

**Subject:** Cachet Developments (Orangeville) Inc., Blocks 94 & 98,  
Plan 7M-70, Follow-up to Ontario Land Tribunal  
Approval and Council Direction

**Department:** Infrastructure Services

**Division:** Planning

**Report #:** INS-2022-037

**Meeting Date:** 2022-05-16

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## **Recommendations**

That report INS-2022-037, Cachet Developments (Orangeville) Inc., Blocks 94 & 98, Plan 7M-70, Follow-up to Ontario Land Tribunal Approval and Council Direction, be received;

And that based on the information presented in this report, and Report INS-2022-038, having been submitted in response to Council's direction on March 21, 2022 with respect to this matter, Council direct the Town's solicitor to submit to the Ontario Land Tribunal for final approval and enactment, the Official Plan Amendment No. 130 and the Zoning By-law Amendment included as Attachment No.'s 1 and 2 to this report.

## **Background**

In March 2019, applications to amend the Town's Official Plan and Zoning By-law were submitted by Cachet Developments (Orangeville) Inc. ("Cachet", or the "Applicant") for lands located on the north side of Hansen Boulevard, east of Veteran's Way and on opposite sides of Gibson Court.

The applications proposed to facilitate a new development on the subject lands featuring four six-storey buildings containing a combined total of 383 apartment dwelling units. Ground-level commercial units with a combined floor area of approximately 2,215 square-metres (23,842 square-feet) would be located within two of the buildings closest to the Gibson Court/Parkinson Crescent and Hansen Boulevard intersection.

The subject lands are designated "Employment Area" (Schedule 'A') within the "Veterans' Way South Community" policy area (Schedule 'B') in the Town's Official Plan (OP). The Employment Area policies within the Veteran's Way South Community allow institutional and commercial uses, in addition to a traditional range of employment uses

(i.e. manufacturing, warehousing, etc.) permitted in this designation (section E8.64.5.4.1). The policies require zoning by-law amendment approvals for any proposed commercial and/or institutional uses within the Employment Area designation (section E8.64.5.4.1 b) and c)). The policies also encourage residential uses above any commercial building, either at the initial development stage or as a future intensification opportunity (policy E8.64.5.4.3).

An Official Plan amendment (OPA) is required to permit the proposed mixed-use development concept on the subject lands. Upon receipt of the Cachet applications in March 2019, they were deemed to be a complete submission in July 2019 and were circulated to pertinent internal Town Divisions and external public agencies for review and comment. A public meeting was held on January 27, 2020.

Staff identified concerns about the proposed applications with respect to the Employment Area policy framework within the Veteran's Way South Community Policy Area. Recognizing that this policy framework contemplates commercial uses and upper-level residential units through further zoning approvals, staff sought further clarity to understand how these applications could affect the Town's Employment Area land availability, if the subject lands were re-designated and re-zoned to exclusively permit commercial and residential uses.

The County of Dufferin had initiated a Municipal Comprehensive Review (MCR) in 2019, which would determine the Town's long-term employment forecasts and associated land needs as part of that exercise.

On August 28, 2020, Cachet filed a notice of appeal to the Ontario Land Tribunal ("OLT", formerly the Local Planning Appeal Tribunal, or "LPAT") based on the Town's failure to make a decision on the applications within the statutory timelines prescribed by the Planning Act (being 120-days for official plan amendments and 90-days for zoning by-law amendments).

Case Management Conferences (CMC's) were held on February 3 and August 3, 2021, to confirm the Parties/Participants in the matter, and to determine procedural aspects with respect to the appeal proceedings.

On January 11, 2021, staff brought a recommendation report to Council (No. INS-2021-004) to advise of the appeal and the upcoming CMC, and to seek Council direction for the Town's representation in the appeal. The Tribunal scheduled nine (9) day hearing to begin on December 6, 2021 to adjudicate the appeal. The tribunal reasoned that scheduling a Hearing in December 2021 would provide the appeal parties ample time to obtain the necessary recommendations arising from the County MCR.

