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# **PLANNING JUSTIFICATION REPORT**

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## **TEMPORARY USE ZONING BY-LAW AMENDMENT**

NUCON PROPERTY DEVELOPMENT INC.  
10795 Highway 9  
Town of Caledon

September 2019  
GSAI File # 972-002

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**Planning Justification Report  
Temporary Use Zoning By-law Amendment  
10795 Highway 9  
Town of Caledon**

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## **1.0 INTRODUCTION**

Glen Schnarr and Associates Inc. has been retained by NUCON PROPERTY DEVELOPMENT INC. to provide professional planning advice and to assist in obtaining the necessary planning approvals to permit for a temporary contractor’s facility, business office, open storage area accessory and gasoline pump island accessory for a period of three (3) years (here in referred to as the “proposed temporary uses”) on the lands municipally known as 10795 Highway 9 (here in referred to as the “subject property”). The subject property is located south of the Highway 9 west of the Tottenham Road intersection, in the Town of Caledon, as illustrated on *Figure 1 – Aerial Context Plan*.

The purpose of this report is to outline the details of the proposed temporary uses and to evaluate their conformity in the context of the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2019), the Region of Peel Official Plan (2016), and the Town of Caledon Official Plan (Office consolidation April 2018).

## **2.0 SITE AND SURROUNDINGS**

The following sections describes the subject property’s context, adjacent land uses, and the surrounding area.

### **2.1 SITE DESCRIPTION**

The subject property is located approximately 70 metres west of the t-intersection of Highway 9 and Tottenham Road, on the south side of Highway 9, along the Town’s municipal north boundary (refer to *Figure 1 – Aerial Context Plan*).

The subject property is legally described as:

Legal Description: PT LT 26 CON 10 ALBION PT 1, 43R17925; CALEDON

Pin: 14340-0015



**FIGURE 1**

**10795 HIGHWAY 9**

**AERIAL CONTEXT PLAN**

 Subject Property



Scale: N.T.S.  
July 15, 2019

The subject property is an irregular shaped parcel, with an area of 3.95 hectares (9.76 acres) and a frontage of approximately 42.2 metres along Highway 9. The subject property contains a two-storey building fronting Highway 9 used as an office, an industrial building in the rear with open storage (refer to *Appendix I: Photo 1*).

## 2.2 IMMEDIATE SURROUNDING AREA

Adjacent land uses include:

North: The property immediately to the north of the subject property 1008 Tottenham Road, is located in the town of New Tecumseth, and contains a large woodlot (refer to *Appendix I: Photo 2*).

East: The property immediately to the east of the subject property, 10819 Highway 9, contains an industrial building, and a two storey detached dwelling at the rear (refer to *Appendix I: Photo 3 & 4*).

South: The property immediately to the south of the subject property (14340-002), contains a woodlot, owned by the Town Caledon.

West: The property immediately to the west of the subject property, 10789 Highway 9, contains a one-storey single detached dwelling refer to (refer to *Appendix I: Photo 5*). Further West along Old 9 Highway is Brock Aggregates a Sand and Gravel supplier yard ( refer to *Appendix I: Photo 6*).

## 2.3 SURROUNDING AREA

The subject property is located in the Palgrave Estate Residential Community, which contains a mix of residential, commercial, agricultural and industrial uses. The immediate surrounding area is characterized by large lots with agricultural and industrial uses with the exception of Tecumseth Pines, a residential subdivision one (1) kilometre northeast of the subject property that contains small detached dwellings (refer to *Appendix I: Photo 7*).

Further east along Highway 9, the area remains primarily industrial with a mix of agricultural and commercial uses including a garden centre and a dog shelter (refer to *Appendix I: Photo 8, 9, 10*). Further west from the subject property contains a mix of residential dwellings along Old 9 Highway (*Appendix I: Photo 11*), and industrial uses such as sand and a gravel supplier (*Appendix I: Photo 6*). Further west along Highway 9 is characterized by large scale agricultural operations and industrial uses, such as an automotive salvage yard (refer to *Appendix I: Photo 12*).

Within the context of the Town, the subject property is located along Caledon's north boundary, fronting onto Highway 9, which is a designated as a "Major Road" and a "Transportation Corridor" for the Region. As such, Highway 9 is generally characterized by industrial and agricultural uses.

### **3.0 HISTORICAL USE AND PREVIOUS APPLICATIONS**

The subject property was used for a number of different uses over the years. In the 1960s the subject property was used for a restaurant and an ice cream parlour on the northern portion of the property, while the southern portion was used for an abattoir. During the 1970s the southern portion of the subject property began to be used as contractor's yard, which included the storage of various construction related machinery, while the northern portion continued to be used for a restaurant. In 2002 the subject property was purchased by numbered company 1546180 Ontario Inc. and was used for the storage and repair of construction equipment, heavy trucks and trailers. The company operated its office from the building fronting the street, which was formerly used as a restaurant. The property was purchased by Nucon Property Development Inc. in 2006 and Lion's Demo has since been operating a contractor's yard, business office, open storage area accessory and gasoline pump island accessory.

Upon purchasing the property in 2006, the owner of the subject property applied for a Site Plan Application to construct an addition to the existing commercial garage on the subject property. Through the Town's review of the Site Plan Application, the Zoning Administrator identified the proposed expansion of uses do not conform to the existing Rural (A2) Zone on the subject property. As a result, staff requested a Minor Variance application be submitted to permit the expansion of the legal non-conforming use of a Motor Vehicle Repair Facility. Subsequently, the owner of the subject property submitted a Minor Variance application, which was approved on May 16, 2007.

In 2009, the owner of the subject property received a notice letter from Town of Caledon indicating that the uses on the subject property were not in conformance with the Zoning By-law, as not all of the equipment and material being stored on the property were considered accessory to the Motor Vehicle Repair Facility. As a result, the owner of the subject property contacted the Town of Caledon indicating the intent to proceed with a Minor Variance application to address the non-conforming Open Storage issues. Staff indicated an Official Plan Amendment, Zoning By-law Amendment and Site Plan Application may be required in order to seek these permissions.

In 2017, the owner of the subject property submitted a Legal Non-Conforming Use Application to the Town of Caledon requesting that the description of the Legal Non-Conforming Use be revised from a Motor Vehicle Repair Facility to Contractors Yard, Office and Outside Storage. Furthermore, the Town reiterated that an Official Plan Amendment, Zoning By-law Amendment and Site Plan Application would likely be required to permit the uses sought by the owner of the lands.

## 4.0 PROPOSED DEVELOPMENT

Nucon Property Development Inc. is proposing the temporary use of a contractor's yard, business office, open storage area accessory and gasoline pump island accessory on the subject property for a period of three (3) years as shown on the *Development Concept Plan* (refer to *Appendix II: Development Concept Plan*). The subject property will maintain the existing access points along Highway-9 which provide access to the surface parking lot in the front of the building and the rear lot. All existing setbacks and landscaping will be maintained through the temporary use application process.

Nucon Property Development Inc. is seeking temporary use permissions on the subject property for a temporary period with the anticipation that it could relocate as the business expands. As such, Nucon Property Development Inc. may revert the subject property back to the Legal Non-conforming uses or sell the property in the future.

### 4.1 PROPOSED TEMPORARY USE ZONING BY-LAW AMENDMENT

The subject property is currently zoned Rural – Oak Ridges Moraine “A2-ORM” and Environmental Policy Areas 2 – Oak Ridges Moraine “EPA2-ORM”. The Rural – Oak Ridges Moraine zone primarily permits agricultural and farm related uses such as farm equipment storage, livestock facility and open storage, accessory. The Environmental Policy Areas 2 zone is more restrictive, and permits uses related to existing agricultural, forest management and utilities.

In order to permit the proposed temporary uses of a contractor's yard, business office, open storage area accessory and gasoline pump island accessory for a period of three (3) years, amendments to the Town of Caledon's Zoning By-law 2006-50 are required. As such, the proposed temporary Zoning By-law Amendments (the “ZBLA”) will provide the following designations:

1. Rezone the portion of the subject property from “A2 - ORM” to “A2 – ORM - T#” to permit the proposed business office use for a period of three years;
2. Rezone the portion of the subject property from “EPA2 - ORM” to “EPA2 – ORM - T#” to permit the proposed contractor's facility, open storage area accessory and gasoline pump island accessory for a period of three (3) years;
3. Amend the minimum lot area;
4. Amend frontage; and
5. Amend the setbacks.

The proposed zoning amendments are outlined in further detail in the Temporary Use Zoning By-Law Amendments contained in *Appendix III* of this Report

## 5.0 SUMMARY LIST OF APPLICABLE DESIGNATIONS

Due to the complexity of the subject property and surrounding area, there are a number of different land use designations and identifiers that are referenced in this Report, which have their origins in several different applicable policy reports. Accordingly, for ease of reference, the following is a list of the subject property’s designations/identifiers in various applicable Provincial, Regional and Municipal documents. This is intended to be used a guide for reading this Report.

Table 1: Applicable Designations

<b>Policy Document</b>	<b>Designations</b>
<b>Growth Plan (2019)</b>	- <b>Greenbelt Area</b>
<b>Oak Ridges Moraine Conservation Plan (2017)</b>	- <b>Natural Linkage Area</b> - <b>High Aquifer Vulnerability</b> - <b>Landform Conservation Areas (Category 2)</b>
<b>Greenbelt Plan (2017)</b>	- <b>Oak Ridges Moraine Conservation Plan Area</b>
<b>Region of Peel Official Plan (Office Consolidation 2016)</b>	- <b>Estate Residential Community</b> - <b>Natural linkage Area</b> - <b>High Aquifer Vulnerability</b>
<b>Town of Caledon Official Plan (Office Consolidation 2018)</b>	- <b>Palgrave Estate Residential Community</b> - <b>Policy Area 4</b> - <b>Settlement Area</b> - <b>Environmental Zone 1</b> - <b>Natural Linkage Area</b> - <b>High Aquifer Vulnerability</b> - <b>Landform Conservation Area Category 2</b>

## 6.0 CURRENT LAND USE ANALYSIS

As required by Sections 2 and 3 of the *Planning Act*, the following sections demonstrates the proposed Temporary Use Zoning By-law Amendments' consistency with the Provincial Policy Statement (2014) and conformity with the Places to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Region of Peel Official Plan (Office Consolidation 2016), and the Town of Caledon Official Plan (Office Consolidation April 2018).

### 6.1 Provincial Policies

#### 6.1.1 Provincial Policy Statement (2014)

As set out in the Provincial Policy Statement, 2014 (the "PPS") Ontario's long-term prosperity depends on a coordinated approach for wisely managing change and promoting efficient development patterns that result in strong, healthy and complete communities. This is achieved by balancing the environment, public health, and safety while creating economically sustainable built environments (Section 1.0). In this regard, the PPS provides a high-level policy foundation that promotes and enhances the concept of a complete community.

The PPS promotes efficient development patterns by directing growth to settlement areas and discouraging unnecessary and inefficient expansion of these areas. It does so by encouraging the effective use of existing and planned infrastructure and by accommodating a mix of uses. The PPS includes the following relevant policies:

- 1.1.1 *Healthy, liveable and safe communities are sustained by:*
- a. *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
  - b. *accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
  - c. *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
  - d. *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
  - e. *promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*

- f. *improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g. *ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h. *promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The proposed Temporary Use By-law amendment is consistent with Section 1.1.1 of the PPS as it contributes to the provision of a range of employment uses that meet the long-term economic needs of the Town. The subject property is located in the Palgrave Estate Residential Community, in an area predominantly made up of industrial and agricultural uses (*Figure 2 Region of Peel – Schedule D – Regional Structure*). The proposed temporary contractor’s yard, business office, open storage area accessory and gasoline pump island accessory uses are consistent with the uses and character of the area (refer to Section 2.0 Site and Surrounding of this Report). Moreover, the proposed temporary uses have operated on the subject property since 2006 and would not require any additional infrastructure or services to operate for the temporary period of three (3) years. Therefore, the proposed temporary uses represent an efficient land use pattern as well an efficient use of existing services and infrastructure. In addition, the proposed temporary uses operate similarly to the permitted legal nonconforming motor vehicle repair facility, therefore the proposed temporary uses would not adversely impact the functionality of the subject property and are consistent with Policies 1.1.1 of the PPS.

Section 1.1.4 Rural Areas in Municipalities of the PPS includes the following relevant policies:

- 1.1.4.1 *Healthy, integrated and viable rural areas should be supported by:*
  - a. *Building upon rural character, and leveraging rural amenities and assets;*
  - b. *promoting regeneration, including the redevelopment of brownfield sites;*
  - d. *encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
  - e. *using rural infrastructure and public service facilities efficiently;*
  - f. *promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management of resources;*
- 1.1.4.2 *In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.*
- 1.1.4.3 *When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural*

*characteristics, the scale of development and the provision of appropriate service levels.*

The proposed temporary uses are consistent with the policy direction of Section 1.1.4 Rural Areas in Municipalities through proposing temporary uses that leverage the existing services available. Furthermore, the proposed temporary uses will diversify the economic base and employment opportunities of the area, while maintaining the rural character.

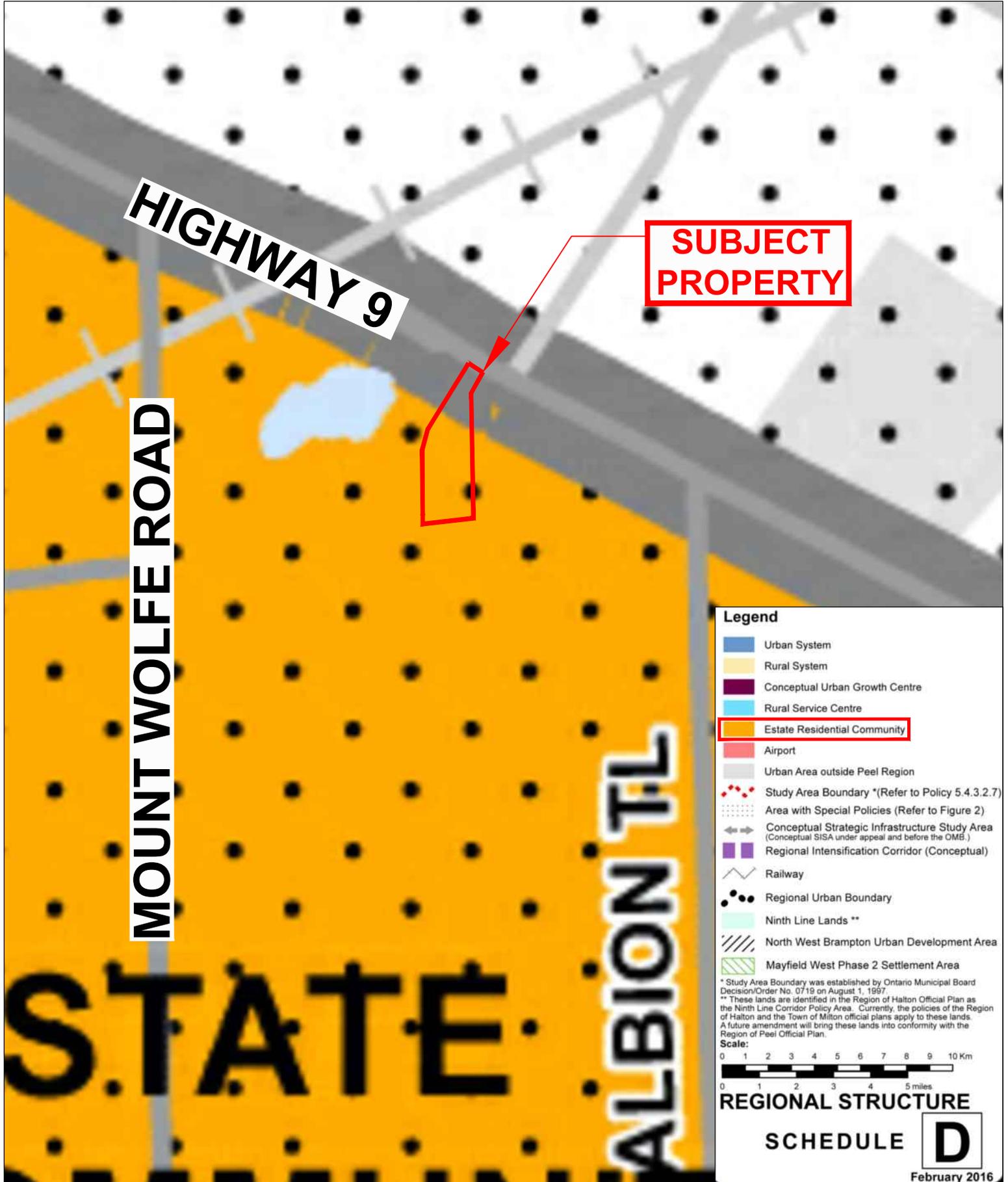
Section 1.3 Employment and 1.7 Long Term economic prosperity of the PPS provides the following relevant policies:

*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;*
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

*1.7.1 Long-term economic prosperity should be supported by:*

- a. promoting opportunities for economic development and community investment-readiness;*
- b. optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;*



**FIGURE 2**  
**REGION OF PEEL - SCHEDULE D**  
**REGIONAL STRUCTURE**

— Subject Property



Scale: N.T.S.  
 July 15, 2019

The PPS outlines the importance of planning authorities promoting economic development and competitiveness, through the provision of an appropriate mix and range of employment uses. The permission of the proposed temporary uses for a temporary period of three (3) years is consistent with these policies. The proposed temporary uses also support and are consistent with the promoting economic development within the Town of Caledon, while the temporary nature will preserve the long-term availability of land for both future economic and environmental uses.

