ISSUE DATE:
AUG. 19, 2009

PL090021

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Caledon Grove Developments Inc. and 1367933 Ontario Inc. have appealed to the Ontario Municipal Board under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the Town of Caledon to announce a decision respecting a proposed amendment to the Official Plan to redesignate lands respecting Part of the west halves of lots 23, 24 & 25, Concession 1, W.H.S. from Rural Area, Agricultural Area, and Environmental Policy Area to Open Space Policy Area and Environmental Policy Area
OMB File No. PL090021
OMB Case No. PL090021

Caledon Grove Developments Inc. and 1367933 Ontario Inc. have appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 2006-50 and 87-250, as amended, of the Town of Caledon to rezone lands respecting Part of the west halves of lots 23, 24 & 25, Concession 1, W.H.S. from Agricultural (A1) and Rural (A2) to appropriate Open Space and Environmental Policy Area
OMB File No. PL090022
OMB Case No. PL090021

APPEARANCES:

Parties	Counsel*/Agent
Caledon Grove Developments Inc. and 1367933 Ontario Inc.	R. Webb*
Town of Caledon	N. Koltun*
Regional Municipality of Peel	K. Self
Credit Valley Conservation Authority	J. Campbell

DECISION DELIVERED BY H. S. GOLDKIND ON JULY 13, 2009 AND ORDER OF THE BOARD

This Decision arises out of a Prehearing Conference held on July 13, 2009, when the parties advised that they had entered into Minutes of Settlement (Attachment "1") submitted in evidence in support of the settlement. Mr. G. Broll presented land use

planning evidence on behalf of Caledon Grove Developments Inc. and 1367933 Ontario Inc. ("Applicants") in support of the Applicants' Applications to amend the Official Plan of the Town of Caledon and to rezone the Subject Land to permit its use as a golf course. The Subject Land is situated on the east side of Willoughby Road, adjacent to the west limit of an existing golf course on the west side of Highway 10, just south of Highpoint Sideroad. This golf course is owned by the Applicants.

Background Facts

The Applicants propose to develop these two parcels of land also known as the West Lands and East Lands, as one 27-hole golf course on the west side of Highway 10 about 4 kilometres south of the Town of Orangeville. In 2004 and 2005, the East Lands of the proposed golf course, fronting on Highway 10, were before the Board on a rezoning application. The Board rezoned the East Lands to permit their use as a golf course. That rezoning was pursuant to Minutes of Settlement between the Applicants and the public authorities.

Subsequent to the Board's Decision, the Applicants acquired the adjoining Subject Land to the west (the "West Lands") and now wish to develop both of these parcels of land as an integrated 27-hole championship golf course with a clubhouse and guesthouses for visiting tournament golfers and other interested persons. Both parcels of land comprise 152 hectares.

Planning Evidence

Mr. Broll provided the following planning evidence. Mr. Broll testified that the relevant planning documents governing these applications are:

(i) The Greenbelt Plan, where the Subject Land is designated in part as Protected Countryside and part as Natural Heritage System;

(ii) Provincial Policy Statement 2005 ("PPS");

(iii) Official Plan for the Regional Municipality of Peel ("Peel OP");

(iv) Official Plan of the Town of Caledon ("Town OP"), where the Subject Land is designated as Rural and Agriculture; and

(v) Town of Caledon Comprehensive Zoning By-law 2006-50 ("Town By-law"), as amended.

The Applicants seek to amend the Town By-law as set out on the draft Zoning By-law Amendment marked as Schedule B to Attachment "1" and to amend the Town OP as set out on Schedule C to Attachment "1" (draft Official Plan Amendment 221). Schedules "B" and "C" were drawn up by the Town of Caledon in consultation with the Applicants' consultant.

Zoning Changes

Certain areas of the Subject Land are to have Environmental Protection Zoning (EPA1-406) in order to protect sensitive areas from development. There are similar protective provisions on the East Lands of the proposed integrated golf course. Certain parts of these protected areas are set aside to permit golfers and maintenance workers to crossover between the two parts of the integrated golf course.

The draft amending Zoning By-law also provides Open Space Zoning (OS-419) areas that permit a golf course, a clubhouse, guesthouses, maintenance buildings and other features such as a Tee-Off Area in a designated location.

Town OP Changes

These changes would constitute Amendment No. 221 of the Town OP. These changes result in the designation of Environmental Policy Areas, Open Space Policy Areas and a General Agricultural Area. The proposed amendment also introduces a policy to permit Tee-Off and Practice Areas at the southwestern half of the Subject Land.

Access

Access to the golf course will be restricted to Highway 10. There is to be no access off Willoughby Road for golf course related uses.

Reports and Concerns of Parties

Mr. Broll testified that the Applicants' consultants provided a number of study reports, which were circulated to the parties for review and comment by their respective experts. He testified that there were extensive consultations between the Parties and the Applicants satisfactorily addressed and resolved the concerns of all of the other parties. The various expert reports included:

- Scoped Environmental Improvement Report;
- Hydrogeological and Water Supply Study;
- Storm Water Management Report;
- Natural Hazards Report;
- Irrigation Water Budget Report; and
- Agricultural Impact Report.

The representatives of the various parties did not question Mr. Broll's evidence.

Participants

The participants' main concerns were with respect to water and the use of pesticides. Mr. DiNatale has an adjacent farm to the southwest of the proposed golf

course. He is concerned about the effect of the golf course on his farm operation and future expansion.

