

**Section II – Items for Executive Committee Action**

**TO:** Chair and Members of the Executive Committee  
Friday, June 13, 2025 Meeting

**FROM:** Sameer Dhalla, Director, Development and Engineering Services

**RE:** **APPLICATIONS FOR PERMITS PURSUANT TO SECTION 28.1.2 OF THE CONSERVATION AUTHORITIES ACT (MINISTER’S ZONING ORDER, ONTARIO REGULATION 171/21)**  
CFN 64580, 12475 The Gore Road, 0 Humber Station Road, 14396 Humber Station Road, 0 King Street, Caledon Ontario (Part of Lots, 11,12 and 13, Concession 4), Town of Caledon, Regional Municipality of Peel

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**KEY ISSUE**

Issuance of permits pursuant to Section 28.1.2 of the Conservation Authorities Act (CA Act) for lands subject to a Minister’s Zoning Order (MZO) under the Planning Act to undertake works within a Toronto and Region Conservation Authority (TRCA) Regulated Area to permit the installation of erosion and sediment controls, site grading, topsoil stripping and construction of a residential plan of subdivision at 12475 The Gore Road, 0 Humber Station Road, 14396 Humber Station Road and 0 King Street (21T-22001C), Town of Caledon, Regional Municipality of Peel.

**RECOMMENDATION:**

**WHEREAS** the Minister of Municipal Affairs and Housing issued an MZO for the subject properties on March 5, 2021, as Ontario Regulation 171/21;

**WHEREAS** Section 28.1.2 of the Conservation Authorities Act requires TRCA to issue a permit for a development project that has been authorized by an MZO issued under the Planning Act, and where the lands in question are not located within the Greenbelt Area as identified through Section 2 of the Greenbelt Act;

**WHEREAS** Section 28.1.2 (6) of the Conservation Authorities Act, allows TRCA to attach conditions to the permit, including conditions

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**to mitigate any effects the development may have on the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock and/or in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property;**

**WHEREAS Section 28.1.2 (17) of the Conservation Authorities Act provides that where a permit is issued, the applicant is required to enter into an agreement with the TRCA;**

**WHEREAS Section 28.1.2 (18) of the Conservation Authorities Act provides that the agreement shall set out actions or requirements that the holder of the permission must complete or satisfy to compensate for ecological impacts and any other impacts that may result from the development project;**

**AND WHEREAS TRCA, in absence of an approved MZO, would normally issue Section 28.1 Permits to facilitate topsoil stripping, rough grading, and the construction of temporary sediment ponds in preparation of future residential subdivisions, where it has been demonstrated that there will be no impact on the control of flooding, erosion, dynamic beaches, and unstable soils or bedrock, or jeopardize the health or safety of persons or result in the damage or destruction of property;**

**THEREFORE, LET IT BE RESOLVED THAT Argo Macville I Corp, Argo Macville II Corp, Argo Macville V Corp, Argo Humberking Corp., be issued permits to install erosion and sediment controls and undertake site grading, and topsoil stripping for the construction of Draft Plan of Subdivision 21T-22001C, subject to the Standard Conditions within Attachment 4 hereto;**

**AND THAT TRCA staff seek full cost recovery in accordance with TRCA's Administrative Fee Schedule;**

**AND FURTHER THAT the Executive Committee authorize entering into of an agreement related to the Permits for the site works.**

### **BACKGROUND**

#### **Mandatory Permits for MZO Development Projects**

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The applicants have applied to undertake site grading and topsoil stripping and construction of a residential plan of subdivision 21T-22001C currently under this MZO.

Section 28.1.2 of the CA Act applies to a development project that has been authorized by an MZO under the Planning Act, within an area regulated under the CA Act, outside of the Greenbelt Area. The provisions of Section 28.1.2 of the Act are summarized as follows:

- The Conservation Authority (CA) shall issue a permit;
- CAs may only impose conditions to the permit, including conditions to mitigate:
  - Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock;
  - Any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; or
  - Any other matters that may be prescribed by the regulation.
- An applicant has the right to a Hearing if there is an objection to the permit conditions being imposed by the CA. No hearing was requested for this permit application and the applicant has confirmed their consent to the conditions;
- If the applicant objects to conditions following a decision of the Hearing Board, the applicant has the option to either request a Minister's review (MNR) or appeal to the Ontario Land Tribunal (OLT);
- All MZO-related CA permits must have an agreement with the permittee (and include additional parties, e.g., municipalities, on consent of application);
- The agreement shall set out actions that the holder of the permission must complete or satisfy to compensate for ecological impacts, and any other impacts that may result from the development project; and
- The agreement must be executed before work commences on the site; it is an offence to commence the works without a signed agreement.