The proposed temporary uses will therefore support economic development and contribute to providing a range of employment uses in the Region and in the Town of Caledon. The proposed temporary uses represent an efficient use of land and services while preserving long-term availability of the land for uses consistent with the Regional and Municipal policies. Therefore, the proposed Temporary Use Zoning By-law Amendments are consistent with the policy directives of the PPS.

### **6.1.2 The Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan for the Greater Golden Horseshoe, 2019 (the “Growth Plan”) is a long-term plan intended to manage growth through building complete communities, curbing sprawl and protecting the natural environment. The Growth Plan builds upon the previous Growth Plan (2017) and responds to the key challenges that the region will face over the coming decades with enhanced policy directions.

Growth Plan policies that are relevant to the proposed Temporary Use Zoning By-law Amendment are found in Section 2.2.a Managing Growth, 2.2.5 Employment and 2.2.9 Rural Areas, which includes the following policies:

- 2.2.1.2 *Forecasted growth to the horizon of this Plan will be allocated based on the following:*
  - a. *the vast majority of growth will be directed to settlement areas that:*
    - i. *have a delineated built boundary;*
    - ii. *have existing or planned municipal water and wastewater systems; and*
    - iii. *can support the achievement of complete communities;*
  - b. *growth will be limited in settlement areas that:*
    - i. *are rural settlements;*
    - ii. *are not serviced by existing or planned municipal water and wastewater systems; or*
    - iii. *are in the Greenbelt Area;*
  
- 2.2.5.1 *Economic development and competitiveness in the GGH will be promoted by:*
  - a. *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*

- b. *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c. *planning to better connect areas with high employment densities to transit; and*
- d. *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

2.2.9.1 *Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlement areas to serve the needs of rural residents and area businesses.*

2.2.9.3 *Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:*

- a. *the management or use of resources;*
- b. *resource-based recreational uses; and*
- c. *other rural land uses that are not appropriate in settlement areas provided they:*
  - i. *are compatible with the rural landscape and surrounding local land uses;*
  - ii. *will be sustained by rural service levels; and*
  - iii. *will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.*

The proposed temporary uses represent limited growth within the “Greenbelt Area” through operating within the existing buildings on the property. The proposed temporary uses will also promote the economic development and competitiveness of the area by maintaining an existing employment use and contribute to the Town’s employment densities. Moreover, the proposed temporary uses conform with the Growth Plan’s intent of retaining and attracting employment. The proposed temporary uses will contribute to a variety of economic opportunities within a rural area that will service local businesses.

The Growth Plan also permits development outside of the settlement areas on rural lands provided the use and development is compatible with the local areas, and can be sustained by rural services, while not adversely affecting the surrounding uses. The temporary nature, and the historical uses on the subject property, demonstrate that the proposed temporary uses are compatible within the area. In addition, no changes to the subject property are required to permit the proposed temporary uses to continue to operate. Therefore, the proposed temporary uses conform with Policies 2.2.5 Employment and 2.2.9 Rural Areas of the Growth Plan.

The intent of the Growth Plan is to ensure there is a sufficient amount of land available for employment uses that support a diversified economy and meet the growth targets. The proposed temporary ZBLAs will enable an existing employment use to continue operating on the subject

property for a period of three (3) years, contributing to the Town's employment while preserving the land for future uses that align with the Official Plan's designation. Therefore, the proposed temporary uses conform to the economic policies and rural area policies contained within the Growth Plan.

### 6.1.3 Oak Ridges Moraine Conservation Plan (2017)

The Oak Ridges Moraine Conservation Plan (ORMCP) provides both land use and resource management direction for 190,000 hectares of land and water within the Moraine. The Moraine contains a unique concentration of environmental, geological and hydrological features that are vital to the south-central Ontario ecosystem. Municipal plans are required to be brought into conformity with the plan and to be consistent.

Section 6 Existing uses, buildings and structure, 12 Natural Linkage Areas, 29 Areas of High Aquifer Vulnerability, and 30 Landform conservation area of the Oak Ridges Moraine Conversation Plan outlines policies related to the proposed temporary Zoning By-law Amendments.

#### *Plan Objectives*

- a. *protecting the ecological and hydrological integrity of the Oak Ridges Moraine Area;*
- b. *ensuring that only land and resource uses that maintain, improve or restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted;*
- c. *maintaining, improving or restoring all the elements that contribute to the ecological and hydrological functions of the Oak Ridges Moraine Area, including the quality and quantity of its water and its other resources;*
- d. *ensuring that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations;*
- e. *providing for land and resource uses and development that are compatible with the other objectives of the Plan;*
- f. *providing for continued development within existing urban settlement areas and recognizing existing rural settlements;*
- g. *providing for a continuous recreational trail through the Oak Ridges Moraine Area that is accessible to all including persons with disabilities; and*
- h. *providing for other public recreational access to the Oak Ridges Moraine Area; and, any other prescribed objectives.*

The proposed temporary uses conform with the Oak Ridges Moraine Conservation Plan objectives as it maintains the ecological and hydrological function of the area by not proposing any changes to the subject property's existing conditions. In addition, the proposed temporary nature of the

uses will not prevent any future restoration or improvements to the subject property. The subject property is not within an identified existing urban or rural settlement, however Highway 9 is characterized by industrial and agricultural uses, suggesting the proposed temporary uses are compatible with the surrounding uses (refer to Section 2.0 Site and Surroundings of this Report).

Section 6 Existing uses, buildings and structure of the ORMCP contains the following relevant policies to the proposed Amendments:

- 6. (6) *Nothing in this Plan applies to prevent the conversion of an existing use to a similar use, if the applicant demonstrates that the conversion,*
  - a. *will bring the use into closer conformity with this Plan; and*
  - b. *will not adversely affect the ecological integrity of the Plan Area*

The proposed temporary uses would not adversely affect the ecological integrity of the plan area as similar uses previously existed on the subject property. Moreover, the proposed temporary ZBLAs proposes uses that operate and function similarly to the legal non-conforming motor vehicle repair facility.

Section 12. Natural Linkage Areas of the ORMCP contain the policies for maintaining and where possible improving the ecological integrity of the Plan Area. A portion of subject property is designated “Natural Linkage Area” by the ORMCP, relevant policies include:

- 12. (1) *The purpose of Natural Linkage Areas is to maintain, and where possible improve or restore, the ecological integrity of the Plan Area, and to maintain, and where possible improve or restore, regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors, by,*
  - a. *maintaining, and where possible improving or restoring, the health, diversity, size, and connectivity of key heritage features, hydrologically sensitive features and the related ecological functions;*
  - b. *maintaining, and where possible improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals;*
  
- 12. (2) *Natural Linkage Areas also have the objectives of,*
  - a. *accommodating a trail system through the Plan Area and trail connections to it;*
    - a1. *conserving cultural heritage resources;*
    - a2. *contributing to a regional network of green infrastructure; and*
  - b. *providing for limited economic development that is compatible with clauses (a) to (a.2) and subsection (1).*

12. (3) *The following uses are permitted with respect to land in Natural Linkage Areas, subject to Parts III and IV:*
1. *Fish, wildlife and forest management.*
  2. *Conservation projects and flood and erosion control projects.*
  3. *Agricultural uses.*
  4. *Transportation, infrastructure, and utilities as described in section 41, but only if the need for the project has been demonstrated and there is no reasonable alternative.*
  5. *Home businesses.*
  6. *Home industries.*
  7. *Bed and breakfast establishments.*
  8. *Farm vacation homes.*
  9. *Low-intensity recreational uses as described in section 37.*
  10. *Unserviced parks.*
  11. *Mineral aggregate operations.*
  12. *Wayside pits.*
  13. *Uses accessory to the uses set out in paragraphs 1 to 12*

The proposed temporary uses on the subject property do not require any additional infrastructure and will operate within the existing buildings and open space, maintaining the existing regional-scale open space linkages. Though the proposed temporary uses are not permitted uses for “Natural Linkage Areas”, the proposed uses are temporary in nature enabling the future opportunity for improvements to connections within the “Natural Linkage Areas” when it is more appropriate.

Section 29 Areas of High Aquifer Vulnerability provide specific policies for the permitted uses which the proposed temporary uses conform with. Applicable policies include:

29. (1) *Despite anything else in this Plan except subsection 6 (1) and subsection (1.1) of this section, the uses listed in subsection (5) are prohibited with respect to land in areas of high aquifer vulnerability, as shown on the map entitled “Reference Map for Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) made under the Oak Ridges Moraine Conservation Act, 2001” dated March, 2002, on file in the offices of the Ministry of Municipal Affairs at Toronto.*
- (5) *Subsection (1) applies to the following uses:*
1. *Generation and storage of hazardous waste or liquid industrial waste.*
  2. *Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities.*
  3. *Underground and above-ground storage tanks that are not equipped with an approved secondary containment device.*

*4. Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.*

The proposed temporary uses conform with the ORMCP Areas of High Aquifer Vulnerability policies through proposing uses that are permitted and contain secondary containment devices.

Section 30 Landform conservation areas of the ORMCP contain policies related to the “Landform conservation areas (Category 2)” designation, which a portion of the subject property is designated by the ORMCP. Relevant policies include:

30. (6) *An application for development or site alteration with respect to land in a landform conservation area (Category 2) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including,*
- a. maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;*
  - b. limiting the portion of the net developable area of the site that is disturbed to not more than 50 per cent of the total area of the site; and*
  - c. limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 per cent of the total area of the site.*

The proposed Amendments conform with Polices 30. (6) of the ORMCP as the proposed temporary uses do not alter the existing conditions of the subject property therefore maintaining all landform features present. In addition, the proposed uses conform with ORMCP policies related to developable area and impervious surfaces as the existing conditions will be maintained with no changes to support the proposed temporary uses.

The intent of Oak Ridges Moraine Conservation Plan provides policies for the conservation and management of both land and water within the moraine. The proposed temporary ZBLAs enable existing uses to continue to operate for a temporary period, without any changes to the conditions on property, therefore preserving the natural features and conditions of the property. The proposed temporary uses, generally conform with the plan’s objectives as well as the policies for Existing Uses, Natural Linkage and Landform Conservation area of the Oak Ridges Moraine Conservation Plan.

#### **6.1.4 Greenbelt Plan (2017)**

The subject property is located within the Greenbelt Area but remains designated within the Oak Ridges Moraine Area. Section 2.1 Lands within the Oak Ridges Moraine Area in the Greenbelt Plan states that the Oak Ridges Moraine Conservation Act, 2001, continues to apply and that the Protected Countryside policies do not apply to lands within the Oak Ridges Moraine Area.

- 2.1 *Lands within the Oak Ridges Moraine Area*  
*The requirements of the ORMCP (Ontario Regulation 140/02), made under the Oak Ridges Moraine Conservation Act, 2001, continue to apply and the Protected Countryside policies do not apply, with the exception of section 3.3.*

Therefore, the policies of the Greenbelt Plan do not apply to the proposed temporary use ZBLAs.

## **6.2 Regional Policies**

### **6.2.1 Region of Peel Official Plan (Office Consolidation December 2016)**

The Region of Peel Official Plan (the “Regional Plan”) provides Regional Council with a long-term strategic policy framework for guiding growth and development in Peel. The plan also focuses on the protection of the environment, managing renewable and non-renewable resources, and outlining a regional structure that manages growth in the most efficient manner (1.1). The Regional Plan must be consistent and conform with the policies of the PPS and the Growth Plan, respectively.

The subject property is located within the Palgrave “Estate Residential Community” designation as shown on *Figure 2 – Regional of Peel Schedule D*. The General Objectives and Policies of the “Estate Residential Community” that are relevant to the proposed temporary uses include:

- 5.4.4.1.2 *To provide estate residential housing lifestyle options in Peel.*

The proposed temporary uses align with the objectives of the “Estate Residential Community” designation as it will maintain existing employment opportunities for residents living within the community. The Regional Official Plan has directed the Town of Caledon to consider only new residential development in Palgrave Estate suggesting there is a growing need for employment opportunities within the area, which the proposed temporary uses will meet. The proposed temporary ZBLAs will contribute to employment in the community and conforms with the Policy Objectives 5.4.4.1 of the Regional Plan.

The subject property is also located within the “Natural Linkage Areas” designation of the Oak Ridges Moraine Conservation Plan, as shown on *Figure 3 – Region of Peel Schedule D1 – Oak Ridges Moraine Conservation Plan*. Policy 2.2.9.3.7 provides the following policy direction regarding the “Natural Linkage Areas” and designation:

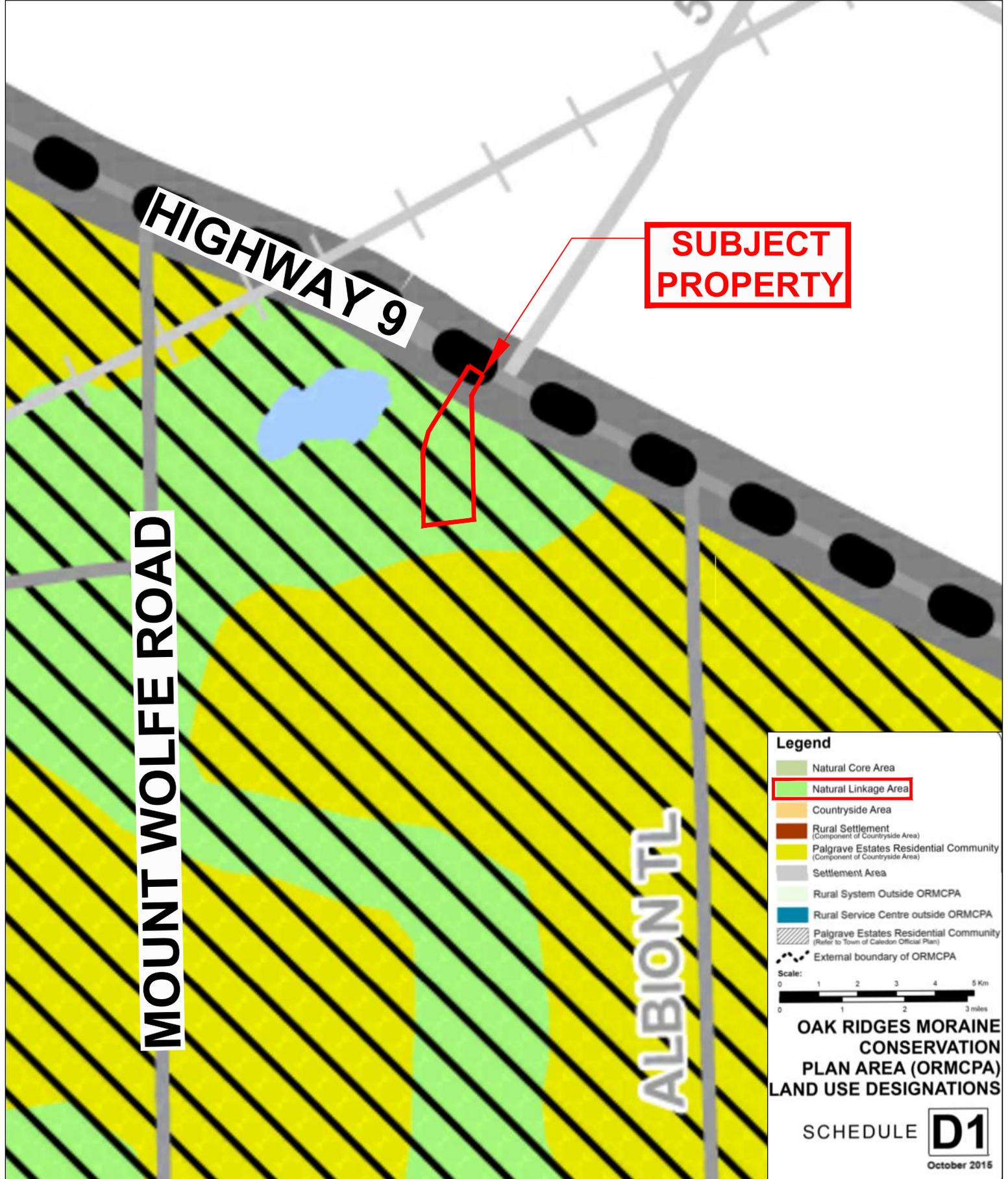
- 2.2.9.3.7 *Identify the boundaries of the land use designations on Schedule D1 and to recognize that the boundaries may be further refined by the Town of Caledon when the Town’s Official Plan and Zoning By-law are amended in accordance with Sections 9 and 10 of the Oak Ridges Moraine Conservation Act, 2001.*

