

Due Diligence Memorandum

File No.: 11474

To: John Wheeler, Petrie's Quality Topsoil Garden Centre

From: Adam Santos, Weston Consulting

Re: Due Diligence Memorandum
4321 Sixth Line, Town of Milton

Weston Consulting is pleased to provide this Due Diligence Reporting for the property municipally described as 4321 Sixth Line in the Town of Milton (herein referred to as the "subject property"). It is our understanding that the objective for the subject property is to obtain planning policy and regulatory information for the subject property, in support of a future development application on these lands. The following memorandum provides a summary of the applicable Provincial, Regional, and Municipal land use planning policy and regulatory framework. The later part of this memorandum provide commentary on potential next steps.

1.0 Description of the Subject Property

The subject property is located on the east side of Sixth Line, located north of the intersection of Sixth Line and Highway 407. The subject property is located in a strategic location, adjacent to a provincial 400 series highway, with proximity to the Highway 407 / Trafalgar Road interchange.

Geographically, the subject lands are generally located at the mid-point between William Halton Parkway to the north and Lower Base Line West to the south. The subject property is legally described as PCL 14-4, SEC T-13; PT LT 15, CON 2 TRAFALGAR, NORTH OF DUNDAS STREET, PART 2, 20R6284, EXCEPT PT 2, 20R11420; MILTON.

The lands contain approximately 176.58 metres of lot frontage onto Sixth Line, with an approximate lot area of 5.6 hectares (13.84 acres). The subject property currently contains an existing single-family dwelling and Petrie's Quality Topsoil Garden Centre. The subject property is surrounded by primarily farmland and open space uses, with sporadic commercial uses, Highway 407 corridor and a new residential subdivision located to the south, with the municipal jurisdiction of the Town of Oakville.



Figure 1: Site Aerial Photo

2.0 Planning Land Use Policy Context

2.1 Parkway Belt West Plan

The Parkway Belt West Plan (PBWP) was the first provincial land use plan, enacted in 1973, by the Parkway Belt Planning and Development Act, which was put in place to control use of lands within the Parkway Belt West Planning Area. Generally, the extent of the Parkway Belt West area is situated adjacent to the Highway 407 corridor. The PBWP was originally established with the intention of facilitating separation of urban area boundaries, providing Ontario Hydro facilities, creating links between urban areas for movement of people and goods, reserving lands for future linear facilities, and providing a system of open space and recreational facilities. Generally, the PBWP was implemented as a means protecting the land reserve for future flexibility.

The entirety of the subject property appears to be located within the limits of the PBWP area. The following use of land are permitted by policy 5.4.1 of the plan: *all existing uses linear transportations, communication / utility facilities, and treatment plans*. Other permitted land uses include open space and recreational - orientated uses. The current policy framework contained within the PBWP limits the subject property development potential, given the restrictive nature of permitted land use types. We note that the Ministry of Municipal Housing and Affairs have recently explored the prospects of revoking the PBWP, this is further discussed in the section below titled *other considerations*.

2.2 Region of Halton Official Plan, 2022 (Office Consolidation November 2022)

The Region of Halton Official Plan (HOP) is based on the Regional Plan [1995], which was adopted by the Council of The Regional Municipality of Halton on March 30, 1994. The November 2022 Interim Office Consolidated version is the most current copy of the Official Plan and incorporates all Official Plan Amendments, including Official Plan Amendment No. 49.

Per the Schedule Map 1 of the HOP, titled Regional Structure, the subject property is designated as *Agricultural Area* and within the *Parkway Belt West Plan Boundary Area* and located outside the Region's urban area boundary. Generally, the goals and objectives of the Agricultural Area designation support the Region's growth and economy as it seeks security and economically viable agricultural industry in the Region. The permitted land uses permitted under the agricultural land use designation area generally uses associated with agricultural operations, including existing uses, single family homes, non-intensive recreation uses, transportation and utility facilities uses, among others.