Mr. Broll testified that the Applicants' experts met with the participants and identified their concerns. He testified that the requirements of the Ministry of the Environment strictly control the use of pesticides on golf courses in order to reduce pollution, protect families from toxic chemicals, and control the taking of ground water. He advised that the operation of the golf course will not have a negative impact on the quantity and quality of the water supply of the neighbouring properties. He also advised that operation of the golf course will not negatively affect the farming operation of Mr. DiNatale. He advised that the area closest to Mr. DiNatale is a golf practice and ball collection area, which involves less activity and little impact on the adjacent property. Mr. Broll explained that the Applicants' plans were modified where feasible and the participants' issues were adequately taken care of. He testified that the Town will address the need for protective fencing during the development agreement process.

Mr. Broll also testified that the Applicants will require a site plan application and approval of the Town before construction of the clubhouse, guesthouses and new access to Highway 10.

Mr. Broll testified that the proposed amendments to the Town's Zoning By-law and Official Plan conform with and satisfy all requirements and policies of the Greenbelt Plan, the Peel OP, the Town OP, the PPS, the Town By-law and the guidelines of the Credit Valley Conservation Authority.

Conclusion

The Board is satisfied that the proposed golf club project and the proposed amendments to the Town By-law and Town OP satisfy the requirements of and conform to all of the aforesaid relevant planning instruments and represents good planning.

THE BOARD ORDERS that:

1) The Official Plan of the Town of Caledon is amended as set out in the draft Official Plan Amendment appended as Schedule C to the Minutes

of Settlement (Attachment "1") being Amendment No. 221 of the Town of Caledon Official Plan;

2) Comprehensive Zoning By-law 2006-50 as amended, is further amended as set out in the draft Zoning By-law Amendment appended as Schedule B to the Minutes of Settlement (Attachment "1");

THE BOARD FURTHER ORDERS that upon request of the parties there be an amendment of the Minutes of Settlement forming part of the Decision and Order made by Members J. R. Mills and J. Flint (OMB Case No. PL020994, Order No. 0385 issued on February 24, 2004) in regard to the East Lands in order to implement Paragraph 10 of these Minutes of Settlement, which reads as follows:

> As the Appellants will provide compensation for the use of the EPA lands shown as Area E on Zone Map SE25, attached as page 4 of Schedule B to this Agreement, by providing an alternative connecting corridor on the West Lands, the Appellants are permitted to construct fairways and cart paths and greens, across Area E for persons, golf carts and small scale golf course maintenance equipment.

The Board may be spoken to with regard to any matter requiring clarification.

This is the Order of the Board.

"H. S. Goldkind"

H. S. GOLDKIND
MEMBER

ATTACHMENT "1"

OMB Case No. PL090021
OMB Case No. PL090022

ONTARIO MUNICIPAL BOARD
Commission des affaires municipals de l'Ontario

Caledon Grove Developments Inc. and 1367933 Ontario Inc. have appealed to the Ontario Municipal Board under subsection 17 (40) and under subsection 34 (11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact proposed amendments to the Town of Caledon Official Plan and Zoning By-law 2006-50 of the Town of Caledon to designate lands and to rezone lands respecting parts of Lot 23, 24 and 25, Concession 1 WHS (Cal), Town of Caledon, Regional Municipality of Peel
(i) from General Agricultural Area, Rural Area and Environmental Policy Area to Open Space Policy Area, General Agricultural Area and Environmental Policy Area
(ii) from Agricultural (A1), Rural (A2) and Environmental Policy Area 2 (EPA2) in Comprehensive Zoning By-law 2006-50 to Open Space Exception 419 (OS-419), Agricultural Exception 470 (A1-470) and Environmental Policy Area 1 Exception 406 (EPA1-406)

MINUTES OF SETTLEMENT

WHEREAS Caledon Grove Developments Inc. and 1367933 Ontario Inc. (hereinafter referred to collectively as "the Appellants") have appealed to the Ontario Municipal Board pursuant to subsection 17 (40) and under subsection 34 (11) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from Caledon Council's refusal or neglect to enact proposed amendments to the Town of Caledon Official Plan and Comprehensive Zoning By-law 2006-50, as amended, to designate and rezone lands respecting parts of Lot 23, 24 and 25, Concession 1 WHS (Cal), Town of Caledon, Regional Municipality of Peel (hereinafter referred to as "the Lands");

AND WHEREAS the Appellants are seeking to construct and operate a golf course on the Lands known as the "Pinnacle Heights Golf and Country Club";

AND WHEREAS as a result of various discussions between the Appellants, the Town of Caledon, the Regional Municipality of Peel, the Credit Valley Conservation Authority and the participants have resulted in the resolution of the issues as set out in these Minutes of Settlement;

NOW THEREFORE THE PARTIES HERETO agree as follows:

1. The lands which are the subject of this appeal are known as the "West Lands" and are as set out in Figure No. 3 titled "Constraints Map for West Lands and 27 Hole Golf Course Layout on Both East and West Lands", attached as Schedule A to this Agreement .

Regional Municipality of Peel

2. The boundaries of the Core Area on the West Lands are those as set out in the attached Schedule A.

3. The Appellants acknowledge and agree that those parts of the West Lands which have been described as Maximum Constraint (Core Area) on Schedule A shall be designated as Core Area under the Region's Official Plan and shall be subject to any express terms in this Agreement, and shall be subject to any and all restrictions and prohibitions against certain uses as are applicable to Core Areas under the Region's Official Plan.