*The following policies indicate the general purpose and intent of each of the ORMCP land use designations, and provide general direction regarding permitted uses. These policies are to be supported by detailed policies in the Town of Caledon Official Plan.*

*Existing uses are allowed to continue and a single dwelling can be built on an existing lot of record, where permitted by the Town of Caledon's Zoning By-law prior to November 15, 2001. Uses and structures accessory to existing uses are allowed subject to all applicable provisions of the Town of Caledon Official Plan and the ORMCP.*

- b. Natural Linkage Areas - Maintain, and where possible, improve or restore ecological integrity and open space linkages between Natural Core Areas, river valleys, and stream corridors. New permitted uses include those that are permitted in Natural Core Area's as well as mineral aggregate operations and wayside pits, subject to other provisions in the ORMCP.*

The Regional Official Plan states that "Natural Linkage Areas" are intended when possible to improve or restore the ecological integrity and open space linkages of natural core areas, river valleys and stream corridors. The proposed temporary uses would not hinder the future opportunity of the subject property to improve the ecological integrity as the uses are temporary in nature. The temporary proposed uses are also similar in function to the legal non-conforming motor vehicle repair facility and are not a more intense use of the subject property. Moreover, the proposed temporary uses do not require any site alteration to operate on the subject property. As noted above the proposed temporary Amendments conform with Policy 2.2.9.3.7 of the Regional Plan.

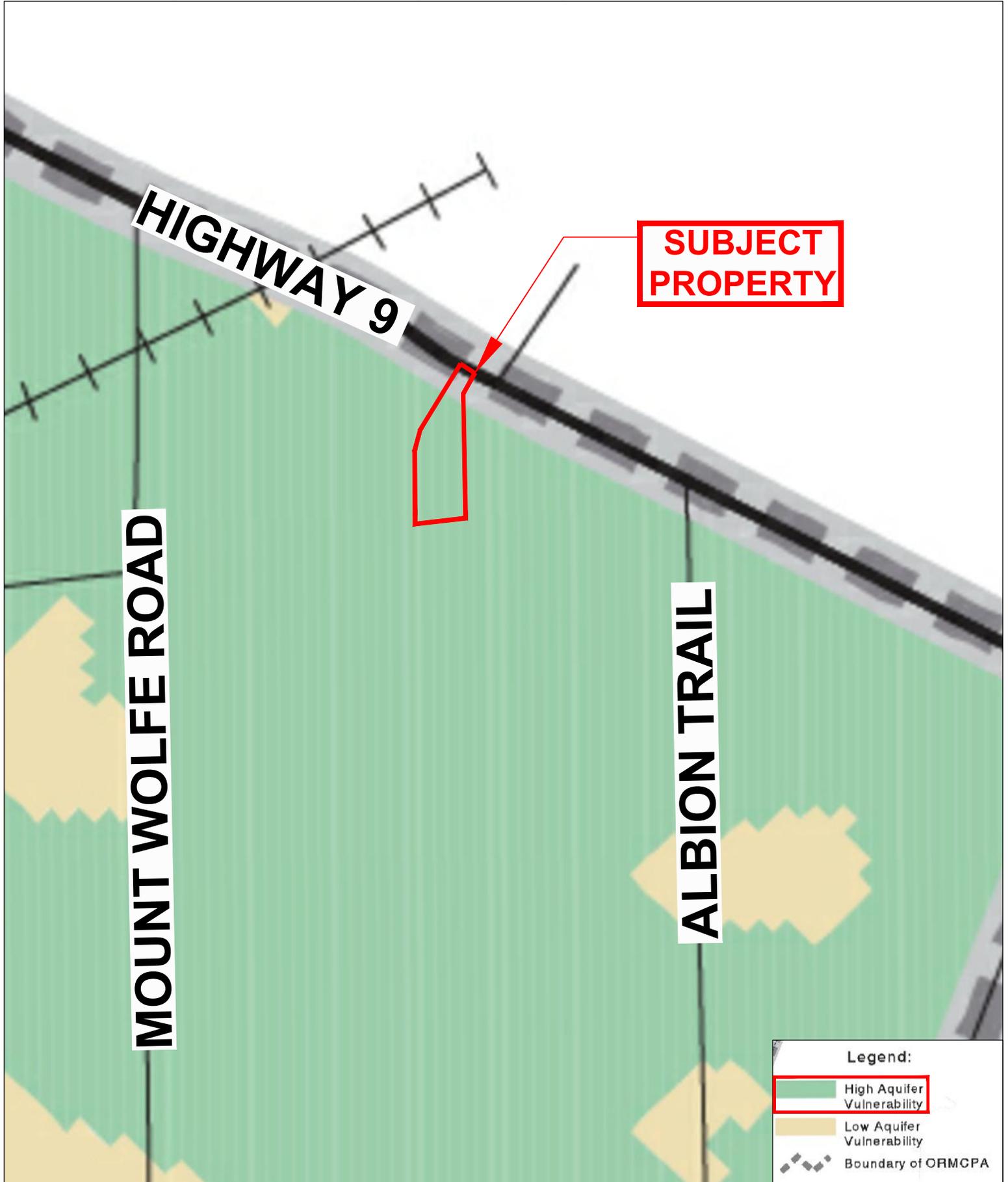


**FIGURE 3**  
**REGION OF PEEL - SCHEDULE D1**  
**OAK RIDGES MORAINÉ CONSERVATION**  
**PLAN AREA (LAND USE DESIGNATIONS)**

— Subject Property



Scale: N.T.S.  
 July 15, 2019



**FIGURE 4**  
**REGION OF PEEL - SCHEDULE D2**  
**AQUIFER VULNERABILITY AREAS IN PEEL FOR THE**  
**OAK RIDGES MORAINÉ CONSERVATION PLAN AREA**

— Subject Property



Scale: N.T.S.  
July 15, 2019

In addition to the “Natural Linkage Areas” designation, the subject property is within the “High Aquifer Vulnerability” designation by the Regional Plan, as shown on *Figure 4 – Region of Peel Schedule D2 – Aquifer Vulnerability Areas in Peel for the Oak Ridges Moraine Conservation Plan Area*. This designation indicates the area’s ground water is susceptible to contamination from both human activity and natural resources. Policy 2.2.9.3.30 of the Regional Official Plan provides the following direction:

2.2.9.3.30

*Direct the Town of Caledon to prohibit, except in accordance with Section 6 (1) of the ORMCP and subject to jurisdictional limitations, in areas of high aquifer vulnerability within the ORMCPA, the generation and storage of hazardous waste or liquid waste; waste disposal sites and facilities, organic conditioning sites, and snow storage and disposal facilities; underground and above ground storage tanks that are not equipped with an approved secondary containment device; and storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.*

The proposed temporary uses will not store any hazardous waste or liquid waste, or be used as waste disposal site. As such, the proposed uses conform with Policy 2.2.9.3.30 of the Regional Plan.

As discussed above the proposed temporary uses conform with the Regional Plan’s policies through proposing temporary uses that are complementary to the area, support the Region’s economy, while the temporary nature preserves the land for natural uses in the future. As such, the proposed Temporary Use Zoning By-law Amendments are consistent with the area and conform to the Regional Official Plan’s policy directives for the “Palgrave Estate Residential Community”, the “Natural Linkage Areas” and areas of “High Aquifer Vulnerability” designations.

## **6.3 Municipal Policies**

### **6.3.1 Town of Caledon Official Plan (Consolidated April 2018)**

The Town of Caledon’s Official Plan (the “Official Plan”) was originally adopted in 1979 and has been systemically reviewed and amended to conform with Provincial and Regional Policies. The most recent amendment, Official Plan Amendment 226 was adopted on June 8, 2010, and included the revision of policies for key topic areas that brought the Town’s Official Plan into conformity with Provincial policies and the Region of Peel’s latest Official Plan. The Town of Caledon’s Official Plan sets out the principles, goals, and objectives for how the town should grow within the Greater Toronto Area. The Official Plan must be consistent and conform with the policies of the PPS, Growth Plan, Oak Ridges Moraine Conservation Plan, the Greenbelt Plan and the Regional Official Plan.

#### 5.3.1.1 Strategic Direction

The Official Plan recognizes that the Town has evolved from a rural-based economy to one being influenced by adjacent urbanized areas, while maintaining strong agricultural and aggregate extraction industries. In recognizing the Town's rural character and natural features the Official Plan provides the goals for the Town's growth, relevant goals include:

### 2.2.3 Goals

- *To protect and steward ecosystems in the Town.*
- *To provide residents with a quality of community life that provides access to community based services in a manner that best responds to the need for employment, learning, shopping, culture, recreation and social opportunities.*
- *To preserve, expand and diversify the Town's employment base.*
- *To allow development in a manner that provides the best opportunity to optimize municipal service provision.*

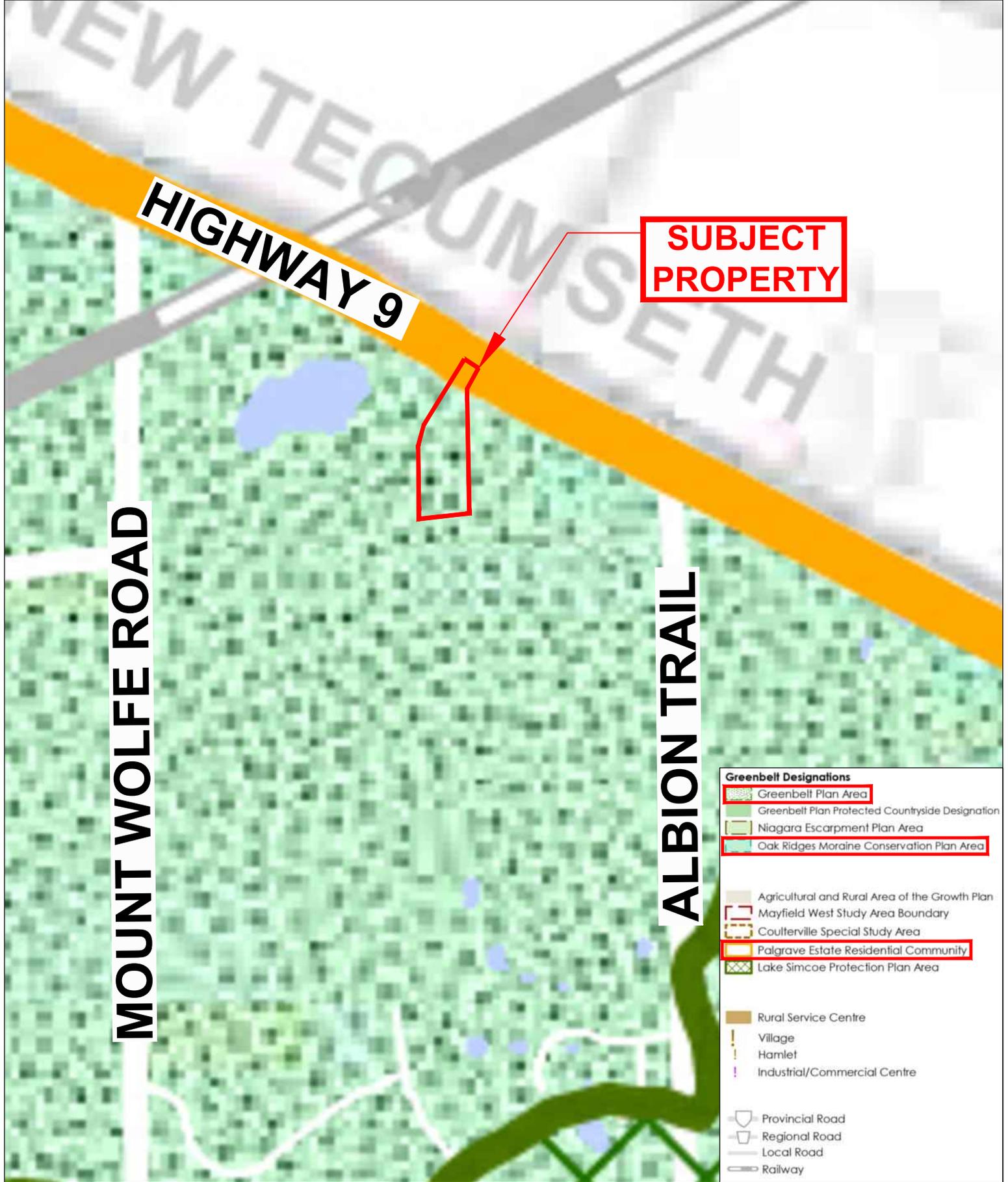
The proposed temporary use ZBLAs conform to the Town's goals through proposing temporary uses that support the growth of employment within the Town, while the temporary nature preserves and protects the town's ecosystem. Moreover, the proposed temporary uses will preserve existing employment within the town, and represent an efficient use of existing services. Therefore, the proposed temporary ZBLAs conform to the Strategic Direction's goals of the Official Plan.

### 6.3.1.2 Town Structure and Land Use

The Town's structure provides a hierarchy of settlements as a growth management strategy outlining where growth shall occur in the town. The subject property is located within the "Palgrave Estate Residential Community" designation and within the "Oak Ridges Moraine Conservation Plan Area" as illustrated on *Figure 5 – Town of Caledon Official Plan Schedule A1*. In accommodating the Town's growth and recognizing the demand for rural estate residential development, the "Palgrave Estate Residential Community" population is expected to increase by 9.4% from 2021 to 2031.

Section 5.3 Rural Estate Residential of the Official Plan provides general policies that apply to land within the "Palgrave Estate Residential Community", applicable policies includes:

- 5.3.2.1 *The predominant use of land outlined as Rural Estate Residential Area on Schedule F, is single-family dwellings on large lots. Apartments-in-houses as per Section 3.4.3.6 of this Plan, shall be permitted in Rural Estate Residential. Garden Suites as per Section 6.2.13.3 of this Plan, shall be permitted in Rural Estate Residential. The emphasis is on minimum disturbance of the natural setting and environment offering a distinctly "rural" atmosphere to those people not wishing to live in continuously built-up urban areas.*



**FIGURE 5**  
**TOWN OF CALEDON - SCHEDULE A1**  
**TOWN STRUCTURE**

Subject Property



Scale: N.T.S.  
 July 15, 2019

Policy 5.3.2.1 demonstrates the Town’s focus of accommodating residential growth within the “Palgrave Estate Residential Community”. The proposed temporary uses conform through providing local employment opportunities for existing and future residents, and support the local economy. The proposed temporary uses will utilize an area of subject property that is already developed, minimizing the disturbance of the surrounding natural environment. Section 5.0 Land Use Policies of the Official Plan does not contain any policies for the “Oak Ridges Moraine Conservation Plan Area” designation that are relevant to the proposed temporary uses.