With respect to development within the Parkway Belt West Plan Area, the HOP states that these lands are subject to the provision of the Parkway Belt West Plan. The HOP recognizes that the lands located within the boundary of the *Parkway Belt West Plan* have been identified to ultimately accommodate future linear facilities for transportation, community and utility purposes.

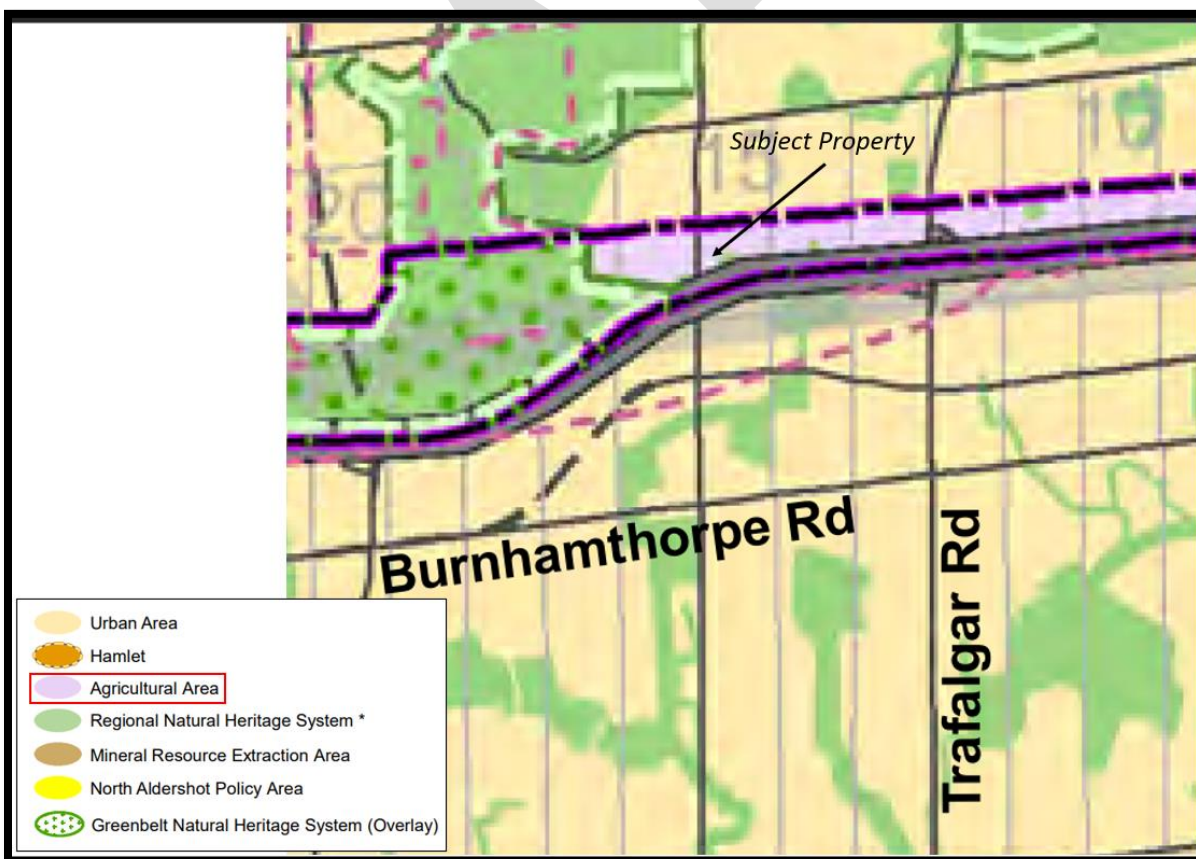


Figure 2: Region of Halton Regional Structure (Map 1)

Schedule Map 1C of the HOP, titled Future Strategic Employment Areas outlines areas which have been identified as future strategic employment area and employment areas. The subject property is presently located outside of the urban boundary area, by which restricts the ability to redevelop with urban uses. Per our review it would appear lands located to the north of subject property and lands located to the south of the 407 Highway are designated employment areas. However due to conflict with the PWBP, the subject property has been omitted from employment land use permissions.

