffer area block is proposed around the limits of the proposed residential development which is to accommodate a future trail system. The valley lands to the east, outside of the settlement boundary, will be dedicated to a public agency (i.e. TRCA) and the Interest Lands to the south are proposed for a stormwater management block and environmental lands.

While the Town is accepting of many changes to the draft plan since the Original Application, the applicant is required to provide further information and undertake further revisions to the draft plan to adequately address the concerns summarized below.

### Limits of the Development

The applicants and staff from the Town, TRCA and Region attended a site visit to stake the features and determine the limits of development. That staked limit has been marked on the proposed Draft Plan and a minimum buffer of either 10 metres (for lands within the Greenbelt Plan) and 30 metres (for lands within the Oak Rides Moraine) demarcated the limits of development. The Applicant is seeking to modify the 2031 Caledon East Settlement Boundary to align with the staking exercise (see Schedule "E" – Applicant's Constraints Analysis Map).

The Applicant has not demonstrated the proposed modifications to the settlement boundary satisfy provincial policies and staff at the Town and TRCA, our technical advisors, have identified areas where further study is required to ensure the limits of the environmental features or hazard are located outside the residential limits of development or, where necessary, environmental compensation is provided. As of the writing of this report, staff at the Town and TRCA have received and are reviewing additional environmental analysis submitted by the Applicant and intended to satisfy comments provided to date.

### Parks and Pedestrian Connectivity

The Draft Plan incorporates a 2.03 ha (5.01 ac) park in a centrally located block as well as a 0.15 ha (0.37 acre) parkette block adjacent to the Open Space Block to the east. All of the proposed residential lots are within 400m (5 minute walk) of the community park

and the parkette provides a direct connection to the valley lands to the east (Open Space Block 575).

The proposed development provides an integrated network of sidewalks, trails and bike lanes. A continuous trail is proposed within the buffer block and stormwater management block surrounding the southern and eastern limits of the proposed residential development, providing an active connection from Airport Road to the existing trail network to the north and east. Access to the proposed trail network from the proposed development is achieved through two walkway blocks and the parkette along the eastern boundary. Staff is working with the applicant to provide additional and/or improved spacing of the walkway blocks.

Staff are working with the applicant to ensure the proposed development provides for 5% parkland dedication or as otherwise required to meet programming needs and the requirements of the Planning Act.

The Current Proposal shows a 6m wide walkway block to abutting lands owned by the Town ("Town Lands"). The Town Lands are designated Open Space Policy Area and form part of the Conceptual Neighbourhood Park Location. While staff are supportive of the proposed relocation of the Neighbourhood Park, there is concern the Current Proposal land-locks the Town Lands and limits future programming options. Staff request an 18.0 metre wide block be dedicated to the Town to allow for future access and utilization of the Town Lands.

### Heritage

The subject lands contain a circa 1860's historical farmhouse that staff consider to be of cultural heritage significance. The Original Application did not contemplate protection of the historical farm house and relied upon a Heritage Report that was incomplete from staff's perspective.

Provincial policies direct for the conservation of built heritage resources to foster a sense of place and benefit communities. The Town's Official Plan identifies the need to conserve the Town's heritage resources and allows for the use of density bonusing in the context of development applications to achieve conservation of heritage structures.

Through discussions between the applicant and staff at the Town and Region, the Applicant is now considering its retention and relocation to the proposed pumping station block where it could be re-purposed to house the Region's pump house. The Applicant is required to submit a condition/feasibility report, heritage impact assessment and conservation report, or equivalent to the satisfaction of staff, that identifies the heritage attributes of the farmhouse and its feasibility to be repurposed as a pump house within the development.

### Transition to Existing Residential Community

Lots on the northern and northeastern edge of the proposed development back onto and/or flank an existing residential community along Valewood Drive and Mountcrest Road. While these lots have been designed to be approximately 1.2 to 2.5 metres deeper than the typical depth of other single detached lots in the Current Proposal, staff remain concerned the lots may not be sufficiently deep to achieve adequate rear-yard amenity

space, meet Town standards with respect to grading and retaining walls and ensure sufficient protection of existing trees. The Applicant recently submitted revised grading plans that lower the road elevation abutting the northeastern edge lots, which, at the time of the writing of this report, are under review by Town staff. Alternatively, the Applicant may need to revise the Current Proposal to provide deeper lots along the northern edge of the proposed development.