### 6.3.1.3 Secondary Plans and Other Detailed Area Policies

Section 7 of the Official Plan contains Secondary Plans and policies that relate to specific areas within the town. The subject property is located within the “Palgrave Estate Residential Community” specifically designated “Policy Area 4”, “Settlement Area”, and the “Environmental Zone 1” (refer *Figure 6 – Town of Caledon Schedule G – Palgrave Estate Residential Community*, and *Figure 7 – Town of Caledon Schedule I – Palgrave Estate Residential Community Environmental Zoning*).

Section 7.1 of the Official Plan outlines land use polices for the “Palgrave Estate Residential Community”, which are intended to ensure orderly development within the boundaries while considering the environmental framework. Applicable policies include:

#### 7.1.2 *Planning Principles*

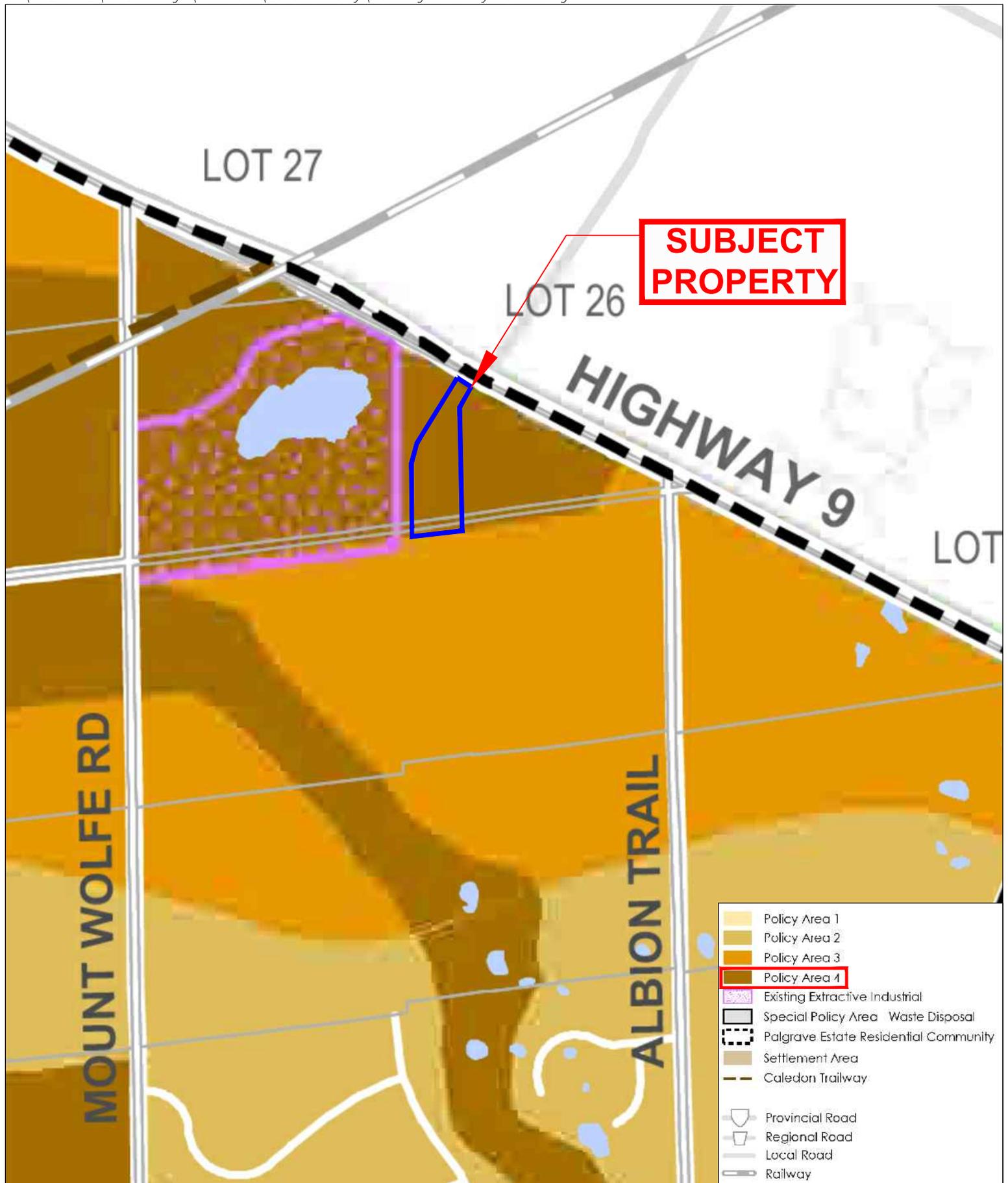
7.1.2.2 *The rural character of the landscape and the community shall be maintained as new development occurs*

7.1.2.3 *Woodlots and wetlands and other ecologically significant areas, including valley and stream corridors, shall be protected from development.*

7.1.2.11 *The environmental impacts of construction and development should be minimized.*

7.1.2.13 *Mount Wolfe, lowland landforms and ORMCP Natural Core and Natural Linkage Areas shall not be developed*

The proposed temporary uses maintain the existing rural character of Highway 9 within the Palgrave Estate Residential Community by maintain the existing built form and with no changes to the subject property. The temporary uses are compatible with the existing rural character and industrial character along Highway 9, while offering the flexibility of not being a permanent use should the area’s character change. The proposed temporary uses would not negatively impact any woodlots, wetlands or other ecological significant areas, rather establish temporary uses on the subject property that operate and function similarly to the legal non-conforming motor vehicle repair facility.

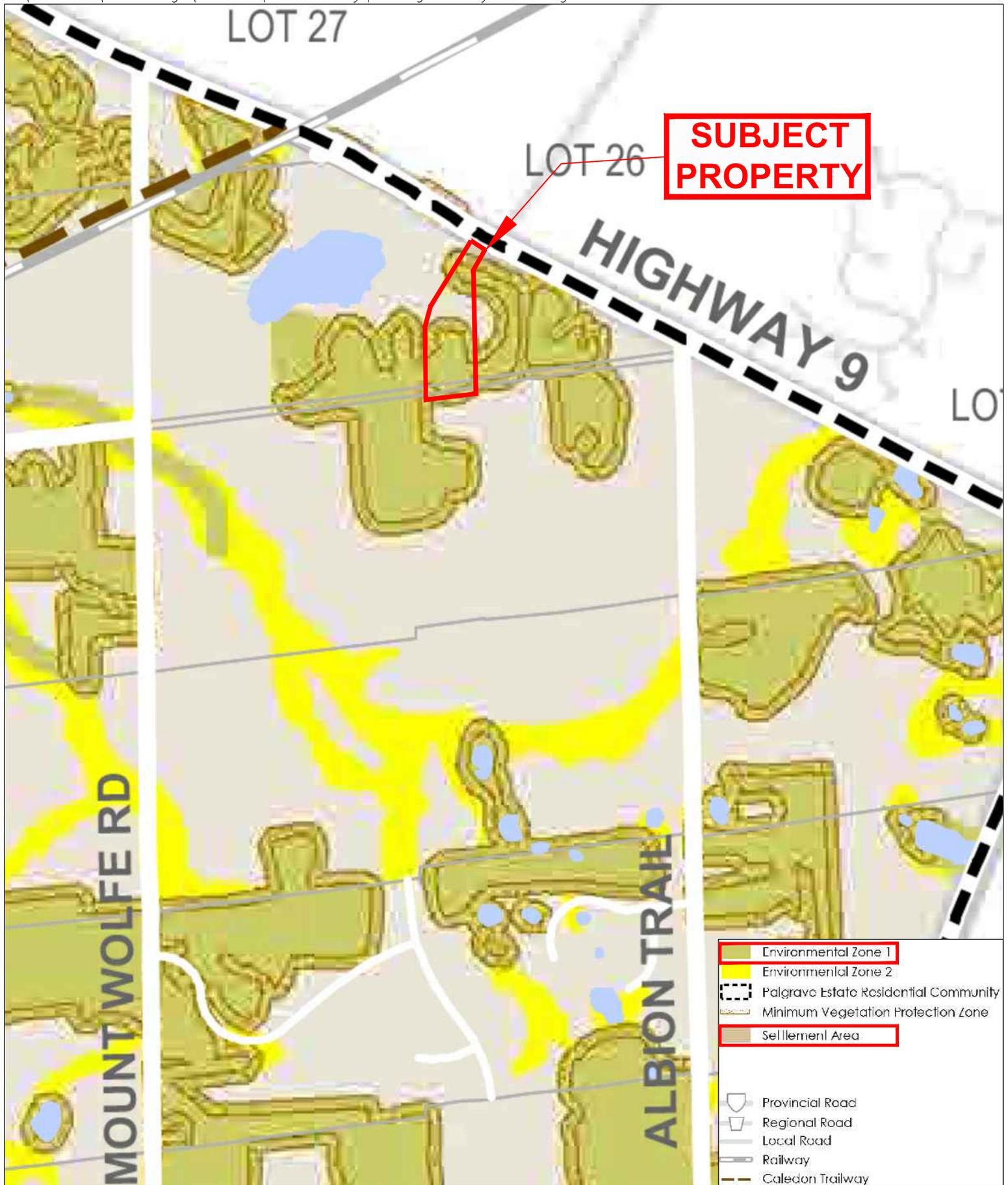


**FIGURE 6**  
**TOWN OF CALEDON - SCHEDULE G**  
**PALGRAVE ESTATE RESIDENTIAL COMMUNITY**

Subject Property



Scale: N.T.S.  
July 15, 2019



**FIGURE 7**  
**TOWN OF CALEDON - SCHEDULE I**  
**PALGRAVE ESTATE RESIDENTIAL COMMUNITY**  
**ENVIRONMENTAL ZONING**

— Subject Property



Scale: N.T.S.  
July 15, 2019

The Subject property is also designated “Policy Area 4” and “Environmental Zone 1” by the Official Plan. Relevant polices related to the “Environmental Zone 1” and “Policy Area 4” designation include the following:

7.1.2 *Planning Principles*

7.1.3.4 *The uses permitted on lands designated Policy Areas 1, 2 and 3 on Schedule G, exclusive of lands designated EZ 1 on Schedule I, of the Palgrave Estate Residential Community, will be agriculture and associated residential uses, rural estate residential uses, conservation, open space, non-intensive recreation, intensive recreation, including golf courses, residential uses on existing lots of record and new lots created by consent, legally existing uses, home occupations, small scale institutional uses, and presently licencing extractive industrial uses.*

*The uses permitted within Policy Area 4 of the Palgrave Estate Residential Community shall include all of the uses permitted within Policy Areas 1, 2 and 3, except for rural estate residential uses, intensive recreation and small scale institutional uses, which shall not be permitted. The above-noted uses shall only be permitted if they meet all applicable provisions of this Plan.*

*Notwithstanding any other provisions of this Plan, within lands designated EZ 1 on Schedule I permitted uses shall only include those uses permitted in EPA, in accordance with Section 5.7.3.1.2.*

5.7.3.1.2 *The uses permitted in EPA shall be limited to: legally existing residential and agricultural uses; a building permit on a vacant existing lot of record; portions of new lots; activities permitted through approved Forest Management and Environmental Management Plans; limited extractive industrial; non-intensive recreation; and, essential infrastructure. Detailed policies with respect to each of these permitted uses are provided in Sections 5.7.3.2 to 5.7.3.7 inclusive. Within the ORMCPA or the Greenbelt Protected Countryside designation, permitted uses are also subject to the provisions of Sections 7.10 and 7.13, as applicable. Refer to Section 6.6.3.3 of this Plan for further policies respecting conflicts between the policies of this Plan and the PPS and Provincial Plans.*

7.1.5 *Development Patterns*

7.1.5.4 *Policy Area 4 is unsuitable for estate residential development and no density will be allocated to it. Notwithstanding the development pattern depicted on Schedule G, applications that were commenced but not decided upon as of November 17, 2001, in accordance with Section 15 of the Oak*

*Ridges Moraine Conservation Act, 2001, shall be considered for approval subject to the provisions prescribed in Section 48 of the Oak Ridges Moraine Conservation Plan, and the policies of Section 7.1 that would have been applicable on November 16, 2001. In the case of conflict between the provisions of the ORMCP and Section 7.1, the more restrictive policies shall apply.*

- 7.1.5.5 *Policy Areas 1, 2 and 3 correspond to the ORMCP Countryside Area designation on Schedule P, and Policy Area 4 corresponds to the ORMCP Natural Core Area and Natural Linkage Area designations on Schedule P. Within the ORMCPA, the boundaries of the Policy Areas 1, 2, 3 and 4, as delineated on Schedule G, have been further defined in accordance with the applicable provisions of the ORMCP. No further amendments to the Policy Areas 1, 2, 3 and 4 on Schedule G will be considered until the time of the ten (10) year review of the ORMCP.*

Permitted uses in the “Policy Area 4” and “Environmental Zone 1” designation generally include legally existing residential and agricultural uses, activities permitted through an approved Forest Management and Environmental Management Plan, limited extractive industrial, and non-intensive recreation uses. Though the proposed temporary uses are not listed as a permitted use within the “Policy Areas 4” and “Environmental Zone 1” designation, the proposed temporary uses will operate and functional similar to previous uses on the subject property. Moreover, Policy 7.1.5.4 states that the “Policy Area 4” designation is not suitable for residential development, as such the proposed Amendments propose temporary uses that are similar in nature to the legal non-conforming motor vehicle repair facility use. Therefore, though not explicitly permitted the temporary uses are similar in function to the permitted motor vehicle repair facility and generally conform to the intent of the “Policy Area 4” policies.

Relevant environmental policies related to the “Environmental Zone 1” designation include:

- 7.1.9 *Environmental Policies*
- 7.1.9.1 *Schedule I, Palgrave Estate Residential Community Environmental Zones, establishes the following Environmental Zones based on existing natural features of the area and based on the applicable policies of the Oak Ridges Moraine Conservation Plan:*
- 7.1.9.1a) *Environmental Zone 1 (EZ 1): EZ 1 includes more sensitive biological communities; valley and stream corridors and their associated floodplains; native upland and lowland woodlands; natural waterbodies; Provincially and locally significant wetlands; and, Environmentally Significant/Sensitive Areas (Note: these areas were formally identified as EZ 1, 2 and 3 on Schedule I prior to the adoption of Official Plan Amendment 186). EZ 1 also includes all ORMCP Key Natural Heritage*

*Features and Hydrologically Sensitive Features, and their related Minimum Vegetation Protection Zones.*

- 7.1.9.2 *The general locations of EZ 1 and EZ 2 are shown on Schedule I, however the individual EZ 1 and EZ 2 features are not shown separately on the Schedule. The specific type(s) of individual EZ 1 and EZ 2 features and refinements to their boundaries shall be determined through detailed studies, such as a Natural Heritage Evaluation and/or Hydrological Evaluation, or the requirements of Section 7.1.18 where applicable. Minor changes and refinements to EZ 1 and EZ 2 shown generally on Schedule I, based on updated information from the Province or as a result of detailed studies, such as those noted above, will not require an amendment to this Plan. However, where the feature is a wetland, an Area of Natural and Scientific Interest and/or significant portions of the habitat of endangered, rare and threatened species, or their related Minimum Vegetation Protection Zones, proposed refinements to the boundary or the extent of the feature requires formal confirmation from the Province or delegated authority prior to any development*
- 7.1.9.13 *Environmental protection and management measures should focus on the Environmental Zones on the property and priority should be given to the reforestation of heights of land, steep slopes, soil barrens, low land depressional topography and other parts of lots external to structural envelopes and grading and servicing disturbance areas as identified in the Preliminary Engineering Report required by Section 7.1.18.8. Reforestation shall generally be planted in contiguous blocks of 2.0 hectares (5.0 acres) or greater.*
- 7.1.9.48 *Every application for development or site alteration shall identify planning, design and construction practices that ensure that no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent lands within ORMCP Natural Core Areas and Natural Linkage Areas.*
- 7.1.9.49 *Every application for development or site alteration shall ensure that natural self-sustaining vegetation is maintained or restored for the long-term protection of any key natural heritage feature or hydrologically sensitive feature on the lot or lots created.*

The Official Plan states that the “Environmental Zone 1” designation includes more sensitive environmental features and that environmental protection measures should be a focus. As such, the proposed temporary uses minimize the impact on nearby environmental features and ensures that key natural connections are maintained by not altering the existing conditions of the subject property. The supporting Urban Design Brief dated August 2019, further highlights the

preservation of the existing natural features of the subject property. The temporary nature of the proposed uses will enable future opportunities for reforestation and environmental improvement on the subject property when there are opportunities to create natural linkages. Therefore, the temporary uses generally maintain the subject property's existing conditions conforming to the environmental policies, while the temporary nature provides opportunities for future uses that are more in line with the environmental policies.