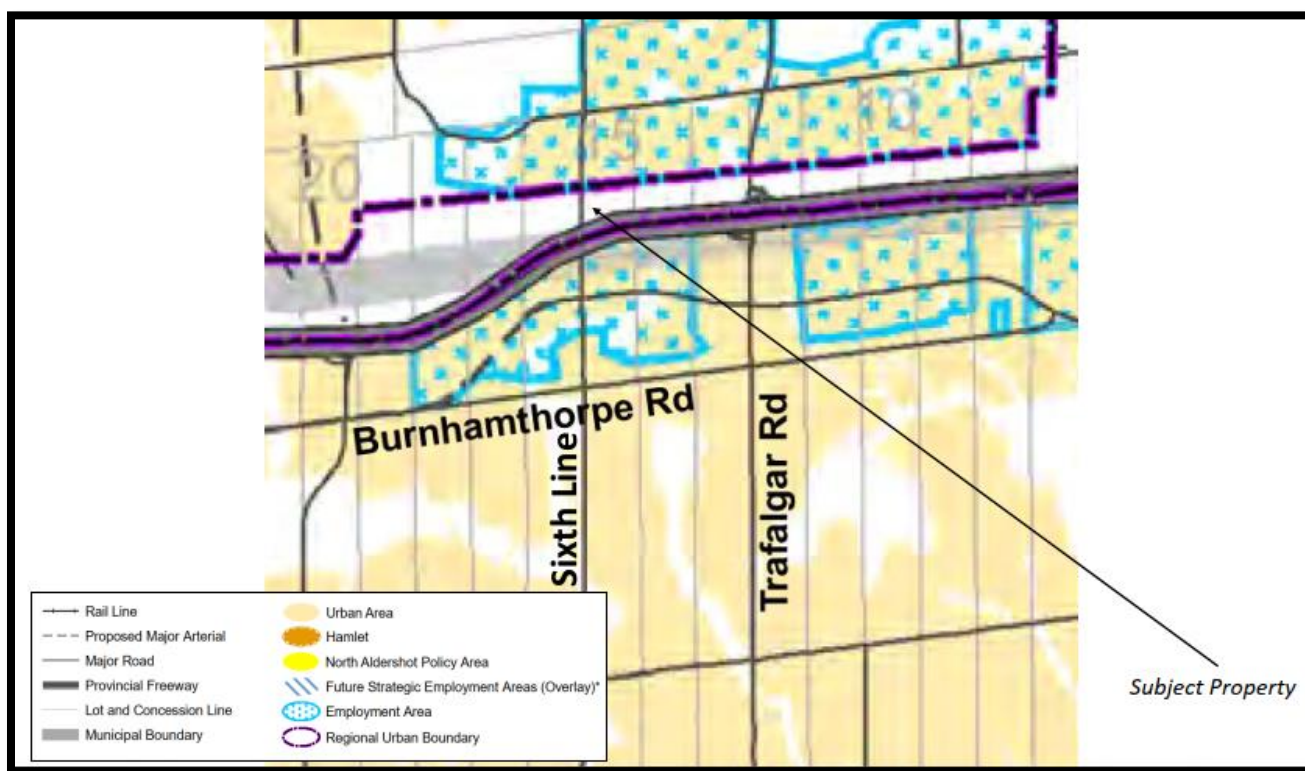


Figure 3: Region of Halton Future Strategic Employment Areas (Map 1c)

