

March 2, 2022

MGP File: 19-2852

Town of Caledon  
6311 Old Church Road  
Caledon, ON L7C 1J6

via email: [rob.hughes@Caledon.ca](mailto:rob.hughes@Caledon.ca)

**Attention: Rob Hughes**  
**Manager, Planning Services**

Dear Mr. Hughes:

**RE: Request for Temporary Use Zoning By-law**  
**12434 Dixie Road, Caledon**  
**Temporary Use Application**  
**Town File No.: PRE 20-65**

On behalf of our client, Nishan Transport Inc., we are pleased to provide this letter in support of a Temporary Use By-law for the lands located at 12434 Dixie Road in the Town of Caledon (the Subject Lands). Figure 1 shows the Subject Lands and Table 1 provides the legal description. This letter provides planning rationale for a Temporary Use By-law to permit commercial vehicle parking for three years on the Subject Lands. Ultimately this letter demonstrates that the proposed temporary use is appropriate for the Subject Lands and is compatible with surrounding land uses.

*Figure 1 - Aerial of Subject Lands and Surrounding Uses*



Source: Malone Given Parsons Ltd., Google Earth Imagery 2018

Table 1 - Legal Description of Property

#	Party to:	Legal Description	Municipal Address	Size (ha)
1	10144789 Canada Inc.	PT LT 20 CON 3 EHS CHINGUACOUSY PTS 1, 2 & 3, 43R2380, EXCEPT PT 18, 43R20345 -"EXCLUDING PT 1, 43R20758 LYING WITHIN THE LIMITS OF PT 18"; S/T RO1081724; CALEDON "ADDED 99/08/30 BY C. COOPER" <b>PIN: 142350704</b>	12434 Dixie Rd.	10.7

## Site Context and Surrounding Uses

The lands are comprised of one parcel on the west side of Dixie Road, approximately 1.3 km north of Mayfield Road. The Subject Lands are 10.7 hectares with approximately 140 m of frontage on Dixie Road. The lands are used for agricultural purposes and have a few structures on site including a single detached dwelling, shed and farm-related structures.

The surrounding uses are summarized as follows:

### To the north

- Mayfield United Church
- Landscaping/Snow Removal business
- Agricultural Uses

### To the east

- Agricultural Uses
- Garden supply business

### To the south

- Agricultural Uses
- Shipping company facility

### To the west

- Agricultural Uses

Beyond the neighbouring lands, there are industrial, commercial, and residential uses to the south on both sides of Dixie Road including an industrial equipment supplier facility.

## Temporary Use Proposal

The proposed development consists of parking for transport trucks / trailers on the Subject Lands, accompanied by associated landscaping treatment along the property lines. Access will be maintained at the existing location at the southern portion of the property. Construction of a gravel parking lot and installation of a private storm sewer is required. The development includes the retention of all the existing buildings and structures and will continue to function as they currently exist. There are existing natural features within the Subject Lands including two waterbodies, a watercourse, and valley lands. Figure 2 illustrates the conceptual layout for the site.

Figure 2 – Conceptual Site Plan



Source: Malone Given Parsons Ltd.

## Planning Context

### Caledon Zoning By-law 2006-50

Town of Caledon Zoning By-law 2006-50 zones the Subject Lands as *Agricultural (A1)* and *Environmental Policy Area 2 (EPA2)*. The Agricultural zone permits a range of agricultural-related commercial and industrial uses. The lands zoned EPA2 are located within the Greenbelt, at the northeast portion of the property near the existing valleyland and waterbody.

### Temporary Use Zoning By-law

The provision of a temporary zoning by-law to permit the proposed use is governed by Section 39(1) of the *Planning Act*. It states that:

*“The council of a local municipality may, in a by-law passed under section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.”*

Temporary use by-laws are not permitted to exceed 3 years from the day of the passing of the by-law unless Council grants an extension (Section 39(2) and (3)).