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In summary, TRCA must issue a permit for development projects on lands subject to an MZO, outside of the Greenbelt, and can make that permission subject to conditions and must enter into an agreement with the landowner/applicant. Consistent with current practice, Executive Committee approval is required for all TRCA MZO permit applications.

### **Permit Applications, Property Descriptions and Background**

The owner has applied for permission pursuant Section 28.1.2 of the CA Act to undertake the installation of Erosion Sediment Control measures, site grading and topsoil stripping at lands known municipally as 12475 The Gore Road, 0 Humber Station Road, 14396 Humber Station Road, 0 King Street. The lands subject to the MZO are located west of Humber Station Road, north of King Street and east of The Gore Road (**Attachment 1 – Key Map**).

The proposal is to permit grading and topsoil stripping to facilitate the construction of a mixed-use plan of subdivision with 3751 residential units. The plan of subdivision covers an area of 107.23 hectares (**Attachment 2 – Draft Plan of Subdivision**).

A 46.17 hectare portion of the subdivision lands are subject to the MZO (**Attachment 2 - Draft Plan of Subdivision**). Typical Section 28 permits will be required for future development in TRCA regulated areas outside of the MZO lands within the plan of subdivision. The MZO was issued to permit a range of residential, commercial, mixed uses, institutional open space, environmentally policy area and transit hub use.

Portions of the property contain unevaluated wetlands, watercourses, floodplain and erosion hazards, and the associated regulated allowance to these features. Most of the land drains to the West Humber River, while the eastern portion flows to the Main Humber River. As a result of the features above, portions of the property are subject to the Conservation Authorities Act and Ontario Regulation 41/24 and require permission prior to any development taking place.

### **Bolton Residential Expansion Study**

Portions of the lands are within the Settlement Area Boundary in the Region of Peel's ("The Region") Official Plan (OP). The Region and Town of Caledon (The "Town") initiated several studies in 2007 as part of their Municipal Comprehensive Review (MCR) to conform to the 2006 Growth Plan as required under Section 26 of the Planning Act. The initial Regional Land Budget Report identified the need for additional greenfield expansion

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in the Town within one of the three Caledon Rural Service Centres to accommodate growth in the Town to 2031. Regional Official Plan (ROPA) 34 and Official Plan Amendment (OPA) 26, as modified by Local Planning Area Tribunal (LPAT), identified the population and employment allocation that would need to be accommodated in residential expansion in both the Mayfield West and Bolton Rural Services Centres.

The Town subsequently undertook several background technical studies to determine where to accommodate the 2031 population and employment numbers around Bolton. The background work resulted in ROPA 28 for Bolton Employment Expansion that eventually became the Coleraine West Employment Lands and ROPA 30 for the Bolton Residential Expansion Study (BRES).

BRES identified six options for areas of expansion and three options for smaller, rounding out areas for settlement expansion. Option 3, which includes the lands subject to this proposal, was preferred by the Town and was the basis of the Town's 2014 ROPA application as part of the Region's ongoing Municipal Comprehensive Review (MCR) at that time. However, Peel Regional Council endorsed Option 6 and the "triangle lands" at the south end of Bolton, west of the Coleraine West Employment lands as the preferred growth expansion area. The Region's decision was subsequently appealed to LAPT by the Town, the Bolton Option 3 Landowners Group Inc., and others. Both the Town and Region endorsed a modified proposal, and the matter was settled based on the modified proposal in November 2020 (LPAT decision PL170058). The approved ROPA 30 settlement expansion includes the eastern portion of the subject lands, which form part of the proposed Macville Secondary Plan within the Bolton Rural Service Centre boundary.

Previous environmental characterization work was completed for the subject lands in 2013 and 2014 as part of the BRES study by the Town. TRCA staff previously reviewed and provided comments on the characterization work.