Town of Caledon

4. The Appellants further acknowledge and agree that those parts of the West Lands which have been described as Maximum Constraint (Core Area) and Environmental Policy Area on Schedule A and on page 5 of Schedule C shall be designated as Environmental Policy Area under the Town of Caledon's Official Plan and shall, subject to any express terms in this Agreement, be subject to any and all restrictions and prohibitions against certain uses as are applicable to Environmental Policy Areas under the Town of Caledon Official Plan. The draft official plan amendment to the Town's Official Plan shall be as attached as Schedule C to this Agreement.

5. The Appellants further acknowledge and agree that the lands identified as Maximum Constraint (Core Area) on Schedule A and on page 3 of Schedule B shall be zoned as Environmental Policy Area Exception (EPA1-406) so as to restrict the permitted uses on those lands. The draft amending zoning by-law to the Town of Caledon Comprehensive Zoning By-law shall be as attached as Schedule B to this Agreement.

6. The Appellants and the Town of Caledon agree as follows.

   (1) The Lands are designated as General Agricultural and are not designated as Prime Agricultural lands.

   (2) The Appellants and the Town of Caledon are desirous of settling this appeal, and solely for the purpose of settling this appeal, the Appellants and the Town of Caledon agree that the permitted uses located on the part of the West Lands shown as Area D on Zone Map SE 25, attached as page 4 to Schedule B to this Agreement, shall be restricted so that Area D is used for agricultural purposes and, in addition, as a practice area in relation to golf ball collection and is not accessible to the general public but only to employees of the golf course for the purpose of collecting golf balls.

   (3) The Appellants and the Town of Caledon agree that the settlement terms as set out in the above paragraph do not constitute a precedent and that nothing in this settlement will fetter the discretion of the Council of the

Town of Caledon in its consideration of future golf course applications. The Appellants and the Town of Caledon agree that the Town is obliged to duly consider applications under the Planning Act regarding the development of lands in the Town of Caledon on the merits of the applications, to hear and consider any objections, comments or concerns with respect thereto, and to make appropriate determinations in the municipal council's unfettered discretion on such applications in accordance with the provisions and procedures of the Planning Act, the Official Plan of the Town of Caledon and the Official Plan of the Regional Municipality of Peel and any applicable provincial policies, statutes and regulations.

7. The Appellants and the Town of Caledon agree that

(1) the location of the proposed clubhouse, guest houses and parking areas shall be restricted to Area A and Area B as shown on Zone Map SE 25, attached as page 4 to Schedule B to this Agreement, and

(2) that the exact location of the clubhouse, guest houses and parking areas within Area A and Area B shall be determined through the site plan and the site plan agreement.

8. (1) The Appellants will provide to the Town of Caledon at the time of the drafting of the site plan a survey/reference plan of the West Lands prepared at their sole cost in order to verify and confirm the dimensions of Areas A, B, D and E on Zone Map SE 25, attached as page 4 to Schedule B to this Agreement, and

(2) The Appellants will provide to the Town of Caledon at the time of the drafting of the Development Agreement an overall master plan of the golf course on the East and West Lands in order to provide a context for the evaluation of the requirements of these Minutes of Settlement, the development agreement and the site plan for the clubhouse, guest houses and parking area. It is agreed that Fig. 3 modified to indicate the potential location for fencing or netting shall be deemed sufficient as an overall master plan of the golf course.

Participants

9. In regard to the participants as identified by the Ontario Municipal Board the Appellants agree as follows.

(1) The Appellants have provided, and will provide, to the participants who have requested, or will request, such documents, all reports and studies

prepared by W.B. Beatty & Associates Ltd in regard to the issue of the potential effect of the operations of the golf course on the participants' wells.

(2) The Appellants will provide a letter to each of the participants confirming that if the participants or any of them experience a reduction, a complete loss or contamination, in their water supply in their wells due to the construction or operations of the golf course, then the Appellants will take all necessary steps to mitigate this reduction, loss or contamination and to restore the water supply in the wells to its original condition and quantity.

(3) The Appellants will request that the Minister of the Environment impose as conditions of the water taking permit issued for the operation of the golf course the following requirements:

(a) The Permit Holder shall immediately notify the local District Office of any complaint arising from the taking of water authorized under this Permit and shall report any action which has been taken or is proposed with regard to such complaint. The Permit Holder shall immediately notify the local District Office if the taking of water is observed to have any significant impact on the surrounding waters.

(b) If the taking of water is observed to cause any negative impact to other water supplies obtained from any adequate sources that were in use prior to initial issuance of a Permit for this water taking, the Permit Holder shall take such action necessary to make available to those affected, a supply of water equivalent in quantity and quality to their normal takings, or shall compensate such persons for their reasonable costs of doing, or shall reduce the rate and amount of taking to prevent or alleviate the observed negative impact. Pending permanent restoration of the affected supplies, the Permit Holder shall provide, to those affected, temporary water supplies adequate to meet their normal requirements, or shall compensate such persons for their reasonable costs of doing so. If permanent interference is caused by the water taking, the Permit Holder shall restore the water supplies of those permanently affected.

(4) The Appellants agree that the residence located on the West Lands and located in Area D as shown on Zone Map SE 25, attached as page 4 to Schedule B to this Agreement, shall be used only as an existing detached residence and that the access to this residence from Willoughby Road shall be only a residential access to be used by the occupants of the residence. In the absence of any residence in Area D, any access from Willoughby Road will be discontinued.