Further to the provisions of the *Planning Act*, Section 6.2.13.1 of the Town of Caledon Official Plan states that:

*“Notwithstanding the other policies contained in the Plan, Council may pass a Temporary Use By-law to permit a specific use on a site for renewable periods up to three (3) years in accordance with the provisions of the Planning Act. Temporary Use By-laws are not to be used in a way that will prevent the use of land for its intended purpose. Temporary Use By-laws provide a way to zone lands where it is known that a specific use is appropriate in the short-term.”*

Section 6.2.13.2 further states:

“Prior to the passing of a Temporary Use By-law, Council shall be satisfied that the proposed temporary use meets the following conditions:

- a) That it is compatible with neighbouring land use activities.*
- b) That adequate parking can be provided.*
- c) That an adverse impact on traffic will not be created.*
- d) That the construction of a permanent building or structure is not encouraged.*
- e) That the use cannot become permanent and difficult to terminate.*
- f) That adverse environmental impacts will be avoided, minimized or mitigated.”*

MGP has assessed the proposed temporary use against the prescribed criteria as listed in Section 6.2.13 to test the consistency of the proposed use with the requirements that the Town uses for temporary use zoning by-laws. The following demonstrates how the proposed temporary use meets these requirements.

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

**Response:** The proposed commercial parking lot will not adversely affect the neighbouring land uses. The predominant surrounding land use is agricultural. Beacon Environmental prepared an Agricultural Impact Assessment (dated March 2021) which evaluates the potential conflict of land use with surroundings properties. Based on this assessment, the proposed development for temporary parking does not pose an increased potential conflict for land use compatibility. The proposed landscape buffer around the property lines will also provide a natural screen, which is compatible with surrounding rural and employment uses.

Furthermore, there are also similar land uses adjacent to or near the Subject Lands. A large shipping company facility (UPS) is adjacent to the south property line and a landscape and snow removal business is directly north of the Subject Lands. There is also a garden supply business located to the southeast.

*b) That adequate parking can be provided.*

**Response:** The proposed temporary use is to provide commercial parking. Other uses are not proposed, therefore additional parking provisions do not apply. Parking for the existing use is maintained.

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

**Response:** The commercial parking lot is not anticipated to adversely impact traffic in the area. NexTrans Consulting Engineers completed a Traffic Brief (dated December 7, 2021) for the proposed transport truck / trailer parking lot to assess the traffic implications of the proposed temporary use. The Traffic Brief concludes that the proposed development can adequately be accommodated by the existing transportation network with manageable traffic impact to the adjacent public roadways.

Vehicle access to the Subject Site will be provided through one full movement entrance via Dixie Road. The proposed development is anticipated to generate 10 and 21 two-way trips during AM and PM peak hours, respectively. The capacity analysis of the site access and study area intersections indicate they will continue to operate at level of service 'C' or better during peak hour periods.

Based on Ministry of Transportation standards, it was concluded that a left turn storage lane was not required for the proposed development. The Traffic Brief also determined there is adequate stopping sight distances for vehicles on Dixie Road approaching the Subject Lands from both directions.

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

**Response:** No new buildings or structures are proposed as part of this temporary use application.

*e) That the use cannot become permanent and difficult to terminate.*

**Response:** The development does not propose any new structures on site. The proposed construction includes installation of a gravel parking lot as well as a private storm sewer system. No additional sanitary or water service connections are proposed. Any proposed grading is made to preserve the existing landforms and grades to the extent possible, which is done by minimizing any grading disturbances along proposed lot boundaries. This will not affect the usability of the site in the long-term for another use and is therefore not permanent nor difficult to terminate.

Additionally, the Agricultural Impact Assessment provides appropriate mitigation measures and recommendations for the site to be reverted back to agricultural use. The recommendations include that aggregates used for the base of the parking area be removed, decompaction of soils be undertaken, and topsoil replaced and amended if required.