Additionally, Schedule Map 1E of the HOP titled Agricultural System and Settlement Areas, designates the subject property as *Prime Agricultural Area*. These prime agricultural lands are intended to assist the Region with maintaining permanent and economically viable agricultural industry. Official Plan policy section 139.9 provides direction for prime agricultural areas in the Region. HOP Policy 139.9.2(3) sets forward a planning mechanism which may allow for the removal of lands from prime agricultural areas outside of the Greenbelt Plan Area. Where appropriate, technical supporting studies would indicate that the removal of lands are appropriate for the proposed land use. Appropriate justification for the removal of lands within the prime agricultural designation would require the below consideration (not limited to):

- No negative impacts to adjacent agricultural operations/ natural environment;
- Necessary for such uses within the planning horizon;
- Amount of land area needed for such uses; and
- Land does not comprise a specialty crop area.

We note, given the restrictive land use permissions contained within the PWBP, there would appear to be a challenge to advance an amendment to removing lands within the prime agricultural land use designation, until a time when the policies of the PWBP have been amended or removed altogether.

3.3 Town of Milton Official Plan, Office Consolidated August 2008

The Town of Milton Official Plan (MOP) was adopted by the Town of Milton in August 1984. The August 2008 Office Consolidated version is the most current copy of the Official Plan and incorporates all Official Plan Amendments approved and in effect up to and including August 18th, 2008

The MOP Schedule A, titled Land Use Plan, designates the subject property as *Parkway Belt West Plan Area* and within the *Deferred and Appealed Areas* boundary. These lands provide physical and identifiable boundaries next to adjacent urban areas through the inclusion of major transportation, communication, and utility facilities.

The Official Plan outlines planning policies for the *Parkway Belt West Plan Area* land use designation within section 4.6 of the MOP. The MOP states the purpose of the Parkway Belt West Plan Areas are to be reserved for the accommodation of future linear facilities and separate Milton from the adjacent urban areas by bounding these land uses from the continuous urban land use of the Town.

