

The Town of Caledon
Planning and Development Division
6311 Old Church Road
Caledon, ON
L7C 1J6

August 12, 2024
5576-3

**Re: Planning Justification Brief in Support of Application for Temporary Use By-law
PRE 2024-0082
7904 Mayfield Road, Town of Caledon
Tarpa Construction Co. Limited**

Weston Consulting is the planning agent for Tarpa Construction Co. Limited, the registered owner of the property municipally known as 7904 Mayfield Road, legally described as Part of Lot 1, Concession 4, Town of Caledon, Regional Municipality of Peel (the "Subject Property"). The Subject Property is located on the north side of Mayfield Road, west of Humber Station Road, and has an approximate lot area of 3.9 hectares with approximately 93 metres of frontage along Mayfield Road.

The Town of Caledon Zoning By-law 2006-50 currently split zones the Subject Property as Agricultural (A1-T17), and Environmental Policy Areas 1 and 2 (EPA1-T18) (EPA2-T19), subject to Temporary Use By-law 2021-31. An application for a Temporary Use By-law was originally submitted on May 11, 2012 and approved on June 20, 2017 permitting commercial nursery and garden supply centre uses (Temporary Use By-law 2017-42), which were implemented through a Site Plan approval obtained on February 8, 2018. An application to refresh Temporary Use By-law 2017-42 was submitted on September 22, 2020 and approved on May 4, 2021 (Temporary Use By-law 2021-031). This application is seeking a Zoning By-law Amendment for the purposes of refreshing Temporary Use By-law 2021-031, which expired on April 27, 2024.

The Subject Property currently operates as a commercial nursery and garden supply centre uses, with the structures and landscaping works implemented as approved through Temporary Use By-law 2021-031 on May 4, 2021 and previously through Temporary Use By-law 2017-42. Since the planning approvals pertaining to these uses were granted, no fundamental changes or alterations have occurred notwithstanding a minor modification to the noise berm to accommodate a landscape display area. Please refer to the Site Photos included in Attachment 1. It is noted that the neighbour and owner of 7905 Mayfield Road, the only single detached dwelling directly abutting the noise berm and new landscape display area, has confirmed that there are no issues or concerns regarding the minor modification to the noise berm to accommodate the new landscape display area.

The lands surrounding the Subject Property generally consist of agricultural, residential, and institutional uses. Directly west of the site is natural open space and agricultural lands, the latter of which abuts the Subject Property to the north and east as well. Across Humber Station Road, further east, is a cluster of single detached dwellings while the south boundary of the site is Mayfield Road, with a Place of Worship located on the other side of the street, generally surrounded by agricultural lands.

Current Application

On behalf of Tarpa Construction Co. Limited, the request is to extend the current Temporary Use By-law for an additional period of three (3) years. Since the approval of the Temporary Use By-law, the Subject Property has been developed for the approved commercial nursery and garden supply centre use, with the approved and proposed structures, engineering, and landscaping works erected and implemented. While a minor

alteration of the noise berm to accommodate a landscape display area has occurred, the materials enclosed with this submission have been updated where relevant to reflect such changes. Otherwise, given the overall consistency of this proposal with previous approvals, the prior submitted plans and technical studies remain applicable to this application and have been enclosed in support of the request.

This Planning Justification Brief has been prepared in support of the Zoning By-law Amendment application to refresh Temporary Use By-law 2017-42, permitting a commercial nursery and garden supply centre at the Subject Property.

Planning Analysis

Provincial Policy Statement 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020

The Provincial Policy Statement (“PPS”) came into effect on May 1, 2020 and the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) came into effect on May 16, 2019 and was amended on August 28, 2020. Both in-force documents are the same versions which were reviewed at the time of the previous application in September 2020. In April 2024 an updated version of the Proposed Provincial Planning Statement was released by the Environmental Registry of Ontario, seeking to establish a streamlined land use planning policy framework which incorporates both the *Provincial Policy Statement, 2020* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019*. This policy however is currently in draft form and not yet in force and effect. The proposal continues to be consistent with the in-force PPS and conforms to the in-force Growth Plan, as follows:

Provincial Policy Statement, 2020

The continued commercial nursery and garden supply centre use of the Subject Property, as proposed, is consistent with the policies of the PPS as follows:

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;***
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;***

The operation of the Subject Property for a commercial nursery and garden supply centre directly supports the Province’s economic prosperity, identified as a priority in the PPS. The nature of this specific operation as existing, which retails products directly supportive of the agricultural system and is a key sector of the broader industry, promotes both agricultural uses and normal farming practices. The continuation of this use on the Subject Property eliminates the opportunity for land use conflicts while representing community investment through the distribution of value-added products. The minor alterations which have occurred since the previous approval do not alter the function of the existing use.