Through 2021, the County MCR work progressed with more information materializing about the future growth forecasts and associated land needs expected for Orangeville over the long-term planning horizon (to 2051). This revealed clarity to the question of how the Cachet applications may affect the Town's Employment Area land availability relative to future needs for such uses. This information is now summarized in a draft

Land Needs Analysis (LNA) report finalized and published by the County in early 2022. The findings of the draft LNA demonstrate anticipated residential land need shortfalls and a potential surplus of existing Employment Area lands for Orangeville over the long-term planning horizon.

On November 8, 2021, Council authorized the Town's solicitor to advise the OLT that the Town supports the approval in-principle of the Official Plan and Zoning By-law amendment applications filed by Cachet. Council further authorized the execution of Minutes of Settlement in support of the "in-principle" approval of the applications, subject to any minor refinements as deemed necessary by Town staff and in consultation with the Town's solicitor.

On December 17, 2021, The OLT granted its approval of the applications in-principle but withheld its final approval Order until the Tribunal has been advised that Official Plan and Zoning By-law amendments have been finalized to the satisfaction of the Town.

On March 21, 2022, final Official Plan and Zoning By-law amendments were submitted to Council along with a staff report (INS-2022-004) recommendation to endorse the final form of the documents, consistent with the executed Minutes of Settlement and the OLT approval of the applications in-principle. However, Council resolved to defer the matter until such time as there is additional clarity of the timelines of the Hansen Boulevard connection.

## **Analysis**

When the Cachet applications were presented at the public meeting in January 2020, resident questions were raised about when the planned connection of Hansen Boulevard would be completed in relation to the anticipated timing of this development, if it were approved. Council has also raised questions and concerns about the completion of Hansen Boulevard, which is emphasized in Council's direction of March 21, 2022 concerning this matter.