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

**Response:** Beacon Environmental prepared a Scoped Natural Heritage Evaluation (NHE), dated March 2021, to assess the potential impacts of the development proposal in proximity to natural heritage features. Seasonal field investigations and species-specific surveys were undertaken to understand the site conditions, context, and function with respect to natural heritage features. Beacon also reviewed the existing natural heritage policies as they pertain to the subject property. Ultimately, the proposed development of the Subject Lands demonstrates compliance with the relevant policies.

There are two locations on the subject property with natural heritage features: the northeast and southwest. In the north the features (watercourse, habitat for Redside Dace, wetland) and their respective buffers and regulated areas are within the Greenbelt Natural Heritage System and are zoned Environmental Protection Area. The woodland that is adjacent to the south is not within an Environmental Protection Area. The proposed development protects and conserves the natural heritage features, in addition to providing the appropriate respective buffers. The submitted NHE provides mitigation measures (i.e. buffers, noise and light effects, sedimentation and erosion control, etc.) to lessen or eliminate potential impacts of the proposed development on the natural heritage system.

### **Other Planning Considerations**

The Region of Peel has recently completed their Municipal Comprehensive Review as part of the Peel Official Plan (Peel 2041+) review process. Part of this exercise includes assessing land needs to accommodate population and employment growth. A Place to grow: Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') includes detailed policies for official plan reviews and settlement area boundary expansions. The Growth Plan also contains policies that are intended to be achieved by a time horizon, which was recently extended from 2041 to 2051 and provides population and employment forecasts for the Region of Peel that must be used for planning and managing growth.

Under this context, the Region of Peel recently released the draft mapping for settlement boundary expansions in January 2022. The mapping continues to identify the Subject Lands as Employment Area. There is more public input to be received to establish the settlement area boundary expansion, but it should be noted that the Subject Lands are currently envisioned to be part of the future employment area within the settlement area boundary that will shape growth in the Town of Caledon and Region of Peel. The proposed use is consistent with this vision.

### **Urban Design**

The proposed development will also contribute the Town's overall urban design vision. In 2017, Caledon established Comprehensive Town-Wide Design Guidelines, which provide sustainable and creative recommendations in both rural and urban Caledon that protect and enhance the natural environment. The Town of Caledon encourages all new development to meet the requirements of the Town-Wide Design Guidelines.

### **Built Form**

The proposed development will retain all existing structures on the subject site and only an acoustic barrier is proposed to be constructed, which is well set back on the Subject Lands. Section 13.2 of the Town-Wide Design Guidelines speaks to the Commercial and Industrial Uses in the Rural Context. The design standards for these uses include limiting access to a single access point (13.2c) and maintaining and enhancing existing cultural heritage and farm features/structures (13.2d).

The rural character of the site will be maintained through the retention of the existing buildings and access/egress to the proposed parking area will be limited to a single

driveway. The proposed access is in the same location as the existing driveway and will be widened to accommodate transport trucks and trailers.

### **Setbacks**

The proposed transport truck and trailer parking development will respect the existing setbacks applicable by the in-force zoning. The temporary use zoning bylaw amendment does not propose to change the existing yard, driveway, or parking space setbacks. Refer to the submitted Zoning Matrix for more detail.

### **Landscaping**

A landscape plan has been prepared for the proposed development and illustrates the landscaping treatment within the site and along the property lines to provide a buffer to the surrounding uses. The Agricultural (A1) zoning, currently applicable to most of the site, requires 10% minimum landscaped area. The proposed development will provide a landscaped area of 10% or greater, that is detailed within the landscape plan.

The Town-Wide Design Guideline (Policies 13.2l and q) state design requirements to provide naturalized landscaping using diverse native species and to screen parking lots with naturalized landscaping. The detailed landscape plan will provide details of the proposed planting species and will adhere to the Town's design standards. Furthermore, as shown on the Concept Plan, landscape treatment will be included along the property lines to appropriately screen the parking area from surrounding uses.

### **Compatibility**

The surrounding uses to the site include agricultural, single-family dwellings, and truck and trailer parking. The submitted Agricultural Impact Assessment evaluates the potential conflict of land use with surrounding properties. Based on the report, the proposed development for temporary parking does not pose an increased potential conflict for land use compatibility as the predominant surrounding land use is agricultural.

