



**PLANNING AND DEVELOPMENT DEPARTMENT
Development Service Centre**

Report 2003-58

To: Mayor and Members of Council

From: Heather Konefat, Director of Planning and Development

Meeting: August 11, 2003

**SUBJECT: PROPOSED ANNEXATION OF CERTAIN LANDS FROM THE CITY OF VAUGHAN, REGION OF YORK TO THE TOWN OF CALEDON, REGION OF PEEL
PARTS 3, 4 AND 5 PLAN 65R-18771 BEING PT. LOTS 29 AND 30 CONC. 11, CITY OF VAUGHAN**

RECOMMENDATION Requires Action ☒ For Information Only ☐

That the Council for the Corporation of the Town of Caledon:

1. Adopt Planning Report 2003-58; Proposed Annexation of certain lands from the City of Vaughan and Region of York, to the Town of Caledon and Region of Peel;
2. Establish a committee that has the authority to hold a public meeting on behalf of The Corporation of the Town of Caledon pursuant to Sections 173 and 252 of the Municipal Act;
3. Direct staff to give public notice of the proposed annexation by newspaper advertisement in a manner consistent with an Official Plan Amendment notice per Ontario Regulation 199/96; and,
4. Direct staff to arrange a public meeting, preferably a joint public meeting with the Region of Peel, the City of Vaughan and the Region of York, at the earliest possible date, at a location close to the proposed annexed lands (i.e. Bolton), or in an alternative location mutually agreeable to all parties.

BACKGROUND

Location:

The subject lands are located at the north east intersection of Regional Road 50 and the Vaughan Albion Road. The site has an area of 1.7 ha (4.2ac) with frontage on the east side of RR 50 and flankage on Albion Vaughan Road. The location of the property is shown on Schedule A to this staff report.



Site History

On July 5, 1996, Muscillo Transport Limited, 1057039 Ontario Limited, the City of Vaughan and the Town of Caledon entered into a memorandum of agreement to settle the Planning Act referrals and appeals on lands that were created as a result of a realignment of Albion Vaughan Road within the City of Vaughan (subject lands). The Agreement also set out the process for approvals of an Official Plan and Zoning Bylaw Amendments located within the jurisdiction of The City of Vaughan, Region of York.

Clause 8 of the Agreement provides that due to the isolation of these lands from Vaughan, the Town of Caledon would annex the parcel of lands know as Block A and the closed section of the Albion Vaughan Road, subject to proceeding and complying with the regulatory Provincial legislation in this regard. Clause 8 also states that neither the owners nor Vaughan will object or oppose the annexation.

Clause 9 of the agreement states that once the realignment of Albion Vaughan Road is complete the annexed lands will be entitled to Region of Peel municipal water and sanitary sewer services, subject to Muscillo Transport making appropriate arrangements for the extension of such services to the annexed lands.

On February 5, 1998, the Ontario Municipal Board issued its decision approving the City of Vaughan Official Plan Amendment and Zoning Bylaw Amendment providing special policy criteria to allow for highway commercial uses over the entire Muscillo lands which includes Block A and the closed road allowance (lands subject to annexation). The provisions of the Vaughan OPA require that the annexed lands be serviced prior to development.

On June 23, 2003 the Town of Caledon adopted Official Plan Amendment No. 178 and passed Zoning Bylaw No. 2003-98 to permit a range of highway commercial uses on the Muscillo lands within the Town of Caledon jurisdiction which directly abuts the lands to be annexed (refer to Schedule B). The intent of the Official Plan and Zoning Bylaw Amendments are to ensure that the lands in Caledon and in Vaughan be developed as a single comprehensive commercial development. The bylaw contains holding (H) provisions to address this matter.

On July 3, 2003, the City of Vaughan circulated a request for comment notice filed by Bulk Transfer Systems (Muscillo) to further amend the Vaughan Official Plan and Zoning Bylaw to allow the development of a motor vehicle sales establishment on the Vaughan lands, file number OP 03-018 & Z 03-044. Staff responded to that request for comment and subsequently met with Vaughan staff to review the proposal, and to notify Vaughan that the Town of Caledon would be preceding with the annexation of the lands.

A public meeting to consider the proposed OPA and Zoning Bylaw Amendment is scheduled for August 18, 2003 by Vaughan Council. Staff have provided comments as noted in the Discussion Section of this report

On July 16, 2003, Town Planning and Regional Planning staff meet with Jane Thompson, Solicitor, who has been retained to represent the Town of Caledon and



complete the annexation process. Ms. Thompson has outlined a series of steps which she recommends to be undertaken by each municipal Council to fulfill the annexation procedures of *The Municipal Act*, which are briefly summarized as follows:

- i) Delegate to a Committee the authority to hold a public meeting on behalf of the Council pursuant to Section 262 of *The Municipal Act*.
- ii) Council authorization that a joint public meeting involving all four affected municipalities would be desirable.
- iii) Stipulate the date and place for the public meeting if possible.
- iv) Stipulate the extent of newspaper circulation it considers appropriate and the amount of notice time to be given. (Which newspapers and how many days in advance).
- v) Hold public meeting.
- vi) Present Restructuring Proposal to each Council for consideration and approval.
- vii) Forward Restructuring Proposal to Ministry of Municipal Affairs for final approval.