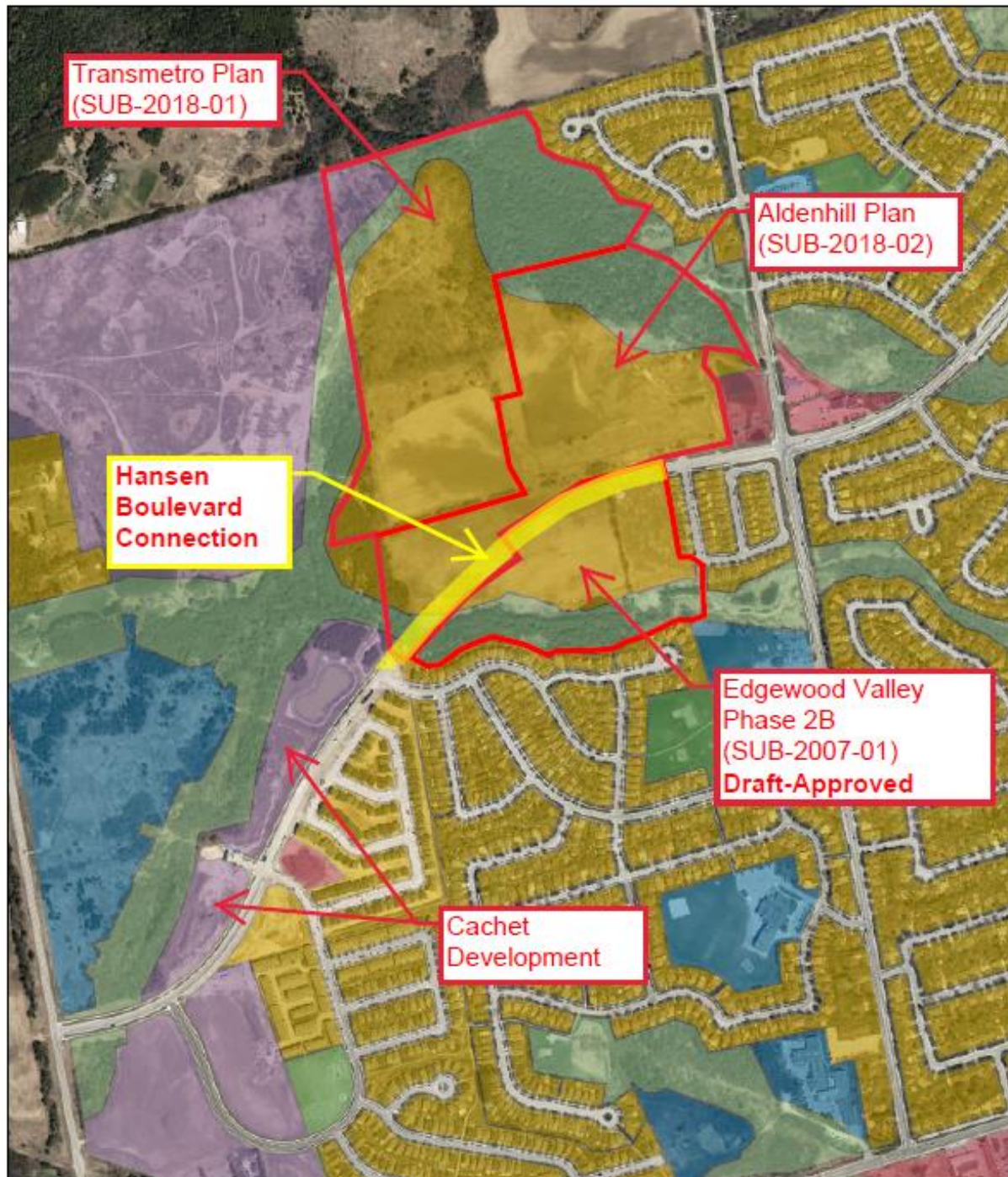
Hansen Boulevard is a Major Collector Road planned to span continuously east to west across the northern part of the Town's urban area, connecting First Street near Highway 10 at the east, with Veteran's Way (County Road 16) to the west. The western stretch of this road (i.e. between Veteran's Way and Blind Line) has been completed more recently as the different landholdings upon which this corridor is situated have advanced through subdivision application approvals. There are two segments of the Hansen Boulevard corridor remaining to complete the continuous stretch of this road:

1. Crossing over the South Lower Monora Creek:

This is being completed by the Town as a capital infrastructure project funded by development charges. The engineering design has been completed and received agency approval. The Town has awarded a contract for construction to begin, which is expected to be completed by September 2022.

## 2. Segments within draft plans of subdivisions:

The last remaining segment to complete Hansen Boulevard is contained within two draft plans of subdivision referred to as the **Edgewood Valley Phase 2B Plan** (SUB-2007-01) and the **Aldenhill Plan** (SUB-2018-02). The subdivision lands that include the remaining Hansen Boulevard segments are illustrated below:



The Edgewood Phase 2B Plan of Subdivision was draft-approved on February 17, 2021. As with any draft-approved plan of subdivision, all conditions of draft approval must be satisfied to obtain final approval. Clearance of draft approval conditions involve completing the design and construction of the infrastructure within the plan. If all conditions are not satisfied within a specified timeframe (i.e., 3-years from draft-approval), the approval would lapse, or the proponent would need to obtain an extension approval from Council.

Draft-approval condition no's. 32 and 33 for the Edgewood Phase 2B Plan require that the entire remaining segment of Hansen Boulevard be designed and constructed by the developer before final approval of the Edgewood Phase 2B plan. The draft approval includes a lapsing date of three (3) years from the date of draft-approval. This means that the developer for the Edgewood Phase 2B plan is obligated to complete the design and construction of the Hansen Boulevard connection by February 17, 2024. Otherwise, the draft-approval would lapse, or the developer would need to apply for an extension approval. Staff understand that the subject lands may be sold to another developer, however this draft-approval status remains, and a new owner can resume the approval process subject to the same conditions and timeframes.