(5) The Appellants agree that any and all pesticides used for the purpose of the operation of the golf course shall be used in accordance with the provisions of the *Pesticides Act* and that the Appellants will prepare and present a report regarding their use of pesticides on the golf course at an annual public meeting, as required by the *Pesticides Act*.

(6) The Appellants will provide fencing and netting if and where required in order to prevent golf balls entering the participants' properties to the satisfaction of the Town of Caledon prior to the completion of the construction of the golf course and prior to the opening of the clubhouse and guest houses to members of the public. This requirement shall be contained in the development agreement and in any applicable site plan and site plan agreement.

(7) The Appellants agree that there will be no lighting in the practice area as shown as Areas C and D on Zone Map SE 25, attached as page 4 of Schedule B to this Agreement, and that any lighting in regard to the clubhouse, the guest houses and parking shall be shown on the site plan for these facilities and addressed in the site plan and/or development agreement.

(8) The Appellants agree that in order to minimize the generation of dust, the golf course shall be constructed in phases and that dust mitigation measures will be provided in the development agreement to the satisfaction of the Town.

(9) The appellants agree that they will, at the time of the construction of the golf course, outfit at the cost of the appellants all properties on the east side of Willoughby Road abutting the proposed golf course with a drilled well if such properties are currently serviced with a dug well, subject to obtaining the consent of the owner of each such property.

Credit Valley Conservation Authority

10. As the Appellants will provide compensation for the use of EPA lands shown as Area E on Zone Map SE 25, attached as page 4 of Schedule B to this Agreement, by providing an alternative connecting corridor on the West Lands, the Appellants are permitted to construct fairways and cart paths and greens, across Area E for persons, golf carts and small scale golf course maintenance equipment.

11. The Appellants shall be permitted limited opportunity to construct golf cart paths within those areas of the Core Area on Schedule A as identified, provided that both the exact location of the said golf cart paths and the materials to be used in the construction of the said golf cart paths which shall be comprised of natural materials shall be approved by the Region and the Credit Valley Conservation Authority in writing and/or elevated where indicated. Where the Appellants propose that the bridges be of material other than natural material, that substitution shall be approved by Credit Valley Conservation Authority. Written approval, which shall not be unreasonably withheld, for the location of and materials to be used in the construction of any golf cart paths within the

boundaries of the Core Area shall be obtained by the Appellants from the Credit Valley Conservation Authority prior to the commencement of any golf course construction related works, which for the purpose of this Agreement shall mean any works related to the preparation of the Lands for the construction of any component of the golf course operations including but not limited to any grading, stripping or removal of topsoil on the Lands.

12. Subject to paragraphs 10 and 11 above, the Appellants shall minimize any intrusions into the Core Area for the purpose of golf cart paths and that where possible shall lay out the golf cart paths so that they follow paths currently existing on the Lands.

13. The Appellants may establish "Fly-Over Areas" within those parts of the Core Area and the Environmental Policy Area on Schedule A as identified. The Appellants may place underground services for irrigation and electrical purposes within those parts of the Core Area marked as "Fly Over Areas" on Schedule A, and which are not within any wetlands, provided that the Appellants can demonstrate to the reasonable satisfaction of the Credit Valley Conservation Authority, that the installation of any such underground services will not disrupt ground water flow paths to the Core Area, and that the areas which have been disturbed for the purpose of installation said underground services are returned to a naturalized state to the reasonable satisfaction of the Credit Valley Conservation Authority, and further that should the Appellants at any time be required for maintenance purposes to obtain access to the aforementioned services, any areas of disturbance will be restored to their prior condition to the reasonable satisfaction of the Credit Conservation Authority.

14. In order to establish the "Fly-Over Areas" referred to above and as shown on Schedule A, the Appellants may be required to remove some existing vegetation for the purpose of establishing these areas. In the event that the Appellants are required to remove any existing vegetation to establish these fly-over areas, they shall replace such vegetation with appropriate plant materials to the reasonable satisfaction of the Credit Valley Conservation Authority.

15. The Appellants agree that they shall plant additional vegetation in those areas marked as "Potential Planting Area" on Schedule A. Notwithstanding the additional plantings to be provided in the aforementioned areas by the Appellants, the Appellants may design their golf course so that it proceeds through these areas provided that they are not within the boundaries of the Core Area.

16. The Appellants agree that prior to commencing any golf course construction related works on the Lands they shall submit a Planting Plan to the reasonable satisfaction of the Credit Valley Conservation Authority, which shall address issues such as the type, quantity, and mix of plantings proposed for any of the

areas described in the above paragraph 15, and will also address the proposed time for planting of such materials, as well as the maintenance period in the event that any plantings are required to be replaced.

17. (1) The Town of Caledon, the Credit Valley Conservation Authority and the Region of Peel consent to an amendment of the Minutes of Settlement forming part of the decision and order made by J. Mills and J. Flint (OMB Case No. PL020994, Order No. 0385 issued on 24 February 2004) in regard to the East Lands in order to implement paragraph 10 of these Minutes of Settlement.

(2) Guglietti Brothers Investments Limited hereby consents to the amendment of the Minutes of Settlement forming part of the decision and order made by J. Mills and J. Flint (OMB Case No. PL020994, Order No. 0385 issued on 24 February 2004) in regard to the East Lands in order to implement paragraph 10 of these Minutes of Settlement.