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

The Subject Property is located within the Prime Agricultural Area, intended for the functioning of agricultural uses, agriculture-related uses, and on-farm diversified uses. The uses operating at the Subject Property, which includes a commercial nursery and garden supply centre, are both classified as agricultural uses and therefore permitted in this area. Further, these operations do not hinder surrounding agricultural operations, maintaining compatibility with the surrounding context while supporting the broader industry. The minor alterations which have occurred since the previous approval do not alter the intent or function of the existing use.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The continued commercial nursery and garden supply centre use of the Subject Property, as proposed, conforms to the policies of the Growth Plan as follows:

4.2.6.2 Prime agricultural areas, including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.

4.2.6.5 The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

The proposed commercial nursery and garden supply centre uses are considered agricultural uses, as the primary function of the Subject Property is the horticultural function of the nursery. The retail component, which facilitates the sale of on-site nursery crops and locally produced agricultural products, represents an agricultural related use that supports both the immediate and surrounding agricultural system. Further, no aspect of the use represents a long-term risk to the agricultural lands. As such, the continual use of the Subject Property to operate as a business conforms with the Growth Plan.

Region of Peel Official Plan

The Region of Peel Official Plan (the “Regional Official Plan”) was adopted by Regional Council on April 28, 2022. On November 4, 2022 the Regional Official Plan was approved by the Ministry of Municipal Affairs and Housing (“MMAH”) with modifications; however, since then the Province has enacted Bill 150 and Bill 162, which reversed most of the original Provincial modifications with some exceptions. The Regional Official Plan adopted in April 2022 with the Provincial modifications maintained through Bill 150 and Bill 162 is the in-force plan.

The Subject Property is located within the *Urban System* and the *2051 New Urban Area* overlay in accordance with Schedule E-1 – Regional Structure of the Regional Official Plan. The property is also located within a *Designated Greenfield Area* as per Schedule E-3 – The Growth Plan Policy Areas in Peel. In accordance with Section 5.5 of the Regional Official Plan, the Regional Urban Boundary indicates where growth is planned to occur in phased manner over the long term. Development and redevelopment is intended to take place in a timely, orderly and sequential manner, while prolonging existing agricultural uses.

It is our opinion that the continuation of the existing commercial nursery and garden supply centre uses on the Subject Property conforms to the direction of the Regional Official Plan, by prolonging the existing agricultural uses over the next three years.

Town of Caledon Official Plan

The Subject Property is located within the *Bolton* Land Use Plan Area as per Schedule A – Town of Caledon Land Use Plan of the Town of Caledon Official Plan (the “Official Plan”), where it is designated *Prime Agricultural Area* and *Environmental Policy Area* as per Schedule C – Bolton Land Use Plan. In accordance with policy 5.1.1.4, agricultural uses and both agriculture-related commercial and industrial uses are permitted within the *Prime Agricultural Area* designation.

Section 6.2.13.2 outlines the conditions which must be satisfied prior to the passing of a Temporary Use By-law, which would be required to facilitate the proposal. Analysis of conformity with these policies is provided as follows:

6.2.13.2 Prior to the passing of a Temporary Use By-law, Council shall be satisfied that the proposed temporary use meets the following conditions:

a) That it is compatible with neighbouring land use activities;

The proposed commercial nursery and garden supply centre uses are agricultural-related and represent compatibility with the surrounding agricultural context. Further, the operations support the function of these uses which predominantly consist of cash crops.

b) That adequate parking can be provided;

The previously approved parking supply associated with the original Temporary Zoning By-law amendment remains unchanged, and no alterations to the previous site parking arrangements are contemplated with this proposal, therefore representing compliance with Zoning By-law 2006-50.

c) That an adverse impact on traffic will not be created;

A Traffic Impact Study was previously prepared in 2012 by Croziers and Associates supporting the original Temporary Use By-law amendment, determining that the proposed use of the site is supportable and feasible from a traffic perspective. The PARC Checklist for this proposal does not require this material to be updated or resubmitted; however, in the years since road widenings along Mayfield Road have been conveyed and brought into Regional Ownership where required.

d) That the construction of a permanent building or structure is not encouraged;