### Urban Design

The Current Proposal has addressed many of the Town's urban design comments to date including, but not limited to, the character of housing along Airport Road, an improved road network that enhances pedestrian connectivity and views to the central park, and the re-orientation of Townhouse Block 553 to create a more attractive built form along Summit Hill Drive.

Staff remain concerned about the potential impact of any noise mitigation measures on the urban landscape, including the Courtyard towns (Blocks 551, 552, 553). At the time of the writing of this report, the Applicant submitted a noise report, which is currently under staff review from engineering, planning and urban design perspectives.

### Stormwater Management

The Applicant is proposing a stormwater management approach consisting of a 2.89 ha stormwater management pond block (dry pond design) to the southwest of the development that captures drainage from 38.66 ha of the proposed development area. The remaining 5.52 ha of drainage area would be treated for quality and quantity control through two superpipe systems. As the pond alone cannot provide sufficient water quality treatment levels to meet the MOE's guideline, more than 200 catchbasin shields are proposed throughout the proposed development to pre-treat road drainage as part of the treatment train approach.

To date, staff has expressed technical concerns with the proposed stormwater management approach from increased cost, operations and maintenance perspectives when compared to typical stormwater management strategies for greenfield development. Staff has recommended the stormwater management pond be relocated to the natural low-point of the development, which is in the vicinity of Street R – Thoroughbred Court. At the time of the writing of this report, staff have received additional engineering submissions, which are currently under review to determine if the stormwater management approach is technically satisfactory.

### Traffic and Access

Access to the subdivision is at three locations: two accesses off Airport Road and a third access along the northern side of the development connecting to the existing Mountcrest Road. The southerly access along Airport Road aligns with the existing Cranston Drive intersection and is proposed as a four-way stop intersection. The northerly access along Airport Road aligns with the existing public school "Exit Only" and is proposed as a signalized intersection with cross walks. The anticipated traffic volume does not warrant a signalized intersection; however, one is proposed to facilitate safer pedestrian connections to the public elementary school on the opposite side of Airport Road.

The applicant is proposing a 31 metre right-of-way along Airport Road which the applicant has designed to accommodate four lanes of automobile traffic, a multi-use trail, a sidewalk and street trees in order to provide a small-town, main street character to Caledon East.

The internal road network consists of the following: a 20 metre right-of-way residential collector road (Streets A and B) that will support dual-sided pedestrian and cycling movements and provide a double row of street trees; several 18 metre right-of-way local streets and laneways with single-sided sidewalks; Streets N and G have 18 metre right-of-ways but designed to provide dual sidewalks to enhance access to and from the community park; and, Street H has been designed as a window street to encompass the community park.

Town staff are supportive of the modifications to the internal road network in the Current Proposal to achieve urban design objections, subject to meeting sightline requirements. Staff continue to request the applicant provide a satisfactory sightline analysis prior to recommending draft plan approval.

The Draft Plan proposes several street names, some of which have been reserved for other development or do not meet the Town's street naming policy. Staff recently received and reviewed a list of revised street names that are satisfactory and request the Draft Plan be revised accordingly.

Staff at the Region of Peel require regional road widening dedications along the property's Airport Road frontage: approximately 33.53 metres at the northern edge by the commercial plaza and expanding to 42.05 metres around Cranston Drive and continuing to the southern edge of property. Regional staff also require further investigation of the proposed connection of the northerly Street A (Summit Hill Drive) to Airport Road in terms of surrounding access points (school on west side and commercial plaza on east side) and the provision of some form of direct connection to the existing commercial plaza.

### Noise Attenuation

A Noise Impact Study was submitted with the Original Application that did not meet Town standards. The Current Proposal was not accompanied by a revised Noise Study; however, at the time of the writing of this report, a Noise Study was submitted that has been circulated to Town and Regional staff for review from engineering, design and planning perspectives.