#### 6.3.1.4 Oak Ridge Moraine Conservation Plan

The Town's Official Plan adopted amendments to conform with the Oak Ridges Moraine Conservation Plan. The Town of Caledon is the only municipality in the Region of Peel that contains lands within the Oak Ridges Moraine Conservation Plan, which influences the Town's growth strategy and areas such as the "Palgrave Estate Residential Community". The subject property is within the Oak Ridges Moraine Conservation Plan Area, designated "Natural Linkage Area" within an "High Aquifer Vulnerability" and "Landform Conservation Area Category 2" of the Oak Ridges Moraine Conservation Plan (refer to *Figure 8 – Town of Caledon Schedule S – The Greenbelt in Caledon*, *Figure 9 – Town of Caledon Schedule P – Oak Ridges Moraine Conservation Plan Land Use Designations*, *Figure 10 – Town of Caledon Schedule P-1 – Oak Ridges Moraine Conservation Plan Aquifer Vulnerability Areas*, & *Figure 11 – Town of Caledon Schedule P-2 – Oak Ridges Moraine Conservation Plan Landform Conservation Areas*).

Section 7.10 of the Official Plan contains policies related to the "Natural Linkage Area" Designation, relevant policies include:

#### 7.10.4.7 *Oak Ridges Moraine Natural Linkage Areas*

##### 7.10.4.7.1 *The purpose of the Natural Linkage Area designation is to maintain, and where possible, improve or restore, regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors. Additional purposes and objectives for Natural Linkage Areas are also found in Sections 12(1) and (2) of the ORMCP.*

*Permitted uses shall include all uses permitted in the underlying land use designation, subject to all other applicable provisions of this Plan and subject to the following restrictions:*

*a) Notwithstanding any other policy of this Plan, new intensive recreational uses are not permitted within Oak Ridges Moraine Natural Linkage Areas; and,*

*b) Notwithstanding any other policy of this Plan, agriculture-related industrial and commercial uses are not permitted within Oak Ridges Moraine Natural Linkage Areas.*

The proposed Amendments maintains the existing conditions on the subject property, preserving the natural features along the property boundaries. As such, the proposed temporary uses will not

prohibit the objectives of “Natural Linkage Areas” and maintains the existing open space linkages surrounding the subject property.

Though the proposed uses are not permitted within the “Natural Linkage Areas” designation, the proposed uses operate and function similarly to the permitted motor vehicle repair facility use. In the context of the Town’s transportation network the subject property fronts onto Highway 9, which is identified as a “High Capacity Arterial”. Suggesting the portion of the subject property fronting onto Highway 9 would not be suitable for an open space linkage with the high volume of traffic. Moreover, the proposed uses are temporary in nature which enables the opportunity to improve connections at a later date when it is more appropriate for the area. Therefore, though not explicitly permitted, the proposed temporary uses operate and function similarly to a motor vehicle repair facility use and generally conform to the intent of the “Natural Linkage Area” designation policies.

Section 7.10 of the Official Plan also contains policies for the “High Aquifer Vulnerability” designation, applicable polices include:

*7.10.5.5 Areas of High Aquifer Vulnerability*

*7.10.5.5.1 Within the ORMCP, notwithstanding any other provision of this Plan, except for uses that legally existed on or before November 15, 2001, the following uses are prohibited with respect to land in Areas of High Aquifer Vulnerability as identified on Schedule P-1:*

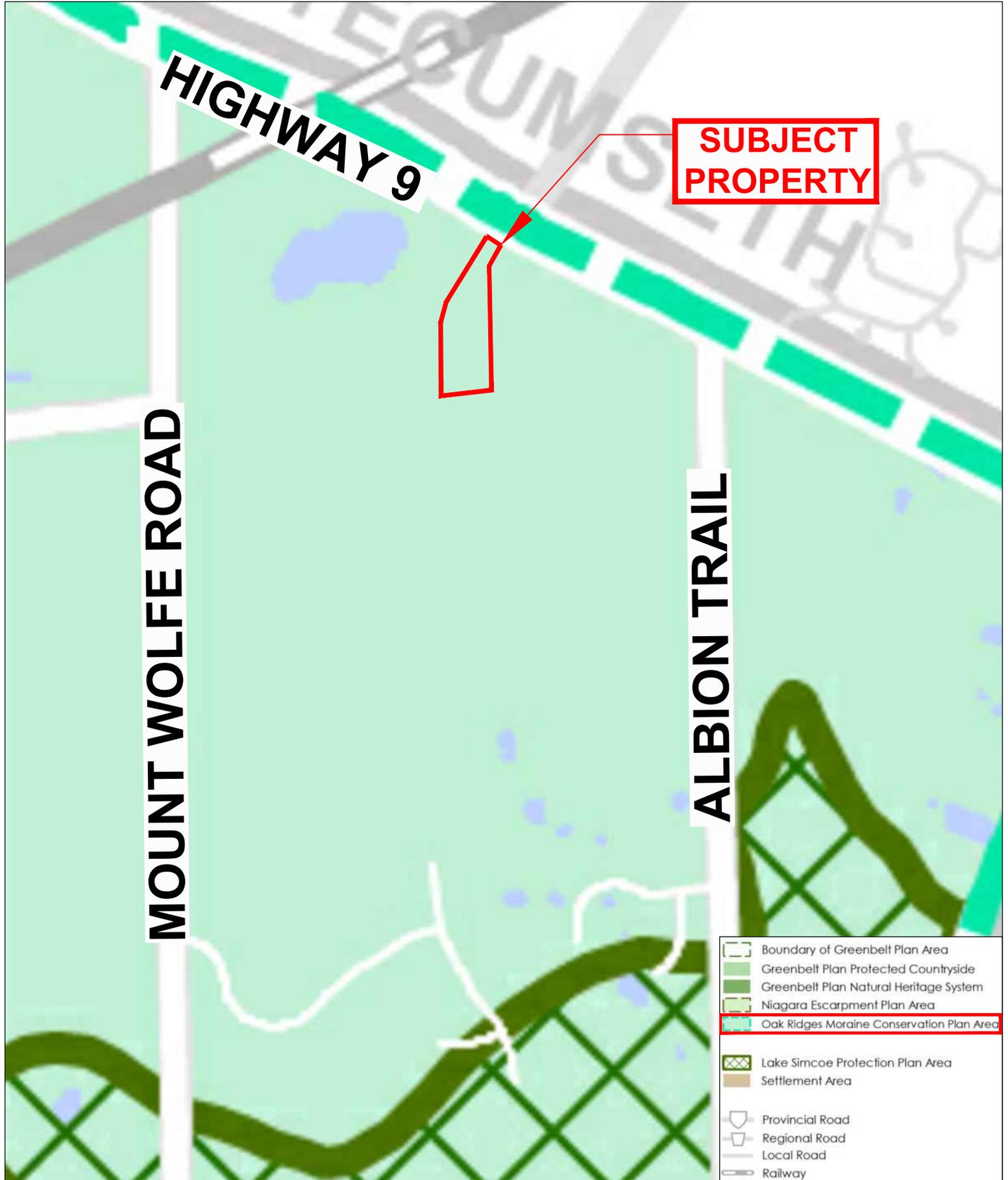
- a. Generation and storage of hazardous waste or liquid industrial waste;*
- b. Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;*
- c. Underground and above-ground storage tanks that are not equipped with an approved secondary containment device; and,*
- d. Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.*

The proposed temporary uses are similar in terms of function and compatibility as the legally existing motor vehicle repair facility use, and the temporary nature will enable the future redevelopment of the land for uses that align with the policies of the “High Aquifer Vulnerability” designation. In addition, the proposed temporary uses will not contain any hazardous waste and storage tanks associated with the existing gasoline pump island accessory contain a secondary containment device, which was implemented during the previous site plan application. As such, the proposed Amendments enables temporary uses to operate on the subject property for a period of three (3) years while generally conforming to the policies of 7.10.5.5.1 of the Official Plan.

Section 7.10.5.6 Oak Ridges Moraine Conservation Plan of the Official Plan also provides policy direction for “Landform Conservation Areas”, relevant policies to the proposed temporary Amendments include:

- 7.10.5.6.1 *In accordance with Section 30 of the ORMCP, Schedule P-2 of this Plan identifies Landform Conservation Areas Category 1 and Category 2.*
- 7.10.5.6.3 *With respect to Oak Ridges Moraine Natural Core Areas, Natural Linkage Areas, and Countryside Areas, not including estate residential development in the Palgrave Estate Residential Community, an application for development with respect to land in a landform conservation area (Category 2) shall identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including:*
- a. Maintaining significant landform features such as steep slopes, kames, kettles, ravines and ridges in their natural undisturbed form;*
  - b. Limiting the portion of the net developable area of the site that is disturbed to not more than 50 percent of the total area of the site; and,*
  - c. Limiting the portion of the net developable area of the site that has impervious surfaces to not more than 20 percent of the total area of the site.*
- 7.10.5.6.7 *With respect to Oak Ridges Moraine Natural Core Areas, Natural Linkage Areas, and Countryside Areas, not including estate residential development in the Palgrave Estate Residential Community, an application for development that does not constitute major development, with respect to land in a landform conservation area of either category, shall be accompanied by a site concept plan that:*
- a. Identifies the areas within which all building, grading, and related construction will occur;*
  - b. Demonstrates that buildings and structures will be located within the areas referred to in clause a) so as to minimize the amount of site alteration required; and,*
  - c. Provides for the protection of areas of natural and scientific interest (earth science) in accordance with Section 7.10.5.6.9.*

The proposed temporary Amendments would result in no alteration to the subject property to permit the proposed temporary uses, as such maintaining the existing surrounding landform features. Furthermore, since the existing conditions are maintained no additional space within the property will be disturbed. The proposed uses also contain open space storage which reduces impervious surfaces within the subject property. As mentioned above the proposed temporary uses conform with the policies for “Landform Conservation Areas” through maintaining the existing conditions and natural features on the subject property.