Another element of draft-approval condition fulfillment involves the Town entering into agreement(s) with the developer to ensure obligations are fulfilled to the Town's satisfaction. An agreement would further stipulate terms for the developer to construct Hansen Boulevard in accordance with an approved engineering design, and to the Town's standards. Financial securities would also be provided by the developer equal to the anticipated costs to construct the road. A stipulation would require the construction to be completed with a specified timeframe.

### **Cachet Development Proposal and Hansen Boulevard Connection**

A traffic impact study (TIS) was prepared by a traffic engineer and submitted in support the Cachet Development proposal. It examined the effects of the traffic to be generated by the new development on existing and future traffic conditions in the area without the Hansen Boulevard connection. It also looked at future traffic impacts with Hansen Boulevard fully connected.

The report concluded that under current conditions without the Hansen Boulevard connection, the proposed development is supportable from a traffic operations perspective. The analysis demonstrated that it would result in only minor impacts, with no road/intersection improvements being warranted under these conditions as a result. The report also looked at traffic impacts resulting from the development proposal under future conditions with the Hansen Boulevard connection in place. It concluded that under these conditions (i.e. Hansen Boulevard connected), traffic signals at the Hansen Boulevard and Veteran's Way / Dufferin County Road 16 will be required. This recommendation is consistent with the findings of the original Traffic Impact Study prepared for the broader area in 2016, which contemplated an eventual signalization of this intersection. The report also recommended future monitoring of the Hansen



Boulevard and Gibson Court intersection to determine if traffic signals may be required at this intersection as future development occurs in the area.

With the conclusions of the Traffic Impact Study demonstrating that the development is supportable under current conditions from a traffic impact perspective, it would be difficult for the Town to prove to the Tribunal that this development is premature until the Hansen Boulevard connection is in place.

Following Council's direction of November 8, 2021 to proceed with in-principle support of the applications before the Tribunal, and to execute minutes of to this effect, staff and the Town's solicitor proceeded to negotiate a settlement of the appeal with the developer. Acknowledging the concerns of Council and the public with this development proceeding without Hansen Boulevard connected and recognizing that there has been no traffic engineering demonstration to support this development being deferred until the road is fully connected, a condition was negotiated in the minutes-of-settlement that would prevent occupancy of 50% of the development (i.e., 2 of the 4 buildings) until Hansen Boulevard is fully constructed. This was agreed upon as a reasonable approach to address concerns with the status of the Hansen Boulevard connection relative to this development proceeding. It would allow further approval processes and potentially allowing construction to proceed as well (recognizing that it is users/occupants that contribute to traffic more so than site construction). Notwithstanding this, it is recognized that the timing for completing Hansen Boulevard is realistically anticipated in the near future.

To provide additional response to the concerns raised, staff have investigated opening an immediate connection with College Avenue and Hansen Boulevard. Staff have commissioned a traffic impact study to determine if the road network would have capacity to safely accommodate traffic flows under various current and future scenarios. More information about this concept is included in staff report INS-2022-038.

Based on the additional information contained herein and the recommendations contained within report INS-2022-038, staff recommend that Council endorse the form of the Official Plan and Zoning By-law amendments included as Attachment No's 2 and 3 of this report respectively, in support of the Cachet development. This endorsement would be consistent with the previous approval endorsement of the development proposal and follows the direction of the Tribunal's in-principle approval of the applications.

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## **Strategic Alignment**

### **Orangeville Forward – Strategic Plan**

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

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**Sustainable Neighbourhood Action Plan**

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities.

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**Notice Provisions**

There are no notice provisions applicable to this report. Because the applications have been appealed the approval remains to be finalized with the Tribunal, any public notification protocols (if any) with respect to this matter would subject to the direction of the Tribunal.

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**Financial Impact**

There may be financial impacts anticipated to the Town arising from this report, should Council choose not to endorse the recommendations contained herein.

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Respectfully submitted

Gary Kocialek  
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**Attachment(s):** 1. Official Plan Amendment  
2. Zoning By-law Amendment