All existing buildings and structures comply with the approved Site Plan for the Subject Property. The current proposal does not contemplate any changes to the buildings or structures on site that were approved through previous Temporary Zoning By-law applications.

e) That the use cannot become permanent and difficult to terminate; and,

Similar to the above response, the applicant previously erected a temporary sales trailer, which is not a permanent building and intends to remove the building once the use permission end upon an additional three years. The current proposal does not contemplate any substantial changes to the site from what was approved through previous Temporary Zoning By-law applications, notwithstanding a minor modification to the noise berm to accommodate a landscape display area. This minor change does not create a use that is more permanent or difficult to terminate than what has been approved previously.

f) *That adverse environmental impacts will be avoided, minimized or mitigated.*

Portions of the subject property within the Regional Flood limit were previously rezoned *Environmental Policy Area 1 (EPA1)* by the applicant, while the applicable 10 metre buffer was rezoned to *Environmental Policy Area 2 (EPA2)* limiting uses and development in that area. The current proposal is consistent with previous applications which were approved and does not represent any encroachments or impacts into these areas. It is acknowledged that Staff raised some concerns regarding encroachment into the EPA2-T19 zone for an access road not displayed on the approved plans. It has been confirmed on site that there has been no extension of the access road beyond what is shown on the approved plans. An unpaved and ungraded walking path for livestock traverses next to Building 5; however, this does not appear to encroach into the EPA zone and no new access road has been established. Site Photos have been attached for reference.

The continued commercial nursery and garden supply centre uses on the Subject Property as proposed are in conformity with the current in-force Official Plan policies, aligning with both the applicable permissions and requirements for temporary by-law relief.

Future Caledon Official Plan

On March 26, 2024, the Future Caledon Official Plan (the “Future Official Plan”) was adopted by Council and is currently under review by the MMAH, the approval authority. The Future Official Plan will be implemented in three phases, with the first intending to guide growth in the Town of Caledon to 2051, supporting long-term environmental, social, and economic objectives while coming into conformity with the Region of Peel Official Plan, which was approved in November 2022. While the first phase of the Future Official Plan is not yet in force and effect, it is noted here as relevant given the long-term considerations and impact for the Subject Property.

The Subject Property is proposed to be located within the *Urban Area* as per Schedule B1 – Urban Structure of the Future Official Plan. Schedule B2 – Growth Management also reflects this with a *New Urban Area 2051* overlay on the Subject Property, as well as delineating the site within a *Provincially Significant Employment Zone* (“PSEZ”). As per proposed policy 3.1.3, most population and employment growth over the next 30 years is set to occur in the Urban Area while contextually appropriate policies for PSEZs are to be provided through future amendments to the plan where provincial guidance is provided. Schedule B4 – Land Use Designations of the Future Official Plan proposed to delineated the lands within the community of Bolton and defers to Part A, Section 1.2 of the Official Plan. Section 1.2.1 states, “*The 1978 Official Plan, as amended and in force as of the day before adoption of the Future Caledon Official Plan, remains in effect as it applies to:*

a) *lands identified as Rural Service Centre on Schedule A1 to the 1978 Official Plan, as amended, including:*

i) *the Bolton settlement area, including the Downtown Bolton special policy area, and associated secondary plan areas (Bolton Core, Bolton South Hill, West Bolton, North East Bolton, South Simpson Industrial and Coleraine West) as depicted on Schedules C, C-1, C-1A, C-2, C-3, C-4, C-5, C-6, and C-7 to the 1978 Official Plan, as amended;*

As per this policy, the current *Prime Agricultural Area* and *Environmental Policy Area* remain applicable with permissions pertaining to agricultural uses, and both agriculture-related commercial and industrial uses. Conformity is established above.

Summary

The proposed continuation of the existing commercial nursery and garden supply centre uses on the Subject Property is consistent with the Provincial Policy Statement, and conforms to the policies of the Growth Plan, Region of Peel Official Plan, and Town of Caledon Official Plan. The operations have been developed in general accordance with the previously approved Temporary Zoning By-law of the lands, with the exception of a minor alteration to the noise berm to accommodate a landscape display area. This minor modification is supported with updates to the applicable materials and represents general consistency with the previously approved uses. We are of the opinion that the proposed continuation of the existing temporary use represents an appropriate use of the land and represents good planning for the reasons contained herein.

Weston Consulting

Per:

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Lead Planner, Special Projects

Encl: Attachment 1 – Site Photos, taken by Crozier & Associates, dated June 27, 2024