**SUBJECT  
PROPERTY**

**MOUNT WOLFE ROAD**

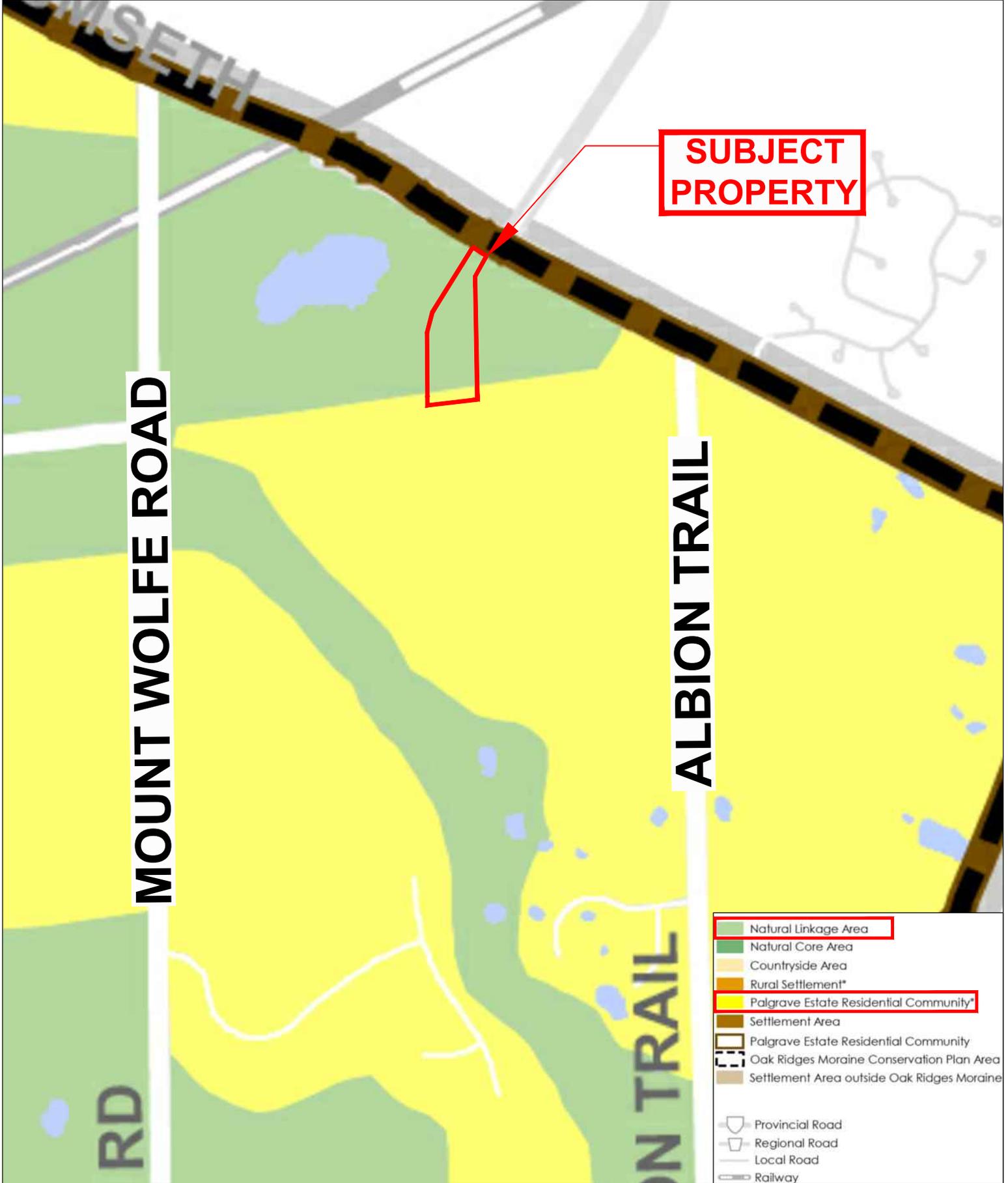
**ALBION TRAIL**

**FIGURE 8**  
**TOWN OF CALEDON - SCHEDULE S**  
**THE GREENBELT IN CALEDON**

— Subject Property



Scale: N.T.S.  
July 15, 2019

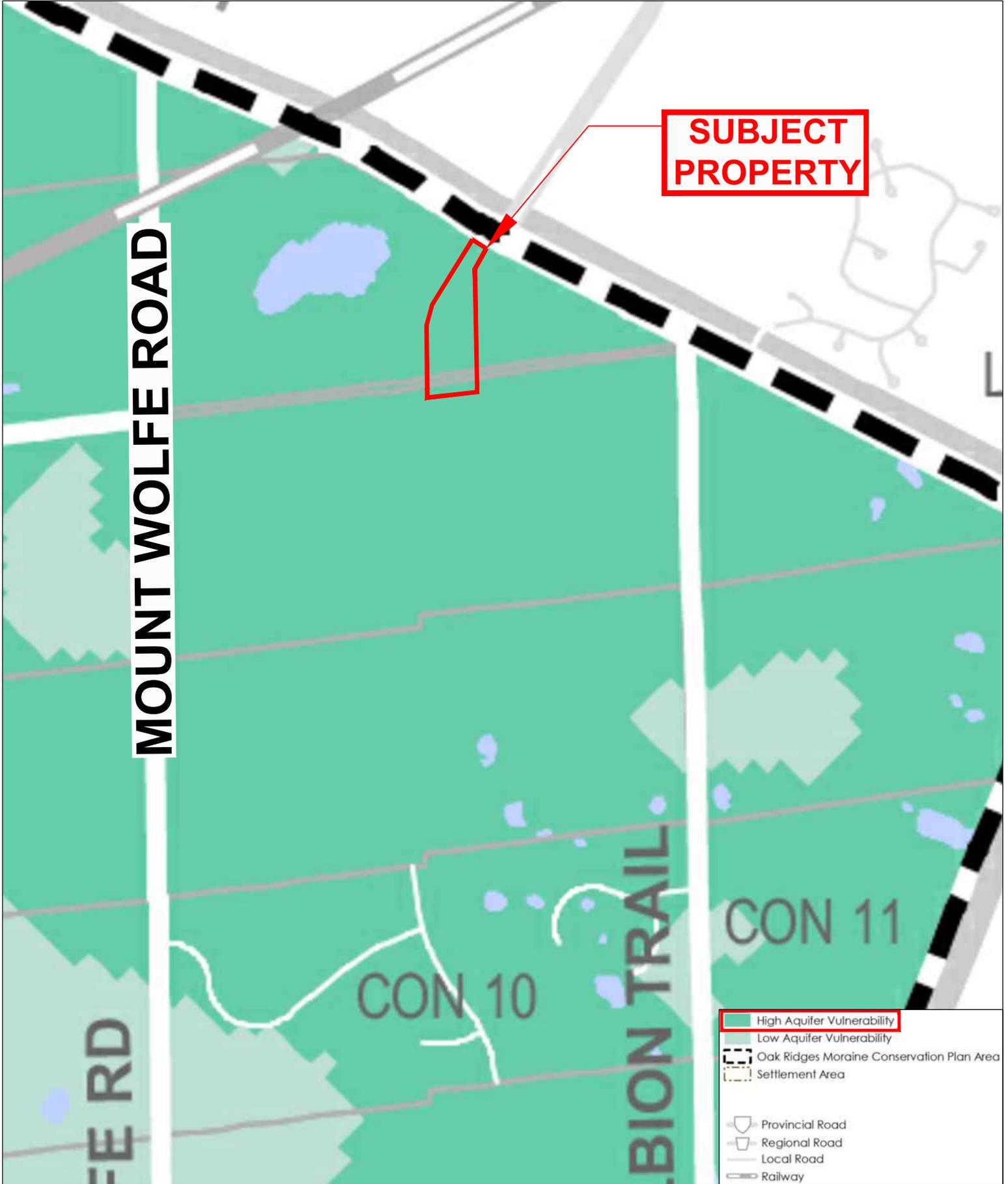


**FIGURE 9**  
**TOWN OF CALEDON - SCHEDULE P**  
**OAK RIDGES MORaine CONSERVATION PLAN**  
**LAND USE DESIGNATIONS**

— Subject Property



Scale: N.T.S.  
 July 15, 2019

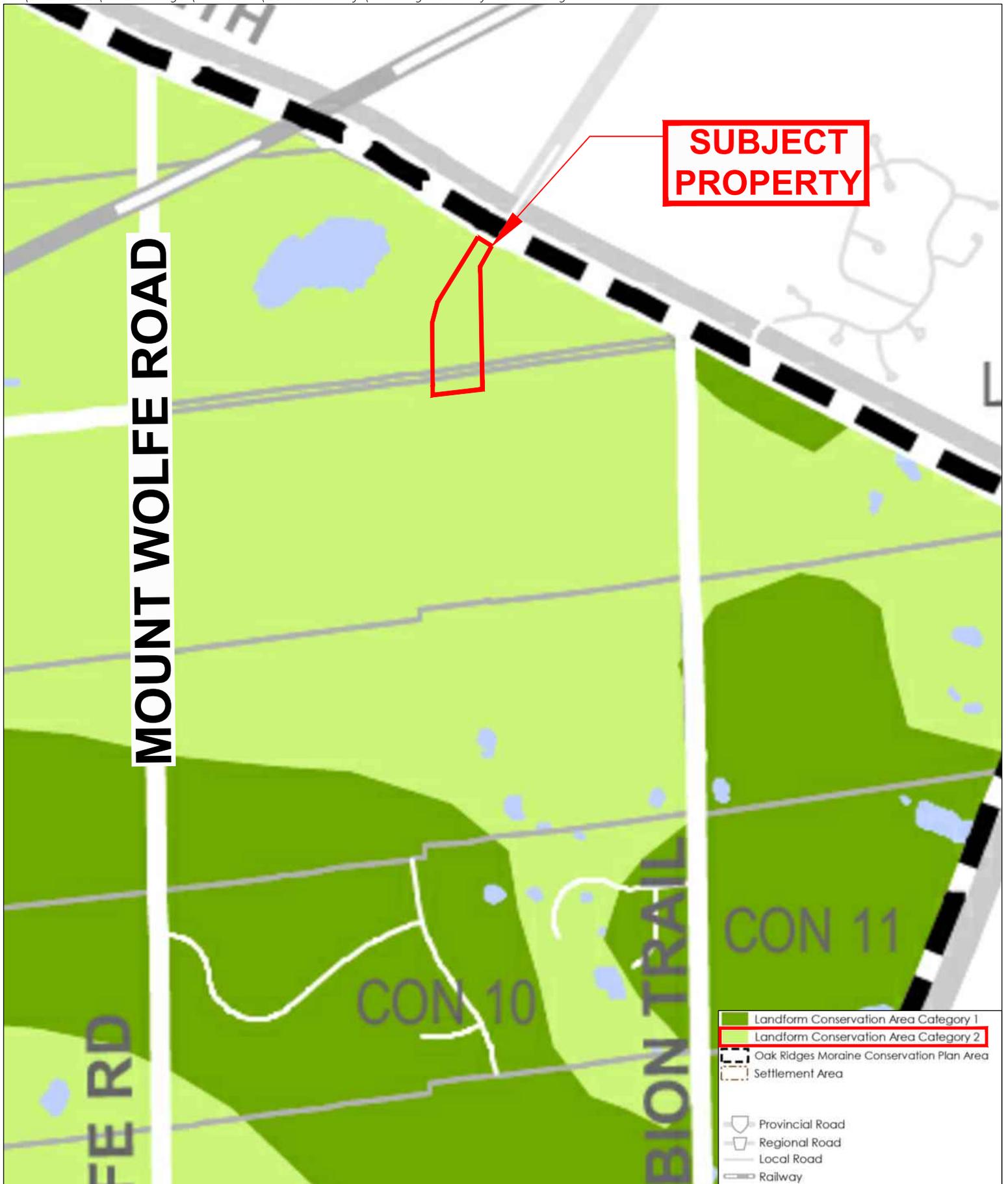


**FIGURE 10**  
**TOWN OF CALEDON - SCHEDULE P-1**  
**OAK RIDGES MORaine CONSERVATION PLAN**  
**AQUIFER VULNERABILITY AREAS**

— Subject Property



Scale: N.T.S.  
July 15, 2019

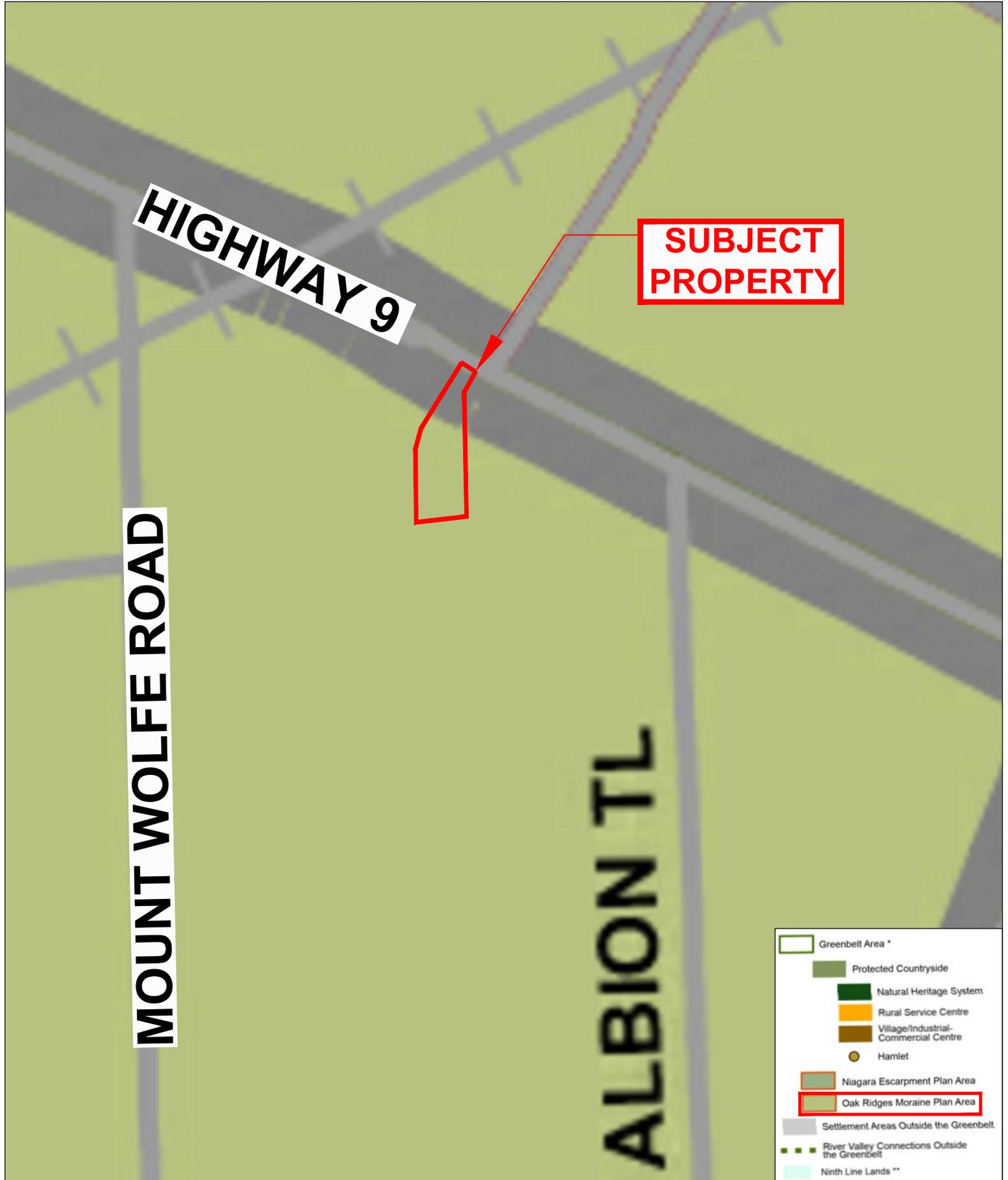


**FIGURE 11**  
**TOWN OF CALEDON - SCHEDULE P-2**  
**OAK RIDGES MORAINÉ CONSERVATION PLAN**  
**LANDFORM CONSERVATION AREAS**

— Subject Property



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July 15, 2019

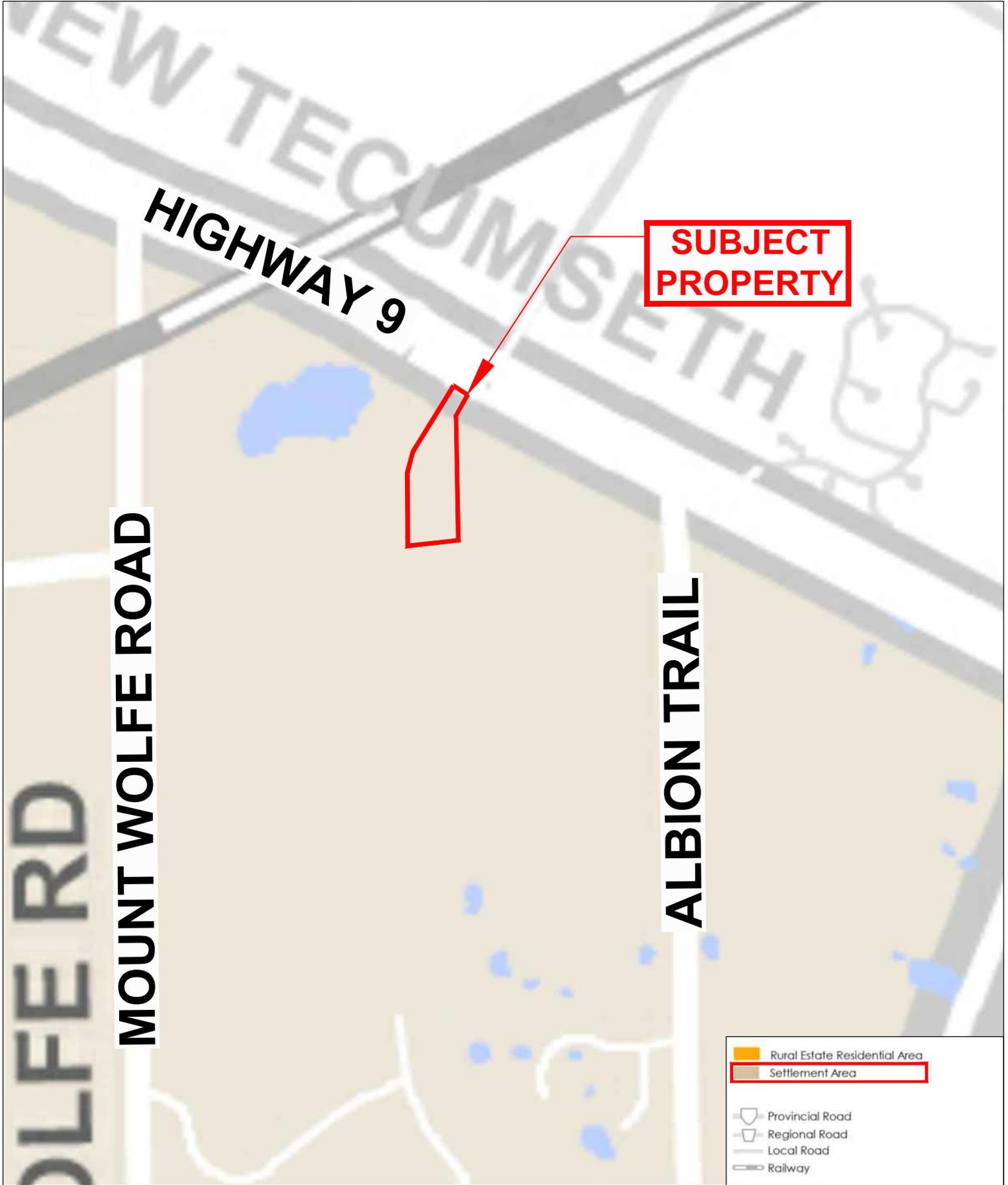


**FIGURE 12**  
**REGION OF PEEL - SCHEDULE D3**  
**GREENBELT PLAN AREA**  
**LAND USE DESIGNATIONS**

— Subject Property



Scale: N.T.S.  
July 15, 2019



**FIGURE 13**  
**TOWN OF CALEDON - SCHEDULE F**  
**RURAL ESTATE RESIDENTIAL AREAS**

 Subject Property



Scale: N.T.S.  
July 15, 2019

The proposed temporary uses are appropriate and compatible for the area, represent temporary uses that supports the economic growth in the area and are similar to legal existing uses on the subject property. Moreover, the proposed temporary uses do not require any additional infrastructure maintaining the existing conditions and minimizing any negative impacts and disturbances on the subject property. As such, the proposed temporary uses generally conforms with the General Infrastructure Policies of the Official Plan through proposing temporary uses that support modest economic growth with minimal impact on the surrounding natural features.