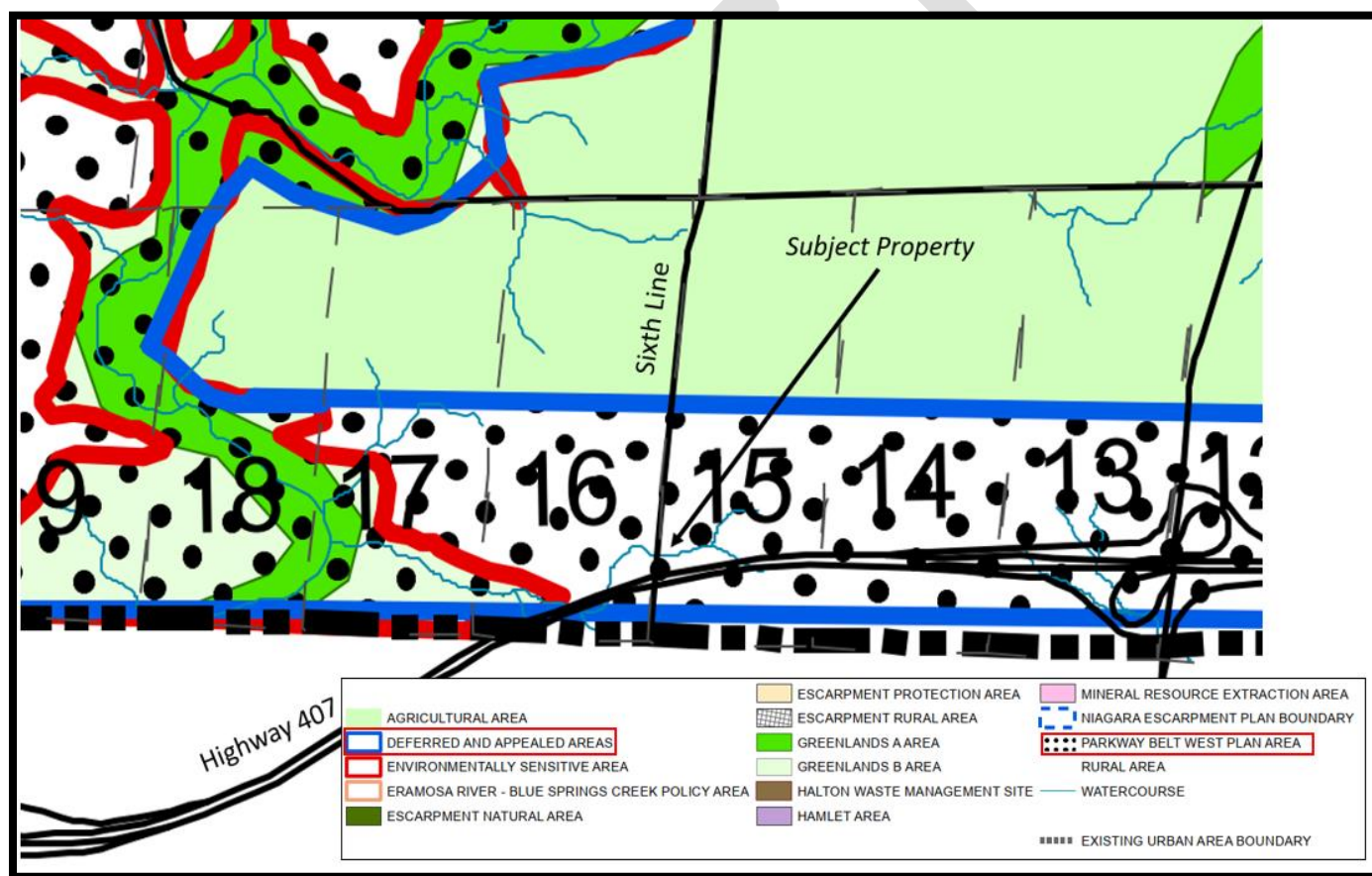


Figure 4: Town of Milton Land Use Plan (Schedule A)

The MOP policy 4.6.2 outlines the extent of permitted uses provided within the Parkway Belt West Plan Area designation. Below are the permitted uses contained within the Parkway Belt West Plan Area designation:

- Agricultural operations
- Existing, legally established uses
- Single detached dwelling on existing lots

- Dwelling(s) accessory to an agricultural operation
- Recreational uses
- Forest, wildlife, and fisheries management
- Archaeological activities
- Linear transportation, communication and utility facilities, including necessary accessory facilities and installations
- Accessory buildings, structures, and facilities
- Incidental uses and site modifications required to accommodate them
- Home occupations and cottage industries
- Home industries located on a commercial farm
- Veterinary clinics
- Animal kennels in conjunction with a single detached dwelling
- Watershed management and flood and erosion control projects
- Wayside pits or wayside quarries for public road construction purpose
- Small scale recycling and reuse depots
- Garden suite

3.4 Town of Milton Official Plan Amendment No. 31, 2018

The Town of Milton Official Plan Amendment No. 31(OPA 31) was adopted by Town Council on June 2010 and was approved by the Region of Halton on March 2018. Regional Staff worked with Town Staff to modify Official Plan Amendment No. 31 to ensure conformity with the approved Regional Official Plan Amendment No. 38.

OPA 31 consists of similar policies to the parent Official Plan described within section 3.3 above. The OPA 31 Schedule A, titled Rural Land Use Plan designates the subject property *Agricultural Area* and OPA 31 Schedule O, titled Agricultural System and Settlement Areas designates the subject property *Prime Agricultural Area*. It is important to note that Schedule A1, titled Provincial Planning Structure still includes the subject property as being located within the Parkway Belt West Plan. It is important to note that Policy 4.6.3 of OPA 31, the Town's Official Plan states:

"The Town will encourage the Province to continue to remove lands subject to the Parkway Belt West Plan from its jurisdiction. Any such lands will then be under the jurisdiction of the Town and this Plan, unless superseded by another Provincial Plan."