18. The Appellants agree that prior to commencing any golf course related construction works, they will provide a grading plan, stormwater management plan, an overall master plan of the golf course on the East and West Lands and a development agreement, to the satisfaction of the Region of Peel, the Town of Caledon and the Credit Valley Conservation Authority.

19. The parties do hereby agree that the settlement herein is on a without costs basis.

20. The terms of this settlement shall be binding on the parties and their successors, administrators, executors and/or assigns.

21. These Minutes of Settlement may be executed in counterpart form.

Dated this 9th day of July 2009.

THE REGIONAL MUNICIPALITY
OF PEEL

Tom Slomke

Name: Tom Slomke
Position Director
Development Services

Execution No. L03-10815

Name:
Position:
I/We have authority to bind the corporation

AUTHORIZATION RESOLUTION No. 410-2009
PASSED BY TOWN OF CALEDON COUNCIL
ON THE 7 DAY OF July 2009

THE CORPORATION OF THE TOWN OF CALEDON

Name: Marolyn Morrison
Position: Mayor

Name: Karen Landry
Position: Clerk
We have authority to bind the corporation

CREDIT VALLEY CONSERVATION AUTHORITY

Name: G. P. ROSIN
Position: DIRECTOR, CORPORATE SERVICES

Name:
Position: CAO
I/We have authority to bind the corporation

CALEDON GROVE DEVELOPMENTS INC.

Name: SILVIO GUGLIETTI
Position: A.S.O

Name:
Position:
I/We have authority to bind the corporation

1367933 ONTARIO INC.

Name: SILVIO GUGLIETTI
Position: A.S.O

Name:
Position:
I/We have authority to bind the corporation

GUGLIETTI BROTHERS INVESTMENTS LIMITED

Name: SILVIO GUGLIETTI

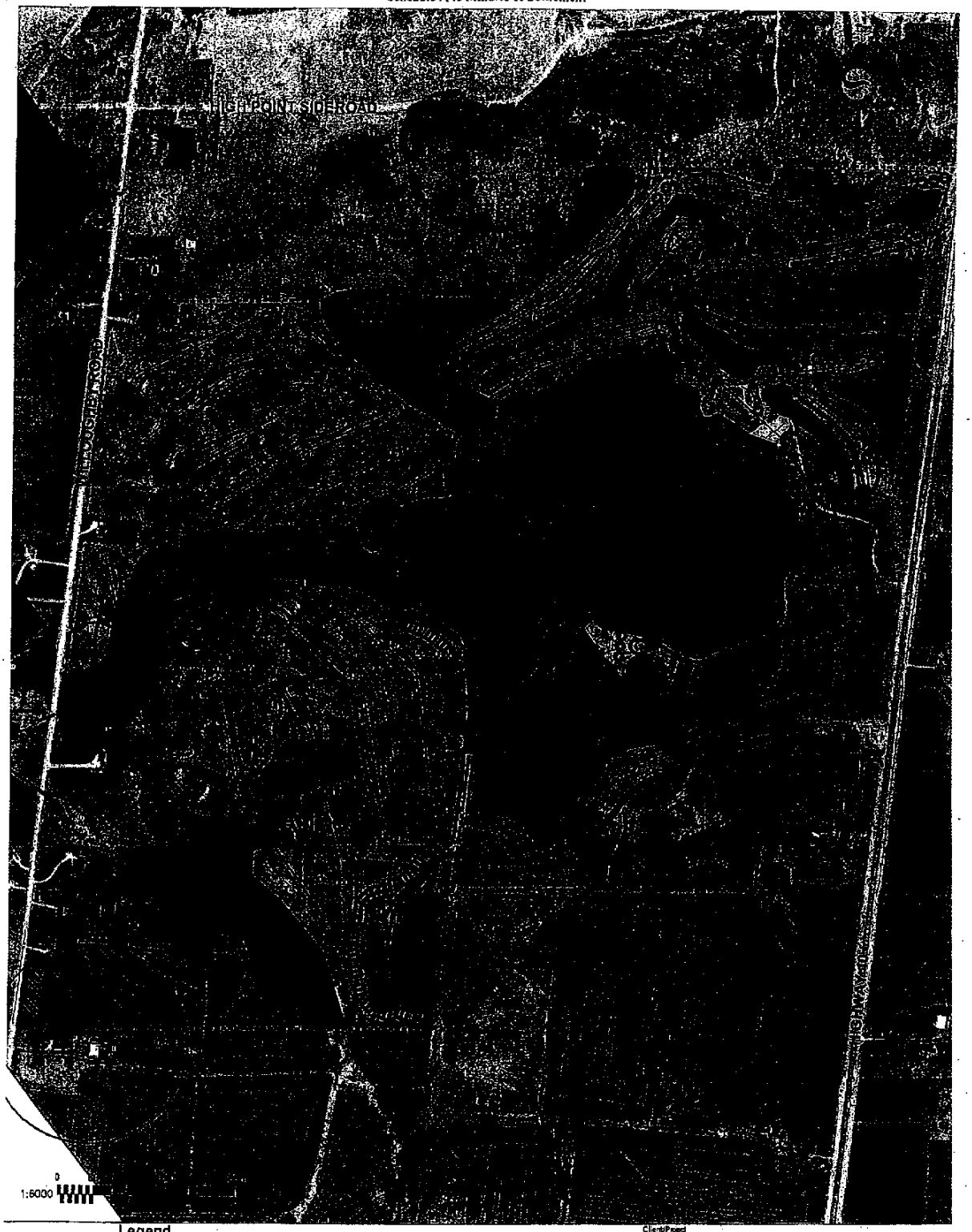
Position: A.S.O

Name:

Position:

I/We have authority to bind the corporation

Schedule A to Minutes of Settlement



Legend

- Approximate Property Limit Boundary
- Maximum Constraint (Core Area)
- Environmental Policy Area
- Potential Planting Areas
- Vegetation Modification Areas
- Fly-over Areas
- Proposed Cart Path
- Former Proposed Terrestrial Link Corridor (Schedule 1 from Phase 1)
- Nearest Neighbour Buffer Line
- Guest House

Revision	By	Appd.	YYYY.MM.DD
A Final Version	BC	RH	09.06.19
B Property boundary corrected, hole 1 adjusted.	BC	RH	09.06.22
C Ledges removed to Guest House	BC	RH	09.06.25

Client/Project

PINNACLE WEST LANDS
CALEDON GROVE DEVELOPMENTS INC.

Figure No.

3

Title

CONSTRAINTS MAP FOR WEST LANDS AND 27 HOLE GOLF COURSE LAYOUT ON BOTH EAST AND WEST LANDS

Stantec

FINAL - JULY 3, 2009

1. The EPA1-406 section of Table 13.1 is amended to read as follows:

EPA1	**406 (By-law 2007-42, OMB Order 0385 February 24, 2004, OMB Order XXXXX)**	***-Recreation, Non-Intensive***	Natural Area Restrictions (a) Within any area shown as Primary Natural Area on Schedule 'A' hereto, no person shall alter the surface of the land, or alter, disturb, destroy, remove, cut or trim any vegetation, whether living or dead; or alter, disturb, destroy or remove any wildlife habitat, whether in use or not, or construct, erect, or install any *building, structure*, septic tile field, swimming pool or tennis court. (b) Within any area shown as Secondary Natural Area on Schedule 'A' hereto, no person shall alter the surface elevation of the land, or construct, erect or install any *building, structure*, septic tile field, swimming pool or tennis court. Notwithstanding any other provision of this by-law, for the purposes of Pinnacle Heights Golf Course located on Parts of Lot 23, 24 and 25, Concession 1 WHS, Town of Caledon, Regional Municipality of Peel, golf cart paths, fly-over areas and underground services for irrigation and electrical purposes may be located in this *zone* provided prior written approval is received from the Town of Caledon and the Credit Valley Conservation Authority. Notwithstanding any other provision of this by-law, golf cart paths, greens and fairways may be located in the area identified as Area E on *Zone* Map SE 25.

2. The OS-419 section of Table 13.1 is amended to read as follows:

OS	**419 (By-law 2007-42, OMB Order 0385 February 24, 2004, OMB Order XXXXX)**	***-Clubhouse*** ***-Golf Course*** ***-Guest House*** ***-Maintenance Building*** **-Pump House** ***-Tee Off Area, Accessory***	*Building Height* (maximum) -Clubhouse 15m Number of *Guest House* (maximum) 28 *Floor Area* (maximum) *-Accessory Building* 25m2 *Accessory Building* (maximum) 3 Access Restrictions For the purpose of this *zone*, there shall be no access off Willoughby Road.