#### **6.3.1.4 Implementation and Administration**

Section 6 of the Official Plan provides guidance for implementing the objectives and policies of the Official Plan. Section 6.2.13 Temporary Use By-Laws provides specific policies for the short term uses of land, buildings or structures that apply to the proposed temporary use Amendments. Section 6.2.13.2 of the Official Plan contains the criteria that the Town shall consider when evaluating and enacting a Temporary Use Zoning By-law.

The applicable criteria state:

*6.2.13.2 a. That it is compatible with neighbouring land use activities;*

The subject property is located along the north boundary of Caledon in the Palgrave Estate Residential Community, specifically fronting onto Highway 9, however it is not located within a residential area (as shown on *Figure 6 – Town of Caledon - Schedule G – Palgrave Estate Residential Community*). As demonstrated within Section 2.0 of this Report the surrounding area is generally characterized by large agricultural and industrial operations. Neighbouring land uses predominantly consists of industrial uses with large setbacks, such as: outdoor storage and aggregate extraction. In addition, the Noise Feasibility Study dated August 2019, determined the predicted noise levels created from the proposed temporary uses on adjacent properties met the Ministry of Environment, and the Conservation and Parks (MECP) guidelines. The proposed temporary uses are therefore consistent with the area and would not negatively impact the function of the adjacent properties. Moreover, the proposed temporary uses have operated on the subject property for over ten (10) years, further highlighting the compatibility of the uses. The proposed temporary uses are compatible, a less intrusive use of the subject property, and will therefore not create any adverse impacts on the land or neighbouring land uses.

*6.2.13.2 b. That adequate parking can be provided;*

Under the Town of Caledon's Zoning By-law 2006-50, the proposed temporary use for a contractor's facility requires one (1) loading space for a building between 301 square metres to 2,325 square metres of net floor area, as well one (1) parking space for every forty-five (45) square metres of total floor area. Whereas, a business office use requires one (1) parking space for every thirty (30) square metres of total floor area. Therefore, the proposed temporary uses require a total of thirty-one (31) parking spaces, one (1) loading space and one (1) delivery space. Per the approved parking plan for previous Site Plan application (SPA06 063), a total thirty-two (32)

parking spaces are provided with sufficient space to provide the required one (1) loading space and one (1) delivery space. In addition, the proposed temporary uses do not require any off-street parking. A sufficient amount of parking is provided on the subject property to support the proposed temporary uses and conforming with the Town of Caledon's Zoning By-law 2006-50 parking requirements.

*6.2.13.2 c. That an adverse impact on traffic will not be created;*

As discussed in the Traffic Assessment Study by CF Crozier & Associates Consulting Engineers (dated December 19<sup>th</sup>, 2019) the proposed Temporary Uses generate negligible traffic volumes, resulting in the site operating with low delays and no critical volume-to-capacity ratios. As such, the Traffic Assessment determined the proposed Temporary Uses will not create any adverse impacts to the surrounding traffic network.

*6.2.13.2 d. That the construction of a permanent building or structure is not encouraged;*

The proposed temporary uses have operated within the existing buildings on the subject property for over ten (10) years and would not require any additional buildings or structures to operate. Moreover, the nature of the proposed use does not create any additional municipal service demands. Therefore, the existing conditions on the subject property are maintained and the natural features surrounding and on the subject property are not impacted. The proposed Temporary Use Zoning By-law Amendments conform to policy 6.2.13.2 d. as it proposes temporary uses that do not require the construction of additional buildings, structures or services.

*6.2.13.2 e. That the use cannot become permanent and difficult to terminate; and,*

The proposed temporary uses have operated on the subject property and within the existing Site Plan approved (SPA06 063) structures for the Legal Non-conforming uses for over ten (10) years with minor changes. Moreover, the proposed temporary uses of open storage area accessory within the southern portion of the subject property is a less intense use and maintains the existing natural conditions. As such the proposed temporary uses will maintain the existing conditions of the subject property for a temporary period of three (3) years enabling the proposed temporary uses to operate until an appropriate time for it to be redeveloped. With no proposed changes to the subject property and buildings the proposed temporary uses would not be difficult to terminate at a later date. This is further highlighted in the Site Servicing and Stormwater Management Memo, dated August 2, 2019, that noted there will be little to no impact to servicing, sanitary and drainage as there is no changes to the existing property. The proposed temporary use ZBLAs generally conform by proposing temporary uses that are not difficult to terminate or preclude the subject property from future environmental uses.

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

The proposed temporary uses require no site alteration and will maintain the existing conditions on the subject property. In addition, the outside storage associated with the proposed temporary uses will have a minimal amount of impact on the surrounding natural features. Existing setbacks are maintained to ensure that the impact from the proposed temporary uses are mitigated. In addition, the existing gasoline pump storage tanks will be maintained and were updated during the previous Site Plan approval process (SPA06 063). Therefore, impacts are mitigated, and the proposed temporary use Zoning By-law Amendments conform with Policy 6.2.13.2 f.

### **6.3.2 Zoning By-law 2006-50 (October 19, 2006)**

The subject property is zoned “A2 – ORM” and “EPA2 – ORM” in the Town of Caledon Zoning By-law 2006-50 (refer to *Figure 14 – Town of Caledon Zoning Map 43 – By-law 2006-50*).

The Rural Oak Ridges Moraine zone (“A2-ORM”) only permits the following uses:

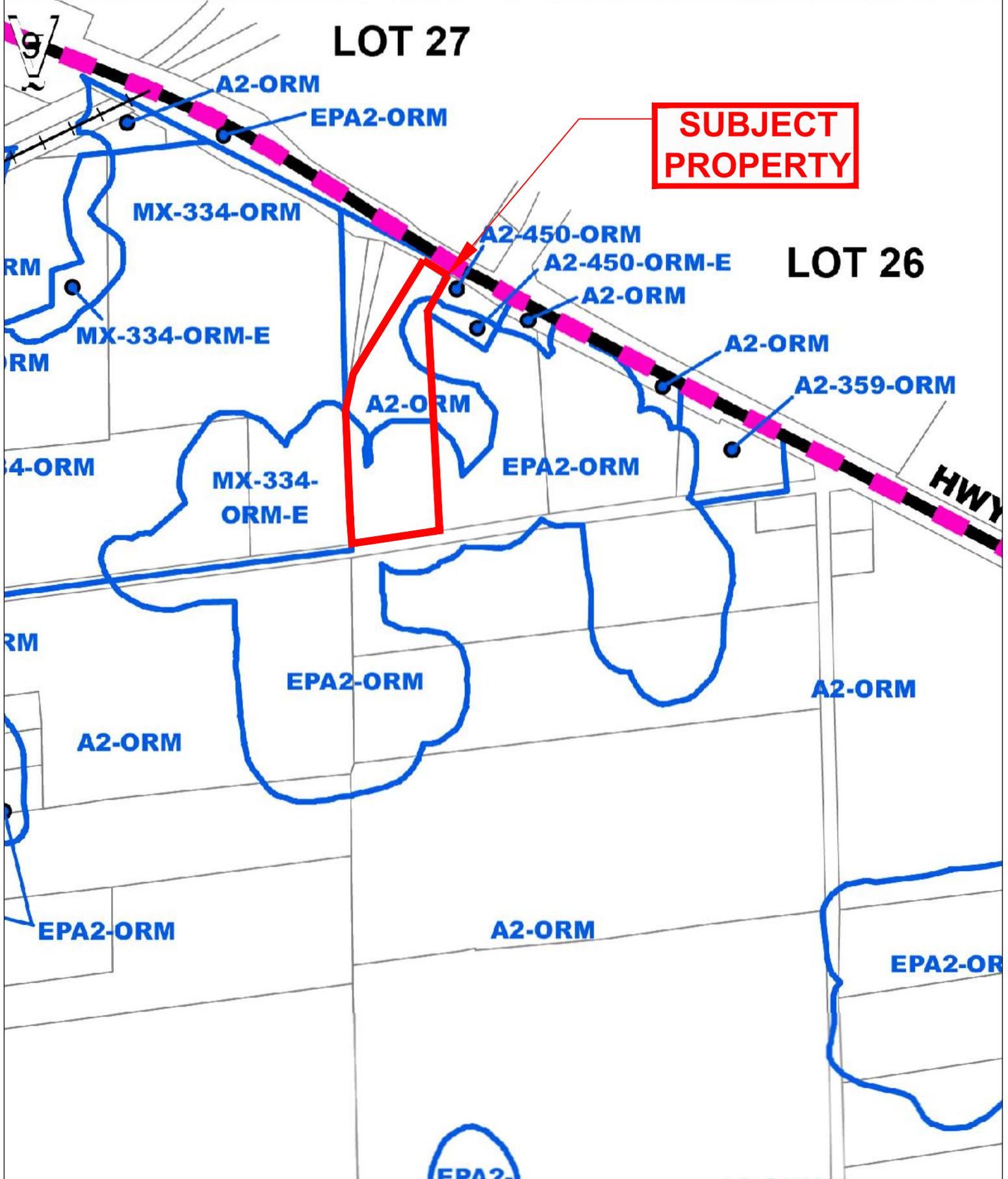
- Agricultural Uses (ORM)
- Animal Agriculture (ORM),
- Bed and Breakfast Establishment (permitted in a detached dwelling only),
- Bunkhouse Accessory (permitted on lots having a minimum lot area of 6 hectares)
- Dwelling Accessory (ORM)
- Dwelling Detached (permitted only on a vacant lot of record where a single detached dwelling would have been permitted as of November 15, 2001 and accessory uses thereto)
- Environmental Management
- Farm Equipment Storage Building
- Farm Produce Outlet, Accessory
- Farm Vacation Home (ORM)
- Forest Management
- Gasoline Pump Island, Accessory
- Home Business (ORM)
- Home Industry (ORM)
- Livestock Facility
- Nursery, Horticultural
- Open Storage, Accessory
- Produce Storage Building
- Transportation, Infrastructure & Utilities

The Environmental Policy Area 2 – Oak Ridges Moraine zone (“EPA2-ORM”) only permits the following uses:

- Agricultural Uses (ORM)
- Dwelling Detached (permitted only on a vacant lot of record where a single detached dwelling would have been permitted as of November 15, 2001 and accessory uses thereto)
- Environmental Management

- Forest Management
- Home Business (ORM) (Permitted in a detached dwelling only)
- Low-Intensity Recreational Uses (ORM)
- Transportation, Infrastructure and Utilities with the exception of stormwater management ponds.

A Temporary Use Zoning By-law Amendment is required to permit the proposed uses on the subject site. A draft Temporary Use Zoning By-law Amendment is appended to this report.



**FIGURE 14**  
**TOWN OF CALEDON - ZONING MAP 43**  
**BY-LAW 2006-50**

— Subject Property



Scale: N.T.S.  
July 15, 2019

## **7.0 SUPPORTING STUDIES**

### **7.1 Site Servicing and Stormwater Management Memo**

C.F. Crozier & Associates Consulting Engineers prepared a Site Servicing and Stormwater Management Memo, dated August 2, 2019, to review the existing conditions and evaluate the servicing capabilities of the property and stormwater management. The report notes that there is no municipal watermain within the Highway 9 Right-of-Way, and that the subject property lies within a rural area with no existing public water services. The existing facility is serviced by a private well, and since no site plan changes are proposed the temporary uses will not affect the site water demands. Through their investigation, the memo noted there is no municipal sanitary sewers within Right-of-Way of Highway 9 and Tottenham Road, and that the subject property is serviced by a private septic system. The memo determined that the with no Site Plan changes the temporary uses will not affect the site septic flows. In relation to drainage, the memo determined that the property generally drains overland from south to north towards the external storm sewer network. As such, the memo states “The subject property has been in operation in a historical capacity without site modifications and no external improvements or modifications are proposed”. The memo concludes that with no Site Plan changes there is no impact to the erosion and sediment control.

### **7.2 Noise Feasibility Study**

A Noise Feasibility Study, prepared by HGC Engineering, dated August, 2019, evaluated the potential noise impact of the proposed temporary uses on adjacent properties. The study included an analysis of noise generated from trucking, movement of equipment, and the repair activities, in accordance with the Ministry of Environment, and the Conservation and Parks (MECP) guidelines. The noise predictions indicated the sound levels at the adjacent properties were within the noise guidelines limits of the MECP. As such, no noise mitigation is required for the subject property.

### **7.3 Phase II Environmental Site Assessment**

Safetech Environmental Ltd., prepared a Phase I and II Environmental Site Assessment. Through the analysis and site reconnaissance of the Phase I, it determined Areas of Potential Environmental Concern, which included four areas within the property generally related to gasoline island pump and storage of material. As such a Phase Two Environmental Site Assessment was recommended.

The Phase II was completed in general accordance with the Canadian Standards Association (CSA) Phase II ESA Standard (Z769-00), as updated. The Phase II determined the following that the site is generally made up of sandy soils with traces of silt throughout each bore hold, the depth of the water table ranged from 17.48 to 18.73 mbgs, and the groundwater flowed in a northeast direction. The report noted no visual evidence of free products was observed, and no PHCs F1-F4 and VOCs were detectable within the soil samples. The report did however, note that the groundwater concentrations of Chloroform, PHCs F2 and F3 exceed the 2011 MECP Tables 2 SCS on the site.

## **8.0 CONCLUSION**

It is our opinion that the proposed Temporary Zoning By-law Amendment is justified and represents good planning for the following reasons:

1. The proposed Temporary Use Zoning By-law Amendment is consistent with the polices of the Provincial Policy Statement, by contributing to a range of employment uses that meet the economic needs of the Town and represents an efficient use of existing services;
2. The proposed temporary uses conform to the Growth Plan and Regional Plan, by enabling temporary employment uses that are compatible, foster a diversified economy and contribute to the Province's and Region's employment density targets;
3. The proposed temporary uses conform with the Oak Ridges Moraine Conservation Plan through proposing uses that have operate on the subject property for over ten (10) years, and maintaining the surrounding area's ecological integrity and function;
4. The proposed temporary use Zoning By-law Amendment generally conforms to the Town of Caledon's Official Plan through providing uses that meet the needs of Palgrave community residents. Though the proposed uses are not listed as a permitted use for the "Natural Linkage Areas" designation, the proposed uses are temporary in nature enabling the future opportunity for improvement to connections within the Natural Linkage Areas when it is more appropriate.
5. The proposed Temporary Use Zoning By-law Amendment conforms to the implementation criteria set out in policy 6.2.13.2 of the Official Plan for a Temporary Use By-law; and
6. The subject property and surrounding area have historically been used for agricultural and industrial uses and remained relatively stable with little to no development changing the character. The proposed temporary uses are therefore consistent with the rural character of area.