Similar as the policy references within Region of Halton Official Plan section of this memo, Policy 4.4.4 of OPA 31 addresses the mechanism for removal of lands from the Prime Agricultural Area designation, where these lands are situated outside of the Greenbelt Area. The following has to be demonstrated through appropriate studies in order to remove lands from Prime Agricultural Areas:

- *Necessity for such uses within the planning horizon for additional land to be designated to accommodate the proposed uses;*
- *Amount of land area needed for such uses;*
- *Reasons for the choice of location;*
- *Justification that there are no reasonable alternate locations of lower capability agricultural lands;*
- *No negative impact to adjacent agricultural operations and the natural environment;*
- *There are no reasonable alternatives that avoid Prime Agricultural Areas as shown on Schedule "O", and*
- *The land does not comprise a specialty crop area.*

3.5 Town of Milton Zoning By-law 144-2003

Per the Town of Milton Zoning By-law 144-2003, the subject property is zoned *Agricultural (A)* with a portion along the southeast property zoned *Greenlands A (GA)*. Within the both the A and GA zone categories, the following uses and development standards are permitted within the subject property:

Agricultural (A): Permitted Uses		
Agricultural Operation	Equetrian Centre	Shared Housing
Cannabis Production and Processing Facility	Forestry Use	Short-Term Rental
Conservation Use	Home Industry	Storage Building for Agricultural Equipment or Produce
Cottage Industry	Home Occupation	Veterinary Clinic – Large Animal
Detached Dwelling	Horticultural Nursery	Veterinary Hospital – Large Animal
Greenlands A (GA): Permitted Uses		
Conservation Use	Existing Uses	-

Table 1: *Agricultural (A) and Greenlands A (GA) Zone, Permitted Uses*

Development Standards	Agricultural (A)	Greenlands A (GA)
Lot Area (Minimum):		As existing
Residential Uses	0.4 ha	
Equestrian Centres	10.0 ha	
On-Farm Production, Conditioning, Processing & Storing of Produce	20.0 ha	
Agricultural Operation	2.0 ha	
Cannabis Production and Processing Facility	2.0 ha	
Boarding Kennels	N/A	
Lot Frontages (Minimum):		As existing
Lots of 40 ha or more	150.0 m	
Other Lots	60.0 m	
Lot Depth (Minimum):	45.0 m	-
Lot Coverage (Maximum):	25%	As existing
Front Yard Setback (Minimum):	15.0 m	As existing
Rear Yard Setback (Minimum):	15.0 m	As existing

Side Yard Setback (Minimum):		As existing
Interior Side Yard	3.0 m	
Exterior Side Yard	15.0 m	
Building Height (Maximum):		As existing
Residential Uses	11.0 m	
Agricultural Buildings	No maximum	

Table 2: Agricultural (A) and Greenlands A (GA) Zone, Development Standards



Figure 5: Town of Milton Zoning By-law 144-2003 Extract

4.0 Other Considerations:

The Ministry of Municipal Affairs and Housing have tendered a proposal to revoke the Parkway Belt West Plan under the Ontario Planning and Development Act. The purpose of the revocation of the Parkway Belt West Plan is to eliminate barriers that prevent the development of additional housing and address the long-term housing supply crisis in the province in addition to providing additional employment land supply in key areas, such as near 400-series highway corridors. The Ministry opened a commenting period that commenced on October 25, 2022 and closed on December 30, 2022.

This comment period provided landowners, municipalities and other stakeholders whom were interested to comment on the prospects of revoking the Parkway Belt West Plan. To date we have shared email correspondence with the Ministry. The information provided to us via email was general in nature where Staff mentioned the “*Ministry continues to review revocation of the Parkway Belt West Plan to support the government commitment to streamline, reduce and eliminate burdens*”.