As part of the review, staff will be assessing the appropriateness of the report and its proposed noise mitigation measures as well as evaluating the interface between the proposed residential development and the existing commercial plaza to protect the existing commercial operation and future residents of the proposed development. The report will also inform required warning clauses to be secured through conditions of draft approval.

### Other Considerations

Staff at the Region of Peel and Town have expressed concern that Block 570 may not be sufficiently sized to accommodate the ultimate design of the pumping station with cultural heritage, access and maintenance considerations. At a minimum, staff recommend Lot 211 be included within Block 570 until the detailed design has been accepted by staff.

Staff have outstanding grading, hydrogeology and geotechnical concerns that need to be addressed prior to Draft Plan Approval. Staff recently received revised hydrogeology and geotechnical (slope stability) submissions that are currently under review.

As highlighted herein and provided to the applicant in the Town’s formal written comments to date, staff are unable to support of the proposed Draft Plan of Subdivision.

**Proposed Zoning By-law Amendment**

The purpose of the proposed Zoning By-law Amendment is to implement the Official Plan Amendment and Draft Plan of Subdivision by rezoning the subject lands as shown in Table 1 below: (see Schedule “F” – Applicant’s Proposed Zoning By-law Amendment).

Table 1

Current Zoning	Proposed Zoning	Proposed Use
Agricultural (A1)	Residential One – Exception Zones (R1-XX, R1-YY and R1-ZZ)	Single detached residential
Agricultural-ORM (A1-ORM)	Residential 2 – Exception Zone (R2-XX)	Townhouses (Airport Road and adjacent to plaza)
Environmental Policy Area 2 (EPA2)	Multiple Residential Exception Zone (RM-X)	High Density Residential
	Open Space Zones (OS)	Community Park, parkette & walkways and lookouts
	Environmental Policy Area 1 – Exception 405 (EPA1-405)	Stormwater Management Pond
	Environmental Policy Area 1 Zone (EPA1)	Open Space, Valley lands

At this time, staff have concerns with the form and content of the proposed Zoning By-law Amendment including, but not limited to the following:

- A concept plan is required for the proposed Multiple Residential Exception Zone (RM-X) to ensure the High Density Block is sufficient sized to accommodate an apartment building with 17-30 units;
- Low Impact Development (LIDs) measures on private property require adequate protection from future disturbance (i.e. limit accessory structure locations);
- The proposed residential zones need to include all applicable standards and definitions (i.e. lot area, frontage, yard setbacks, building area, landscape area, minimum backyard amenity area, height, definition of street, etc.);
- The proposed By-law needs to consider the General Provisions and Parking Sections of Zoning By-law 2006-50 and include any required special standards (i.e. entrance setbacks, sight triangles);
- Structure envelope zoning may be required to protect boundary trees and associated driplines along the northern boundary of the proposed development;
- Confirmation that the internal parking spaces within garages meet the minimum parking space definition after allotting space for Regional waste bins and internal stairs; and
- Future Development Blocks (563, 574) have not been assigned a zoning category.

Staff are not able to recommend support of the proposed Zoning By-law Amendment for the reasons stated herein and provided in the Town's formal written comments to date.

### Planning Review

Documents that have been considered by the Town in its review of the subject applications include the following:

- Provincial Policy Statement 2014
- Growth Plan (2019)
- Oak Ridges Moraine Conservation Plan (2017)
- Greenbelt Plan (2017)
- Region of Peel Official Plan
- Town of Caledon Official Plan
- Town of Caledon Zoning By-law 2006-50
- Town of Caledon Development Standards, Policies & Guidelines
- Town of Caledon Town-Wide Design Guidelines
- Supporting technical studies and reports
- Comments and recommendations provided by commenting departments and agencies
- Public comments

### Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) contains policies with respect to promoting efficient and resilient development and land use patterns in order to create healthy, liveable and safe communities and providing for an appropriate range of housing types and densities to meet requirements of current and future residents. The PPS also speaks to land use compatibility, stormwater management, cultural heritage, prime agricultural areas and natural heritage. All decision affecting planning matters shall be consistent with the PPS.