**Respectfully submitted,**

**GLEN SCHNARR & ASSOCIATES INC.**

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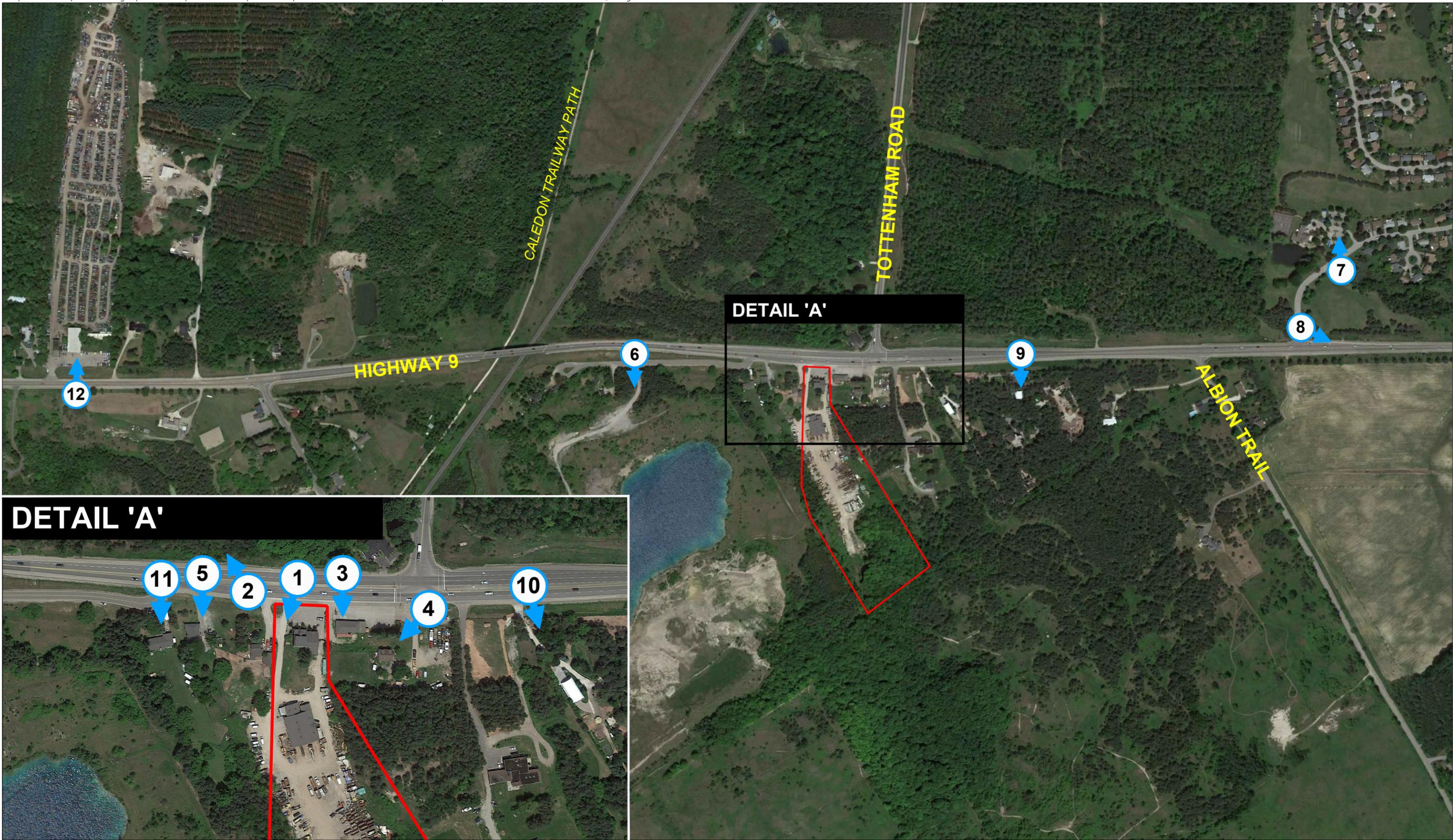
**Colin Chung, MCIP, RPP**

**Partner**

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*NUCON PROPERTY DEVELOPMENT INC.  
Temporary Use Zoning By-law Amendment  
972-002*

## Appendix I: Photo Book



# AERIAL CONTEXT PLAN

-  Subject Property
-  Direction of Photo



Scale: N.T.S.  
September 20, 2019

1 10795 Highway 9



2 1008 Tottenham Road



3 10819 Highway 9



4 10819 Highway 9



5 10789 Highway 9



6 Brock Aggregates



# SITE PHOTOS

7 Tecumseth Pines Residential Dwelling



8 Agricultural Lands



9 The Town Bloom Garden Centre



10 Doberman Rescue Dog Shelter



11 Old Highway 9 Residential Dwelling



12 Truck & Auto Parts-Salvage Yard

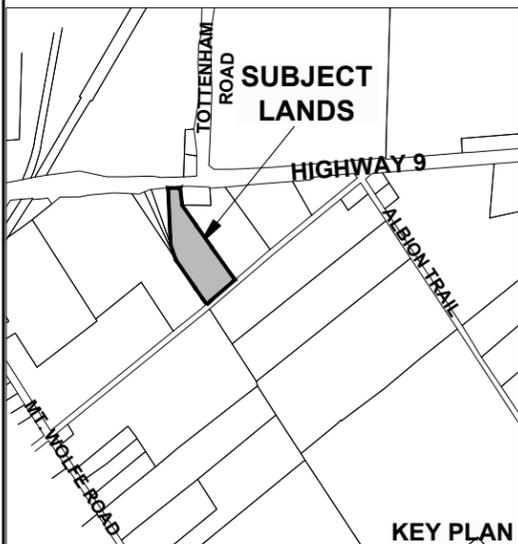
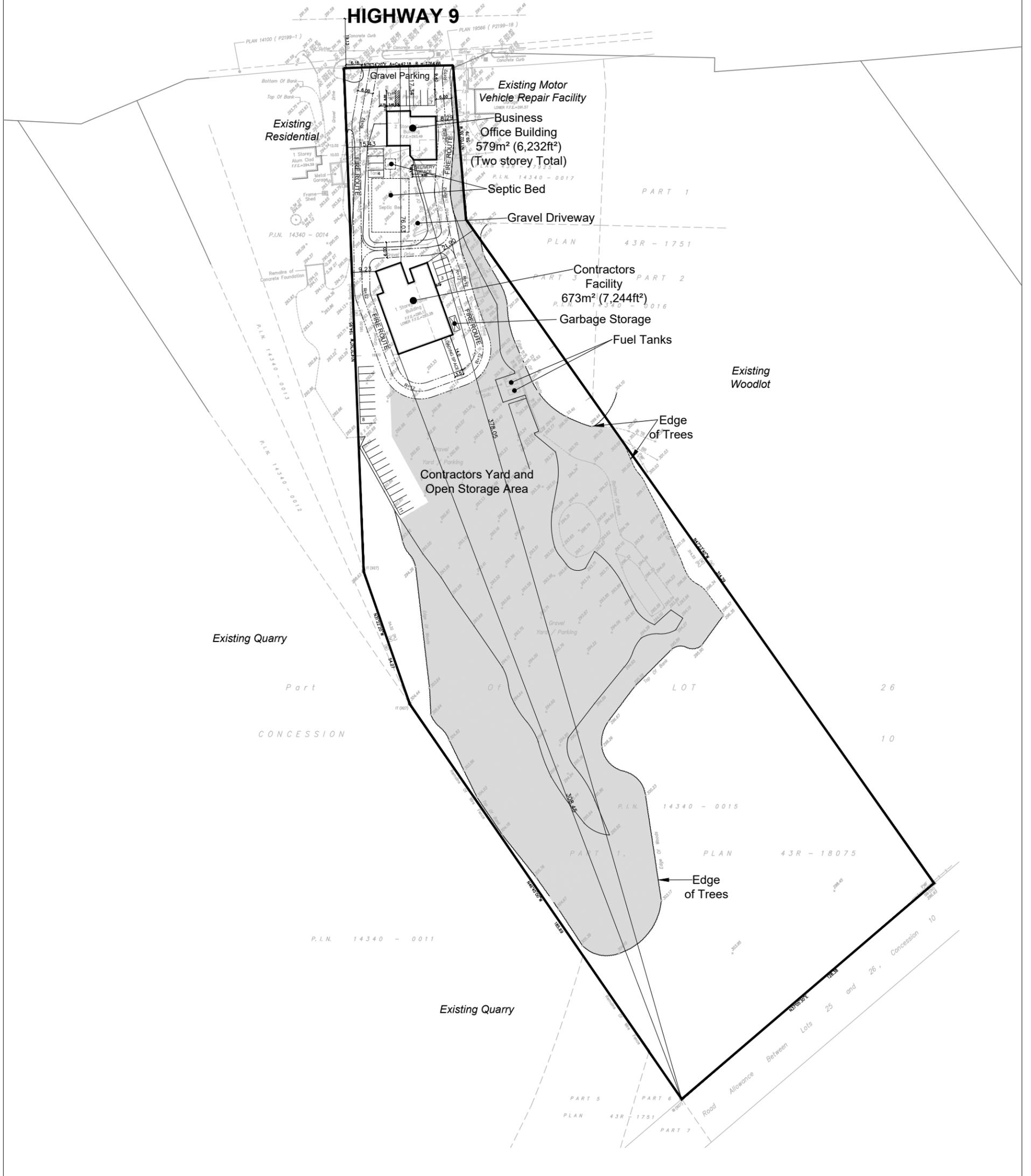


## SITE PHOTOS

2 of 2  
September 2019

## Appendix II: Development Concept Plan

THE KING'S HIGHWAY NO. 9  
(Road Allowance Between The Townships of Albion and Tecumseth)



**EXISTING CONDITIONS PLAN**

10795 HIGHWAY 9  
PART OF LOT 26, CONCESSION 10  
GEOGRAPHIC TOWNSHIP OF ALBION  
TOWN OF CALEDON  
REGIONAL MUNICIPALITY OF PEEL

**Site Statistics**

Subject Lands: 3.95ha (9.76ac)  
Total Building GFA: 1,252m<sup>2</sup> (13,476ft<sup>2</sup>)  
Open Storage Area: 1.72ha (4.25ac)

**Parking Statistics**

Parking Spaces Provided: 32  
Barrier Free Space Provided: 1  
Loading Space Provided: 1  
Delivery Space Provided: 1

**Notes:**

Typical Perpendicular Parking Space: 2.75m x 6.0m  
Typical Barrier Free Space: 3.4m x 6.0m + 1.5m Aisle  
Typical Loading Space: 3.5m x 14.0m  
Typical Delivery Space: 3.5m x 9.0m



Scale 1:1500  
September 13, 2019



## Appendix III: Draft Zoning By-law Amendment

**THE CORPORATION OF THE TOWN OF CALEDON  
BY-LAW NO. 2019-xxx**

Being a by-law to amend Comprehensive Zoning By-law 2006-50, as amended, with respect to PT LT 26 CON 10 ALBION PT 1, 43R17925; CALEDON, Town of Caledon, Regional Municipality of Peel, municipally known as 10795 Highway 9.

**WHEREAS** Section 34 of the Planning Act, as amended, permits the councils of local municipalities to pass zoning by-laws for prohibiting the use of land or the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law;

**AND WHEREAS** Section 39 of the Planning Act, as amended, permits the councils of local municipalities, in a by-law passed under Section 34 of the Planning Act, as amended, to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law;

**AND WHEREAS** the Council of The Corporation of the Town of Caledon considers it desirable to pass a zoning by-law to pass a zoning by-law to permit the use of PT LT 26 CON 10 ALBION PT 1, 43R17925; CALEDON, Regional Municipality of Peel, for a contractor's facility, business office, open space area accessory and gasoline pump island accessory.

**NOW THEREFORE** the Council of The Corporation of the Town of Caledon enacts that By-law 2006-50, as amended, being the Comprehensive Zoning By-law for the Town of Caledon, shall be and is hereby amended as follows:

1. The following is added to Table 13.4:

Zone Designation	Temporary Uses Permitted	Expiry	Special Provisions
A2-ORM-T#	- business office	Month, 2021	<ul style="list-style-type: none"> <li>- Minimum lot area of 3.9 ha</li> <li>- Minimum frontage of 40 metres</li> <li>- Front yard setback of 16metres</li> </ul>

Zone Designation	Temporary Uses Permitted	Expiry	Special Provisions
EPA2-ORM-T#	<ul style="list-style-type: none"> <li>- contractor's facility</li> <li>- open space area accessory</li> <li>- gasoline pump island accessory</li> </ul>	Month, 2021	<ul style="list-style-type: none"> <li>- Exterior side yard minimum of 8.45 metres</li> </ul>

Zone Designation	Temporary Uses Permitted	Expiry	Special Provisions

2. Schedule "A", Zone Map zone map 43 of By-law 2006-50, as amended is further amended for PT LT 26 CON 10 ALBION PT 1, 43R17925; CALEDON; CALEDON, Town of Caledon, Regional Municipality of Peel, from < A2 - ORM" to "A2 – ORM - T# and EPA2 - ORM" to "EPA2 – ORM - T#.

Read three times and finally passed in open Council on the XX day of XXXXXX, 20XX.

\_\_\_\_\_  
Allan Thompson, Mayor

\_\_\_\_\_  
Amanda Fusco, Clerk

DRAFT

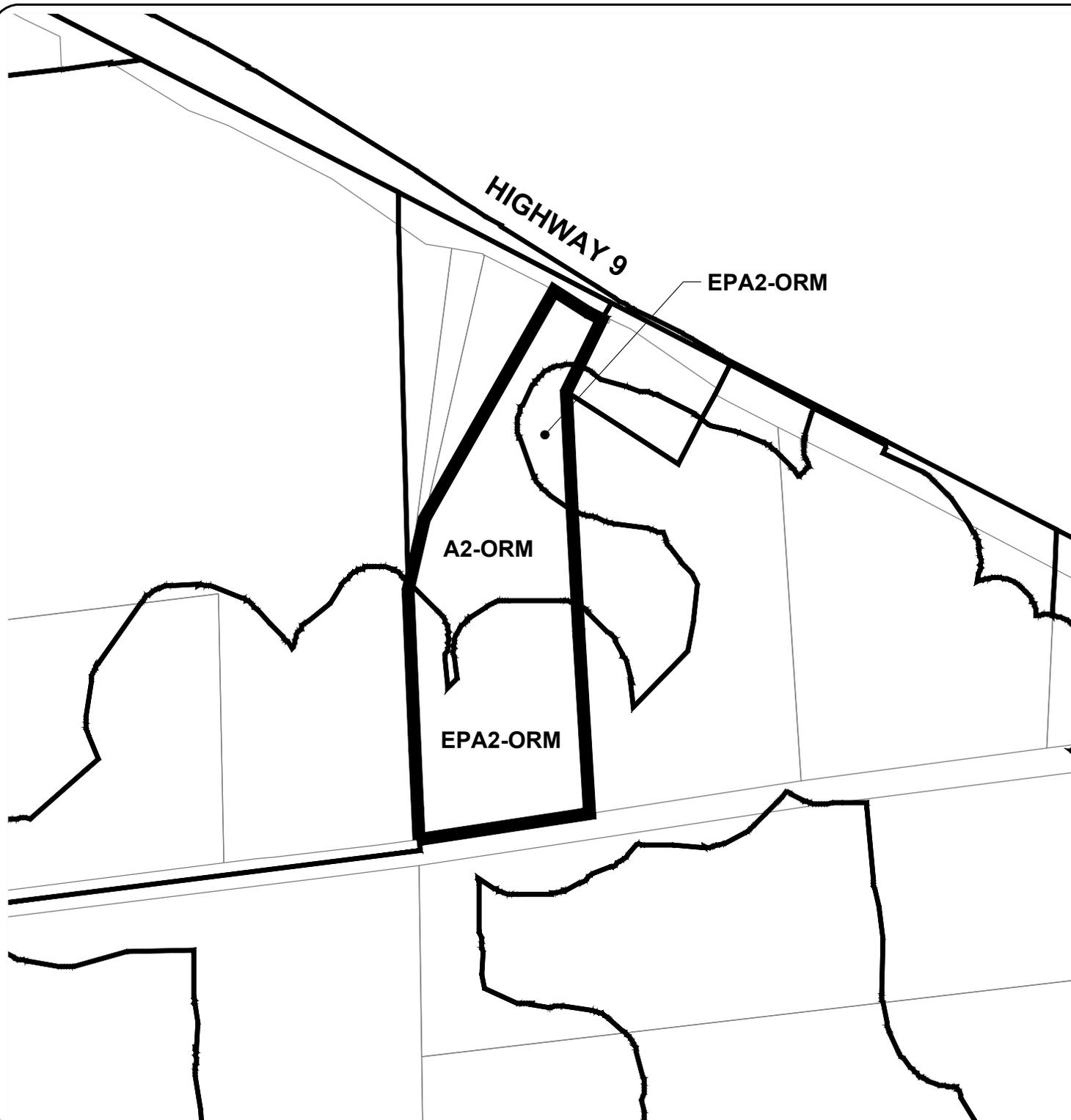
# APPENDIX "A"

## ZONING BY-LAW No. 2019-XXX

**NUCON PROPERTY DEVELOPMENT INC.**  
PT LT 26 CON 10 ALBION PT 1,  
43R17925  
Town of Caledon  
Region of Peel

### LEGEND

 Lands to be rezoned from A2-ORM to  
A2-ORM-T# and  
EPA2-ORM to EPA2-ORM-T#



DRAWN BY: GSAI	FILE NO:
CHECKED BY:	DATE: September 13, 2019
SCALE: N.T.S.	REVISED:

PLANNING & DEVELOPMENT DEPARTMENT