We understand that the Region of Halton is undertaking a Municipal Comprehensive Review (MCR) to evaluate their Regional Official Plan. The Planning Act requires that municipalities and regions revise their official plan’s ensuring they conform to provincial plans/directives. These provincially legislated requirements are satisfied through a Growth Plan conformity exercise and MCR. The Minister of Municipal Affairs and Housing is the approval authority for the conformity exercise.

A key element of the MCR process is Regional Staff’s review of potential Settlement Area boundaries expansions. Should new feedback/ position from the Ministry regarding revocation of the Parkway Belt West Plan come forward within the next couple months, the Region may be exploring their options and the merits of including the subject property, among others – as part of the recently expanded employment area designation lands situated to the north of the subject property.

5.0 Nearby Development Activity

We have reviewed the Track Milton’s Development activity map provided available on the Town of Milton website to determine any nearby development activity to the subject property. There is one noted active development at the south corner lot of the Lower Base Line East and Trafalgar Road intersection, which is a Zoning By-law Amendment application. No City File Number or link to the application has been provided on the Track Milton Development map. The lack of development activity within the surrounding area of the subject property is due to the site’s location, which is outside of the Town’s Settlement Area, where the majority of active development applications occur.

6.0 Conclusion and Next Steps:

Based on our review of the applicable land use planning policy framework, and the regulatory context of the subject property, the ability to redevelop the subject property with urban uses in form of employment uses appear to be premature. The prematurity of advancing a development application is largely tied to the restrictive land use permission contained within the Parkway Belt West Plan. Essentially only uses associated with transportation, communications, utilities, and existing uses are permitted by planning policy documents at all levels: Provincial, Regional, and Local.

Given the strategic location of these lands, abutting the 407 corridor, and given that nearby lands located outside of the Parkway Belt West Plan to the north and south of the subject property have been designated for employment uses at a regional level. It would reasonable to expect, subject to the outcome of the Ministry’s review of the Parkway Belt West Plan revocation, the subject property could logically lend itself to urban employment uses. It is also encouraging that it appears the Town is supporting the removal of lands subject to the Parkway Belt West Plan from its jurisdiction, as mentioned within their Official Plan document.

As it relates to a planning process road map as to how the subject property could ultimately permit urban employment land uses, the following would need to occur:

1. The Ministry of Municipal Affairs and Housing would need to remove the subject property from the Parkway Belt West Plan.
2. The Region of Halton Official Plan land use schedules would need to be amended / updated, preferably through the underway MCR process. This effect of this amendment/ update would need to bring the subject property within the Region's settlement boundary and designate for the use of urban employment uses.
3. Upon adoption of a Regional Official Plan updated/ amendment, a local Official Plan amendment would also be necessary to reflect adopted changes at a regional level, which would in theory bring the land within the settlement area and designate the subject property as Employment Areas.
4. Lastly, a zoning by-law amendment would be required to ultimately shape the design and type of employment uses contemplated. This step would largely be proponent driven as part of a formal development application.

In terms of next step, our office would appreciate the opportunity to review this memo with you in detail and walk-through our findings. The below next step suggestions are a suggested course of action given the findings of this due diligence reporting:

1. Meet with yourself to review findings of due diligence reporting;
2. Set up a call with the Ministry of Municipal Affairs and Housing to obtain status of Parkway Belt West removal process/ evaluation. Investigate as to when the Ministry anticipates decision on the revocation can be made.
3. Set up a call with the Region of Halton Policy Planning Staff to determine their position on the Parkway Belt West Plan.
4. Correspondence with Conservation Halton to review and discuss areas of potential concerns regarding natural heritage features on site. Based on preliminary mapping from Conservation Halton there appears to be some element of watercourse/ drainage feature within the south side of the subject property.
5. Potential investigation into servicing opportunities/ constraints in order to service the subject property for future urban employment uses. Generally, the area is categorized as a greenfield area. It would be important to understand the extent of anticipated servicing to the area.