Based upon the written comments received to date at the time of the writing of this report, the Current Proposal has not established consistency with the PPS policies listed below. Please note that additional engineering, environmental and planning (agricultural) materials have been received and are currently under review that may satisfy some of the policies provided below:

- The Applicant has not adequately demonstrated that the proposed stormwater management strategy, including superpipes, contributes to the financial well being of the municipality over the long term, as per Policy 1.1.1;
- The proposed stormwater management approach needs to demonstrate that changes in water balance and erosion have been minimized, as per Policy 1.6.6.7;
- As per Policy 2.1, the Applicant must demonstrate to the satisfaction of TRCA and Town staff that the Current Proposal will have no negative impacts on significant natural heritage features and functions.;
- The Applicant needs to demonstrate compliance with policy test 2.3.6.1b): alternative locations have been evaluated and there are no reasonable alternative locations for the stormwater management pond that avoid prime agricultural areas; and
- The Applicant needs to provide satisfactory documentation identifying the heritage value of the farmhouse and committing to its protection, relocation and repurposing as a pump house within the development, as per Policy 2.6.

### Place to Grow, Growth Plan for the Greater Golden Horseshoe (2019)

The intent of the Place to Grow, Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) is to build compact and complete communities by directing growth to built-up areas and promoting a mix of residential and employment uses. All decisions made on or after May 16, 2019 must conform with the Growth Plan.

Based upon the written comments received to date at the time of the writing of this report, the Current Proposal has not established conformity with the Growth Plan policies listed below. Please note that additional engineering, environmental and planning (agricultural) materials have been received and currently under review that may satisfy some of the policies provided below:

- Policies 2.2.1.3 and 3.2.1.2 of the Growth Plan direct municipalities to consider the full life cycle costs of infrastructure when planning for growth whereas the Applicant has not technically satisfied Town staff that the proposed stormwater management strategy is desirable from a cost and maintenance perspective;
- The Applicant is seeking to refine the settlement area boundary to reflect the staked limits of the abutting environmental features and associated buffers; however, Policy 2.2.8.4c) and d) do not allow for boundary adjustments in the Greenbelt Area outside of a municipal comprehensive review;
- The Applicant needs to demonstrate the development will have no negative impacts on significant natural features and functions, as per Section 4.2.2 of the Growth Plan;
- The Current Proposal locates a stormwater management pond in lands identified as Prime Agricultural Area in municipal, regional and provincial mapping whereas Section 4.2.6 of the Growth Plan requires the long-term protection of these areas for agriculture; and
- The Applicant needs to provide satisfactory documentation to ensure conservation of the historical farmhouse, as per Section 4.2.7 of the Growth Plan.

### Greenbelt Plan (2017)

The goal of the Greenbelt Plan is to protect the agricultural land base, natural heritage and water resource systems, provide for a diverse range of economic and social activities associated with rural communities and build resilience to climate change. The Applicant Lands are located within an area designated as a “Town/Village” and the Interest Lands are located within the “Protected Countryside” of the Greenbelt Plan.

Based upon the written comments received to date at the time of the writing of this report, the Current Proposal has not established conformity with the Greenbelt policies listed below. Please note that additional engineering, environmental and planning (agricultural) materials have been received and currently under review that may satisfy some of the policies provided below:

- The Applicant must demonstrate the Current Proposal will have no negative impacts on significant natural features and functions, as per Sections 3.2.2 and 3.2.5 of the Greenbelt Plan;
- As per Sections 3.4.3 and 4.2.1 of the Greenbelt Plan, new infrastructure, like the stormwater management pond, cannot locate within prime agricultural areas or key natural heritage features unless need has been demonstrated and it has been established there is no reasonable alternative;

- The stormwater management approach must demonstrate it minimizes disruption of the pre-existing drainage pattern and does not increase stream channel erosion, as required to Policy 4.2.3.5 of the Greenbelt Plan.