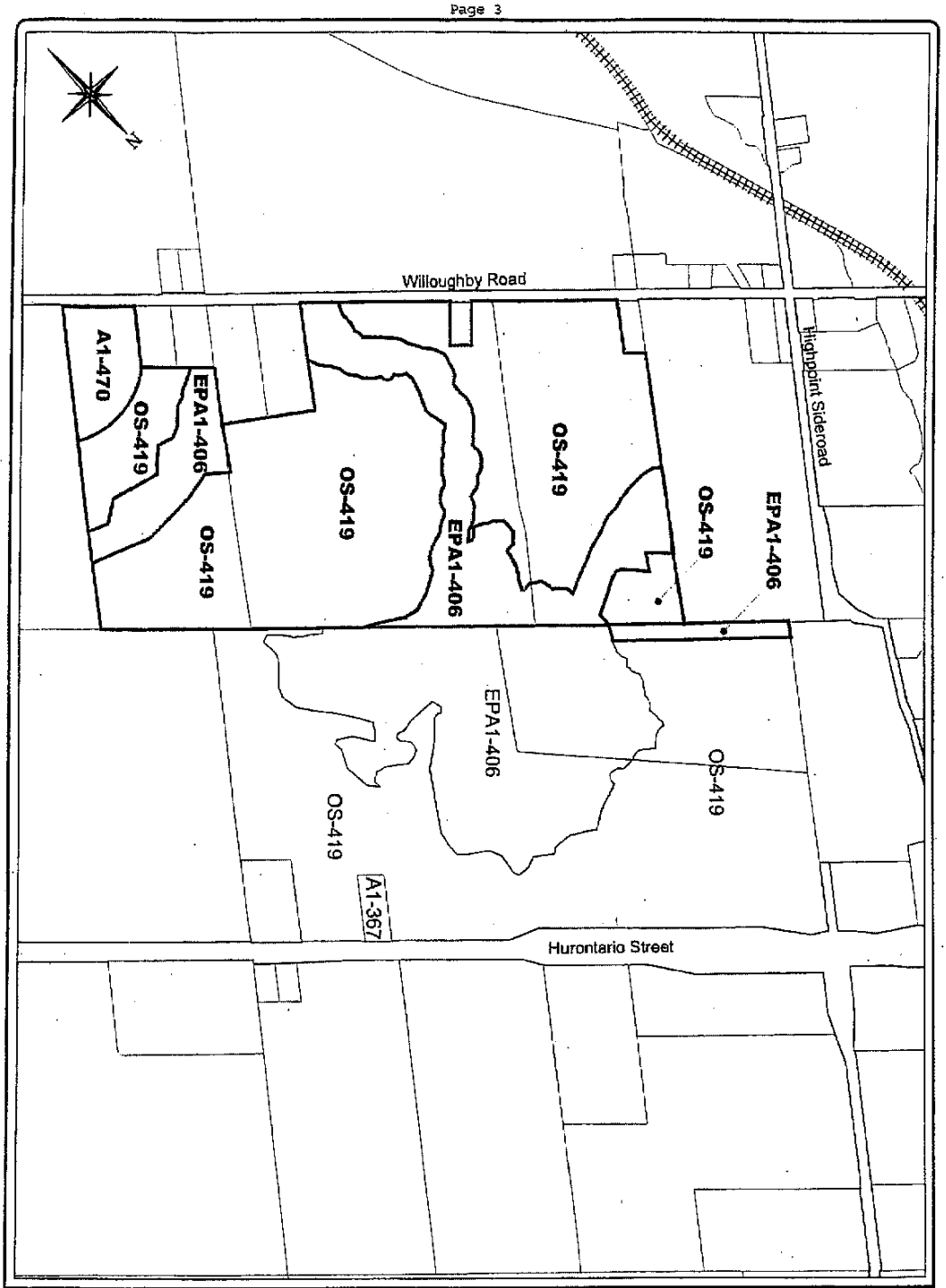
			Building & *Structure* Locations In addition to complying with the applicable *Yards*, the *Guest Houses* shall only be located within the *Building Envelope* identified as Areas A and B on *Zone* Map SE 25. In addition to complying with the applicable *Yards*, the Clubhouse, and any *Parking Area* shall only be located within the *Building Envelope* identified as Area B on *Zone* Map SE 25. For the purpose of this *Zone*, a tee-off area shall mean an area in which *Golf Course* patrons practice golf strokes. *Building* & *Structure* Location For the purpose of this *Zone*, the *Tee-off Area* shall only be located within the *Building Envelope* identified as Area C on *Zone* Map SE 25.

3. The following is appended to Table 13.1:

A1	**470 (OMB Order XXXXX)**	**- *Existing Dwelling, Detached*** ***-Farm*** **-Practice Area which includes only Golf Ball Collection** ***-Home Occupation* within the *existing dwelling***	Access Restriction For the purpose of this *Zone*, access by patrons of the *Golf Course* is prohibited. For the purpose of this *Zone*, there shall be no access for the purpose of the *Golf Course* operation off Willoughby Road. For the purpose of this *Zone*, the Practice Area which includes only Golf Ball Collection shall only be located within the *Building Envelope* identified as Area D on *Zone* Map SE 25. *Building* & *Structure* Location For the purpose of this *Zone*, no *Buildings* or *Structures*, except the *existing Detached Dwelling* are permitted.

4. Schedule "A", Zone Map 80 is amended for Parts of Lot 23, 24 and 25, Concession 1 WHS, Town of Caledon, Regional Municipality of Peel in accordance with Schedule "A" attached hereto.

5. Schedule "B", Zone Map SE 25 is added to the end of Schedule "B" Structure Envelope (SE) Maps.



SCHEDULE "A"
ZONING BY-LAW
No. 2009-

Caledon Grove Developments Inc., 1367933 Ontario Inc. and Guglietti Brothers Investments Limited
Parts of Lot 23, 24, & 25,
Concession 1, W.H.S. (Caledon)
Town of Caledon
Regional Municipality of Peel