DISCUSSION

The Municipal Act and its implementation regulations consider an annexation to be a form of municipal 'restructuring' and as such the effected municipalities must submit a restructuring report to the Ministry of Municipal Affairs for approval. The report must have the support of the affected municipalities, support was determined in a prescribed manner, the municipalities met the prescribed criteria, and the local body consulted with the public in an appropriate manner.

It would be desirable from a financial, timing and logistic perspective to hold a combined public meeting with all four affected municipalities. Similarly a common notice of public meeting with all four municipalities should be sought.

Subject to approval of this item by Council staff will pursue this matter further with the City of Vaughan and the Regions of York and Peel.

Muscillo Transport have indicated that it is anxious to proceed with the development of its lands. Their primary interests at this time is for the development of the 'corner' portion of the lands fronting at the north east corner of Regional Road No. 50 and Albion Vaughan Road currently within the jurisdiction of the City of Vaughan. Per the settlement agreement, these lands are to be annexed to the Town of Caledon. As such it will be necessary to initiate the annexation process to have these lands developed within the Town of Caledon. A copy of the applicant's conceptual development plan is attached as Schedule B to this report.

As noted, Town staff met with Vaughan staff and indicated that the Town of Caledon had no objection to the land use amendments proposed by Muscillo lands currently held in Vaughan and advised that the corner portion of the property should be used only for the



motor vehicle sales establishment, as a gateway use, and that generous landscaping be provided between the building and the road allowance with no vehicle display or parking being permitted in this area. Staff recommended that the same hold (H) provisions apply to these lands that Council applied to the Caledon lands per Bylaw 2003-98 to ensure a comprehensive development plan. Staff indicated it's willingness to review and work with Vaughan staff in assessing the requisite site plan if it is filed on the lands. Staff are confident that Caledon's interests can be achieved through the appropriate hold (H) provisions requiring a development agreement and a conceptual site plan.

FINANCIAL

Upon completion of the annexation of the subject lands, any development charges and taxable assessment levied against the property would fall within the jurisdiction of the Town of Caledon. Should development proceed prior to this annexation, D.C.s would be payable to Vaughan/York.

COUNCIL STATEMENT OF DIRECTIONS AND PRIORITIES

The Town will simplify and streamline its processes for regulating new development and building. Staff will work to provide useful information to prospective builders/ developers, to reduce steps required to process an application and to speed up processes wherever possible, while remaining consistent with Council's priorities and directions and the Official Plan.

POLICIES/LEGISLATION

Sections 173 and 252 of the *Municipal Act*

CONSULTATIONS

Town staff have meet with the Town's legal representative, Regional staff and City of Vaughan staff in the review of the proposal to annex the subject lands and to review the Official Plan and Rezoning applications. The Town had previously retained KLM Planning Consultants (Peter Russell) to deal with planning matters related to the development of the entire Muscillo lands. Mr. Russell has also been involved with these discussions.

It should be noted that the Region of Peel has responded to Vaughan's Official Plan Amendment and Rezoning request for comment by recommending that Vaughan defer approval of the land use applications pending completion of pending Environmental Evaluation which may have an impact on road widening needs. The Region is also recommending that Vaughan not grant the land use approvals until the annexation proposal has been considered by Regional Council.

Regional staff have stated that if Vaughan decides to approve the applications that a hold (H) bylaw provision apply to the lands consistent with the hold applying to the Muscillo Caledon lands.

TOWN OF CALEDON

ATTACHMENTS

Schedule A- Location Map
Schedule B- Conceptual Site Plan

CONCLUSION

The Town's legal consultant has been directed to finalize the annexation for a parcel of land located at the north east corner of Regional Road 50 and the Albion Vaughan Road, currently within the City of Vaughan. Pursuant to the provisions of the Municipal Act, it will be necessary for each of the four municipalities affected by the annexation to proceed in a manner to facilitate a Municipal Restructuring. Each Council will need to hold a public meeting and it would be advantageous to strike a committee so that the annexation matters can proceed as a combined notice and public meeting preferably in close proximity to the subject lands i.e Bolton.

The approval of this item would permit the public consultation and annexation approval process to be completed within the current Council term.

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Development