### Oak Ridges Moraine Conservation Plan

The Oak Ridges Moraine Conservation Plan (ORM Plan) establishes land use and resource management policies to protect the ecological and hydrological features and functions of the Moraine. All decisions shall conform to the ORM Plan. The boundary of the ORM Plan intersects the property as shown on Schedule "E" to this report.

The eastern portion of the subject lands located within the area regulated by the Oak Ridges Moraine Conservation Plan are subject to a dual designation: Settlement Area and Natural Core Area. For lands designated Settlement Area, the uses permitted shall include all uses permitted in the primary land use designation of the Town's Official Plan (discussed below). The Natural Core Area designation applies to the eastern valley lands (Open Space Block 575) located outside of the Caledon East Settlement Boundary and designated Environmental Policy Area.

The Current Proposal is advancing towards resolving previous comments with respect to natural heritage protection; however, based upon the written comments received to date at the time of the writing of this report, the Current Proposal has not established conformity with the ORM Plan policies listed below:

- Portions of Lots 73, 74 and 75 in the northeastern portion of the property appears to be located below top of bank, contrary to the Section 22 of the ORM Plan; and
- The Applicant is seeking to modify the settlement boundary in accordance with the Constraints Analysis Map in Schedule "E" to this report, whereas the implementation section of the ORM Plan does not permit settlement area boundaries to expand into Natural Core Areas.

### Region of Peel Official Plan

The proposed Plan is located within the Caledon East Rural Service Centre as shown on Schedule 'D' of the Region of Peel Official Plan.

Regional staff advise they do not support approval of the proposed applications as they do not conform to the Region's Official Plan as well as provincial policies. Specifically, Regional staff have concerns the proposed stormwater management pond is in a location that could impact a significant valley and stream corridor, provincially significant wetland complex and result in long term erosion damages within the natural valley and watercourse and recommend further investigation of relocating the pond within the settlement area boundary.

Regional staff have concerns with the potential impacts of the proposed subdivision (i.e. stormwater management pond) on the adjacent prime agricultural area to the south. A revised Agricultural Impact Assessment was received during the writing of this report and has been circulated to the Region for review and comment.

Regional staff have concerns the proposed limits of the development, including whether all environmental features has been adequately identified and whether the proposed settlement boundary adjustment conforms with provincial policy.

Staff require changes to the Draft Plan to meet waste collection standards and expansion of the Pumping Station Block 570 to include Lot 211. As well, the Region requires a satisfactory Noise Study and Functional Servicing Report, which are currently under review.

The Region originally required a road widening of 50.5 metres, 25.25 metres from centre line across the Airport Road frontage of the subject lands. Through a series of design discussions, the Region has determined a reduced right-of-way width of 33.53 metres at the northern end to 42.03 metres at the southern end of the property would be appropriate. The Current Proposal continues to show a 31 metre right-of-way width. Regional staff also have concerns with the northerly Summitt Hill Drive connection to Airport Road and require the Applicant investigate a direct connection from the proposed subdivision into the existing commercial plaza.

According to the comments received to date, Regional staff are not satisfied the Current Proposal has satisfied the goals and objectives in the Regional Plan.

### Town of Caledon Official Plan

The Applicant lands within the Caledon East settlement boundary are designated Low Density Residential Area and Open Space Policy Area on Schedule "D", Caledon East Land Use Plan within the Town's Official Plan. The valley lands to the east of the Caledon East Settlement Boundary (Block 575) are designated Environmental Policy Area and the Interest Lands to the south of the Caledon East Settlement Boundary are designated Prime Agricultural Area and Environmental Policy Area on Schedule "A", Town of Caledon Land Use Plan.