To conform with the Region's OP, the LPAT decision on ROPA 30, and to establish a new Secondary Plan area in the Town's OP, the applicant submitted a Local OPA (LOPA) Application in 2020. The following supporting technical studies were completed to the satisfaction of TRCA staff after the approval of the MZO (O. Reg 171/21) (**Attachment 3 - Minister's Zoning Order (MZO) – Ontario Regulation 171/21**), for this proposed Secondary Plan:

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- Erosion Sediment Control, Urbantech, March 2025;
- Geotechnical Report, DS Consulting, October 24, 2022;
- Hydrogeological Report, DS Consulting, October 10, 2024;
- Comprehensive Constraints and Opportunities Map, Figure 4.8.1, by Beacon Environmental Ltd. et.al. dated December 2020;
- Headwater Drainage Features, prepared by Beacon Environmental Ltd., dated December 2020;
- HDF Management Requirements, prepared by Beacon Environmental Ltd., dated December 2020;
- Functional Servicing Report, prepared by Urbantech, dated February 2021;
- Geotechnical Report, prepared by DS Consultants Ltd., dated January 5, 2021;
- Hydrogeological Report, prepared by DS Consultants Ltd., dated February 3, 2021;
- Pre-Development Drainage Areas to Existing Flow Nodes, prepared by Urbantech, dated January 2021;
- Existing Floodplain Mapping, prepared by Urbantech, dated January 2021;
- External and Internal Sanitary Servicing Plan, prepared by Urbantech, dated January 2021; and
- Macville Community Secondary Plan, dated February 2021.

A Comprehensive Environmental Impact Study and Management Plan (CEISMP) and Functional Servicing Study (FSR) were also completed prior to the MZO to the satisfaction of TRCA staff. These studies informed the layout of the subdivisions.

The MZO was requested by Caledon Council on September 29, 2020 to protect the future Bolton Go Station Lands and the Bolton Go Major Transit Study Area located within the Secondary Plan boundaries to provide essential transit services and a supporting transit-oriented community for the Town of Caledon. The need for a commuter rail station in Bolton was supported by the Bolton Commuter Rail Service Feasibility Study in December 2010 and later re-confirmed in the 2015 Bolton Transportation Master Plan and Metrolinx Go 2020 Strategic Plan. The future Bolton Go Station on the east side of Humber Station Road, north of King Street does not form part of this application under consideration.

### **RATIONALE**

#### **Review of Permit Application by TRCA Staff**

The application has been reviewed by TRCA staff. The proposed topsoil stripping and site grading conforms to the comprehensive environmental work completed in support of the related planning applications. The works also are consistent with TRCA's policies. The proposed site alteration does not impact:

- The control of flooding – portions of the lands are within the regulatory floodplain;
- Erosion – all proposed aspects of the development are located outside of the riverine erosion hazard and staff are satisfied that there will be no erosion issues;
- Dynamic beaches – not applicable;
- Unstable soil – no hazardous organic soils or leda clays are located on the lands subject to the MZO;
- Unstable bedrock – there are no carbonate rock formations at or near the surface which may produce landforms of dissolution or karstic features, which may be hazardous to the construction of the subdivision; and
- In the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property – access to and from the property will be safe and not subject to riverine flooding. The cut and fill balance will remove portions of the development site from the floodplain, mitigating any potential risk to people and property. The applications have been reviewed by TRCA's water resources, geotechnical, hydrogeology, and ecology staff.

#### Policy Guidelines:

The proposed works are consistent with Section 8.4 (General Regulation Policies), 8.5 (Valley and Stream Corridors) and 8.9 (Infrastructure Policies) of the Living City Policies (LCP) for the Planning and Development in TRCA watersheds.

#### **Relationship to TRCA's 2023-2034 Strategic Plan**

This report supports the following Pillar and Outcome set forth in TRCA's 2023-2034 Strategic Plan:

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Pillar 1 – Environmental Protection and Hazard Management – mitigating hazard risks to communities and protecting the natural environment by conducting inventories of erosion infrastructure and monitor infrastructure health.

### **SUMMARY CONCLUSION**

The approval of permission for development conforms with the requirements of TRCA's LCP. Minor technical comments on the TRCA permits will need to be resolved prior to final permit issuance. The CA Act requires the Authority to issue such a permit on these lands as they are subject to an MZO, issued under the Planning Act. Staff have therefore reviewed the application and confirmed that it meets tests as prescribed in the CA Act. Staff recommend issuance of the permits subject to TRCA's standard conditions (**Attachment 4** – Standard Permit Conditions), which will be included in the required Agreement.

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**Date: May 23, 2025**

**Attachments: 4**

Attachment 1: Key Map

Attachment 2: Draft Plan of Subdivision

Attachment 3: Minister's Zoning Order (MZO) – Ontario Regulation 171/21

Attachment 4: Standard Permit Conditions