There are also similar land uses near the proposed development. A new trucking transport facility is located to the south. The proposed landscape buffer around the property lines will also provide a natural screen, which is compatible with surrounding rural uses.

Additionally, the Agricultural Impact Assessment provides appropriate mitigation measures and recommendations for the site to be reverted back to agricultural use. The recommendations include that aggregates used for the base of the parking area be removed, decompaction of soils be undertaken, and topsoil replaced and amended if required. This is consistent with the Town-Wide Design Guidelines Section 13.1 which states the key design principles for Caledon's rural area which include preserving the Town's agricultural resources.

Policy 13.2m also requires development to maintain views to the existing dwelling. The site retains the existing dwelling and structures and views to the dwelling from the public right-of-way and adjacent properties will be maintained.

## **Environment**

Section 13.1 of the Design Guidelines also speaks to preserving the integrity of the Town's environmental systems and ensuring compatibility of adjacent agricultural uses. The submitted Natural Heritage Evaluation identifies the natural heritage features within the site. The report provides mitigation measures (i.e. buffers, noise and light effects, sedimentation and erosion control, etc.) to lessen or eliminate potential impacts of the proposed development on the natural heritage system. The proposed development respects the natural heritage system within the site and will adhere to the recommended mitigation measures.

## **Summary**

As demonstrated through the responses above, the proposed temporary use is appropriate for the Subject Lands and is compatible with surrounding land uses. The proposed use of a commercial truck / trailer parking lot would not permanently alter the lands and the existing structures will be retained.

## **Supporting Documents**

In support of the request for the temporary use zoning by-law, please find the following documents enclosed (note: all documents are submitted electronically as per the Town's Electronic Submission Requirements: Planning Applications):

- A cheque for \$13,374.24 – the fee for a Temporary Use Application as per the Town of Caledon's 2021 User Fees By-law No. 2021-05 (cheque has been received by the Town).
- Concept Plan prepared by Malone Given Parsons Ltd., dated January 6, 2021.
- Draft Zoning By-law Amendment prepared by Malone Given Parsons Ltd.
- Zoning Matrix prepared by Malone Given Parsons Ltd., dated April 19, 2021.
- Traffic Brief prepared by NexTrans Consulting Engineers, dated December 7, 2021.
- Geotechnical Investigation prepared by Soil Engineers Ltd., dated November 23, 2020.
- Stormwater Management Report prepared by Masongsong Associates Engineering Ltd., dated February 2021.
- Natural Heritage Evaluation prepared by Beacon Environmental, dated March 2021.
- Geomorphic Assessment prepared by Beacon Environmental, dated April 2021.
- Agricultural Impact Assessment prepared by Beacon Environmental, dated March 2021.
- Archaeological Assessment prepared by The Archaeologists dated February 7, 2022
- Phase 1 ESA prepared by RiskCheck dated October 21, 2015
- Environmental Noise Impact Study prepared by Aercoustics dated December 9, 2021
- Cultural Heritage Impact Assessment prepared by ASI dated February 2022
- Landscape Study prepared by M&M Design Consultants dated December 17, 2021

Other studies were requested based on our DART meeting held May 21, 2020. The following detailed studies/plans will be provided through a future site plan application:

- Reference Plan



Given that the development proposal maintains all existing structures without modifications, it is our opinion the following studies/plans should not be required, which was confirmed by Town staff at a meeting in August 2021:

- OBC Matrix
- Elevation and Floor Plan Drawings
- Landscape and Engineering Letters of Conformance/Site Works and Cost Estimate

As detailed in the letter prepared by M&M Consultants, an Arborist Report is not required for this development.

We look forward to continuing to work with you on this application. Should you have any questions or require additional information, please do not hesitate to contact us.

Yours very truly,

**Malone Given Parsons Ltd.**



**Matthew Cory, MCIP, RPP, PLE, PMP**

Principal