As per Section 7.7.5.2.1, the uses permitted in the Low Density Residential designation shall consist of: single-detached and semi-detached dwellings, linked dwelling units, duplexes and freehold townhouse units. Section 7.7.5.2.4 states that a mix of single residential lot sizes with frontages generally ranging from 15.0 m (50.0 ft) to 23.0 m (75.0 ft) shall be required. In accordance with Section 7.7.5.2.2., the maximum net density permitted in the Low Density Residential designation shall be 16.6 units/ha. Furthermore Section 7.7.5.2.3 indicates that where appropriate, a range of dwelling types and lot sizes shall be encouraged in the Caledon East Settlement Area. To achieve the proposed housing mix and density objectives, draft plans of subdivision within the Low Density designation will be encouraged to provide a broad range of unit types, with different types of units mixed throughout the development. Single residential dwellings should predominate the mix, generally making up 70-80% of the units. Consideration will be given to varying from this general mix policy in consideration of site specific considerations such as adjacent land uses, environmental characteristics, and site amenities. The proposed Draft Plan provides for a desirable range and mix of housing types, including a variety of single detached units comprising approximately 85% of the units as well as townhouses and future apartment units.

The applicant is proposing to amend the Official Plan to permit lot frontages for these housing types ranging from 9.75m (32.0 ft) to 15.2 m (49.8 ft) at an increased density of 21.2 units per net hectare. Staff are supportive of site specific clauses to allow for the reduced frontage and increased density provided the notwithstanding clause refer to the

heritage bonusing permission in Section 3.3.3.6.3 of the Official Plan that permits density bonusing in exchange for cultural heritage conservation.

The Secondary Plan considers new multiple unit sites for special housing needs (i.e. affordable housing, seniors housing) through an Official Plan Amendment and after site-specific considerations, including compatibility, proximity to the commercial core and maintenance of community character. Staff are supportive of the High Density Block at this location, which is proximate to an existing commercial plaza, provided the proposed Mixed High/Medium Density Residential designation establishes use, height and density parameters and is supported by a concept plan to confirm the block and designation are sufficiently sized to accommodate a multi-unit development. The design of the multi-unit building and its contribution to the community character would be the subject of a future Site Plan Application.

The Caledon East Secondary Plan also contains various policies with respect to the design of the development, including the requirement that new development will demonstrate how they have addressed and incorporated the Caledon East Community Design Principles and Guidelines into their proposals, to the satisfaction of the Town. The applicant has submitted an Urban Design Report which largely demonstrates compliance with this policy, subject to understanding the design impacts, if any of proposed noise mitigation measures.

Generally, staff are satisfied the proposed application achieves key desirable community design principles such as good architectural design and enhanced trail system with views to natural areas. The Current Proposal establishes a gateway features at the south end of Caledon East and the achievement of pedestrian friendly local streetscapes.

Based upon the written comments received to date at the time of the writing of this report, staff are unable to recommend support of the proposed applications as there is insufficient information to establish conformity with following policies of the Town's Official Plan:

- The Applicant must demonstrate the stormwater management approach meets the Servicing policies in Section 7.7.16 of the Caledon East Secondary Plan without adversely impacting downstream conditions;
- The proposed stormwater pond is located within the Prime Agricultural Area designation and, subject to Section 5.1.1 of the Official Plan, is to be protected and promoted for agricultural uses and normal farm practices;
- Section 5.15 of the Official Plan only permits new or expanded public uses (i.e. stormwater management ponds) that conform to the Greenbelt Plan, which has not been established by the Applicant to the satisfaction of Town and Regional staff.
- The Community Design Principles listed in Section 7.7.4.1 of the Secondary Plan seek to limit the use of noise walls along Airport Road whereas the noise mitigation requirements have not been confirmed at this time.
- The heritage resource policies in Section 7.7.14 of the Secondary Plan encourage conservation of historical buildings, including existing heritage farm houses, within new development and Section 3.3.3.6.3 of the Official Plan permits the use of density bonusing to conserve cultural heritage structures. The Applicant has not provided the necessary documentation to support the retention, relocation and re-use of the historical farmhouse for a pumping station.

**Agency/Department Consultation**

The subject applications were circulated to external agencies and internal departments for review and comment. At the time of the writing of this report, additional submission materials have been received and are currently under review by the Region of Peel, Town of Caledon and Toronto and Region Conservation Authority.

**Public Meeting**

Two statutory public meetings were held on April 3, 2018 and September 17, 2019. In accordance with the requirements of the *Planning Act*, property owners within 120 m (400 ft.) of the subject lands and those requesting notification were advised of the Public Meetings and an advertisement was placed in both the Caledon Citizen and Caledon Enterprise in advance of those meetings. In addition, the Town organized resident meetings in September 2017 and January 2019.

To date, the public have expressed concerns regarding servicing, traffic along Airport Road and existing local roads (Mountcrest, Valewood), pedestrian and cycling safety, trail design, construction impacts, pollution, housing diversity, seniors housing, housing design, parkland (size, location, connectivity), transition to existing residential community to the north, process, density, tax increases, impacts to natural features and protection of heritage structures.

Refer to Schedule “G” – Applicant’s Summary of Public Comments and Applicant Responses.

**FINANCIAL IMPLICATIONS**

At this preliminary stage of the proceedings there are a large number of unknown factors that can impact the cost and length of the hearing:

- total number of witnesses to be called by all parties (this will determine the length of the hearing and be the key driver of costs)
- whether there are any contentious motions
- length of time dedicated to mediation / settlement discussions (generally the more productive the discussions the longer they will go)
- whether there are any facts or issues that can be agreed upon by the appellants and the Region to narrow the scope of the hearing
- whether the appeal settles and the drafting of minutes of settlement becomes necessary

The third pre-hearing is scheduled for November 25, 2019. At that time, the LPAT will finalize the procedural order, which will set out the number of witnesses and length of time for the hearing. As is usual for lengthy Tribunal hearings, the Town has retained external counsel to conduct the LPAT hearing. Oslers LLP, led by Chris Barnett, has been retained as legal counsel. Additionally, it may be necessary to engage external consultants/ expert witnesses to provide testimony regarding the issues outlined in this report. Should Council

wish to proceed with the LPAT appeal outlined in this report, it is recommended that the costs for legal fees and external consultants, to an upset limit of \$200,000, be funded from the Town's Operating Contingency Reserve Fund (account # 08-00-900-35005-000-25000). Any costs that are incurred over and above this amount will be funded from the OMB hearing account 01-05-345-47060-365-62434 with approved annual budget of \$80,000.

The properties are assessed as Farmland (\$3.3 million current value assessments (CVA)), and Residential (\$0.72 million CVA). The Town's shares of taxes levied, based on combined current value assessments is approximately \$7,100 as at October 7, 2019.

The proposed developments are for between 654 and 667 residential dwellings. If the developments were to take place as proposed, the taxable assessment values would change to reflect the developments that would have taken place. Applicable Development Charges will be:

1. Town of Caledon:
  - (a) \$30,435.76 per single/semi-detached/duplex residential unit; and
  - (b) \$23,171.33 per townhouse residential unit.
  
2. Region of Peel:
  - (a) \$54,966.42 per single/semi-detached/duplex residential unit; and
  - (b) \$45,029.96 per townhouse residential unit.

Effective February 1, 2016, the Region began collecting directly for hard service development charges (i.e. water, wastewater and roads) for residential developments, except apartments, at the time of subdivision agreement execution.
  
3. School Boards: \$4,572 per any residential unit.
  
4. Go-transit:
  - (a) \$564.97 per semi-detached residential unit; and
  - (b) \$564.97 per townhouse residential unit.

The Development Charges comments and estimates above are as at October 7, 2019 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. Development Charges are calculated and payable at the time of building permit issuance. 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 the Development Charges By-law and rates in effect at the time of building permit, and actual information related to the construction as provided in the building permit application.

**COUNCIL WORK PLAN**

**Sustainable Growth** - developing housing diversity in the community



**Connected Community** - promoting age-friendly communities

**ATTACHMENTS**

- Schedule A – Location Map
- Schedule B – Aerial Map
- Schedule C – Applicant's Proposed Official Plan Amendment
- Schedule D – Draft Plan of Subdivision (Current Proposal), prepared by Design Plan Services Inc., dated May 16, 2019
- Schedule E – Applicant's Constraints Analysis Map
- Schedule F – Applicant's Proposed Zoning By-law Amendment
- Schedule G – Applicant's Summary of Public Comments and Applicant's Responses