LEGEND

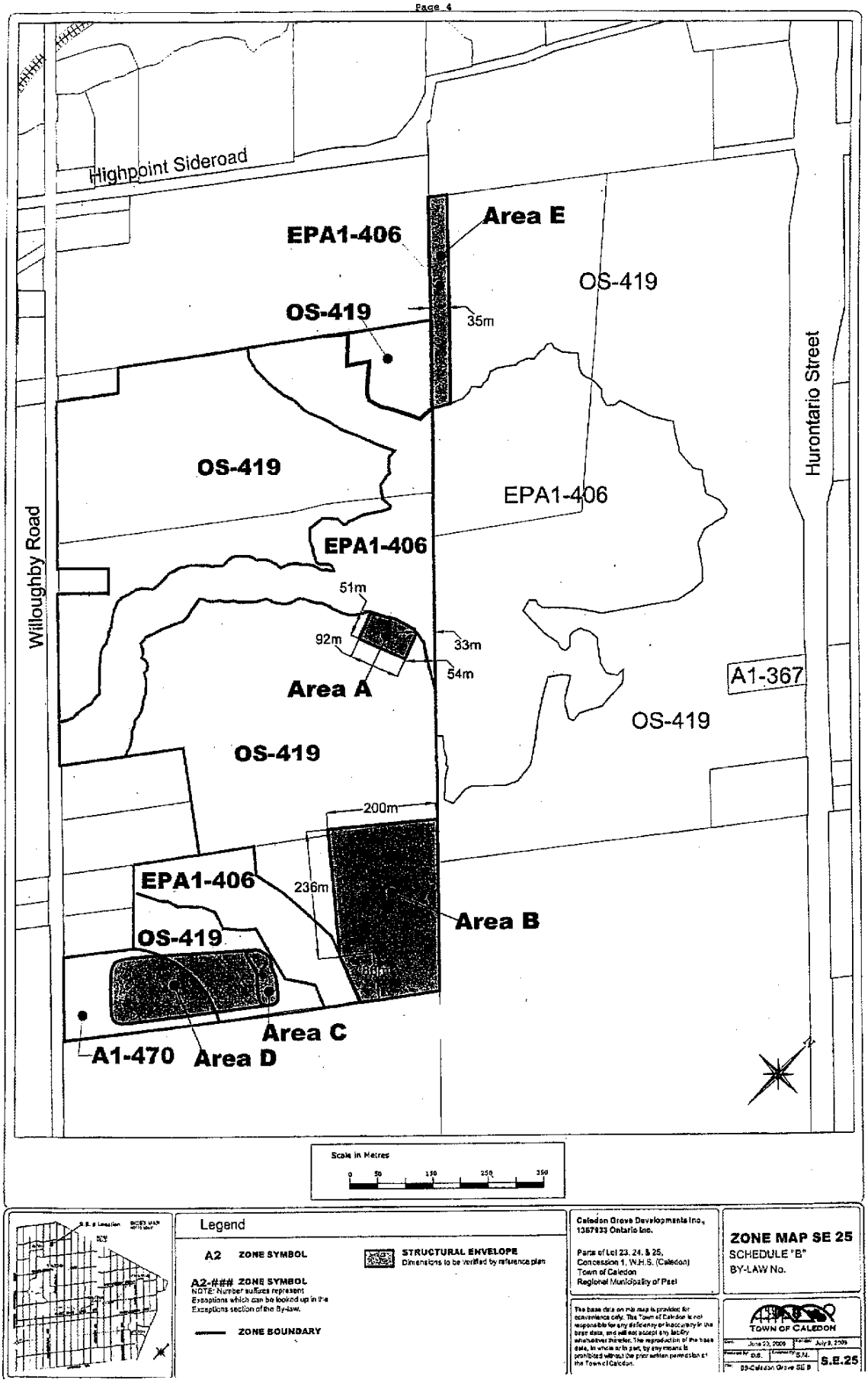
Subject Lands to be Rezoned From Agricultural (A1) Zone, Rural (A2) Zone, and Environmental Policy Area 2 (EPA2) Zone to Open Space Exception 419 (OS-419) Zone, Agricultural Exception 470 (A1-470) Zone, and Environmental Policy Area 1 Exception 406 (EPA1-406) Zone.

TOWN OF CALEDON

PLANNING & DEVELOPMENT DEPARTMENT

Prepared By:	D.B.	DATE:	June 25, 2009
Checked By:	S.M.	REVISED:	July 9, 2009
File No:	09-Caledon Grove B		

Scale in Metres



Legend

A2 ZONE SYMBOL

A2-### ZONE SYMBOL
NOTE: Number suffixes represent Exceptions which can be looked up in the Exceptions section of the By-law.

ZONE BOUNDARY

STRUCTURAL ENVELOPE
Dimensions to be verified by reference plan

Caledon Grove Developments Inc., 1357933 Ontario Inc.

Parts of Lot 23, 24, & 25, Concession 1, W.H.S. (Caledon)
Town of Caledon
Regional Municipality of Peel

The base data on this map is provided for convenience only. The Town of Caledon is not responsible for any deficiency or inaccuracy in the base data, and will not accept any liability whatsoever therefor. The reproduction of the base data, in whole or in part, by any means is prohibited without the prior written permission of the Town of Caledon.

ZONE MAP SE 25
SCHEDULE "B"
BY-LAW No.

TOWN OF CALEDON

Date June 23, 2009	Revised July 9, 2009	
Prepared by D.S.	Checked by S.N.	S.E.25
File 09-Caledon Grove SE 9		

AMENDMENT NO. 221

TO THE OFFICIAL PLAN FOR

THE TOWN OF CALEDON PLANNING AREA

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE	-	does not constitute part of this amendment.
PART B - THE AMENDMENT	-	consisting of the following text and Schedule "A" constitutes Amendment No. 221 of the Town of Caledon Official Plan.

AMENDMENT NO. 221

OF THE TOWN OF CALEDON OFFICIAL PLAN

PART A - THE PREAMBLE

Purpose of the Amendment:

The purpose of this Amendment is to redesignate lands from "General Agricultural Area", "Rural Area" and "Environmental Policy Area" to "Open Space Policy Area" and "Environmental Policy Area" to permit the expansion of the Pinnacle Heights Golf Course and to "General Agricultural Area" subject to Section 5.1.2.3.

Location:

The lands subject to this Amendment, as indicated on the attached Schedule "A", are known as Parts of the West Half of Lot 23, 24 and 25, Concession 1 WHS, Town of Caledon, Regional Municipality of Peel.

Basis:

Caledon Grove Developments Inc. and 1367933 Ontario Inc. have requested an amendment to the Town of Caledon Official Plan to permit a golf course, including a maintenance building, clubhouse, tee off and practice area and associated guest houses on the subject lands. For further information please refer to the Minutes of Settlement attached to Board Order_____.

PART B - THE AMENDMENT

This part of the document, entitled "Part B - The Amendment", and consisting of the following text constitutes Amendment No. 221 of the Town of Caledon Official Plan.

Details of the Amendment

The Town of Caledon Official Plan is amended as follows:

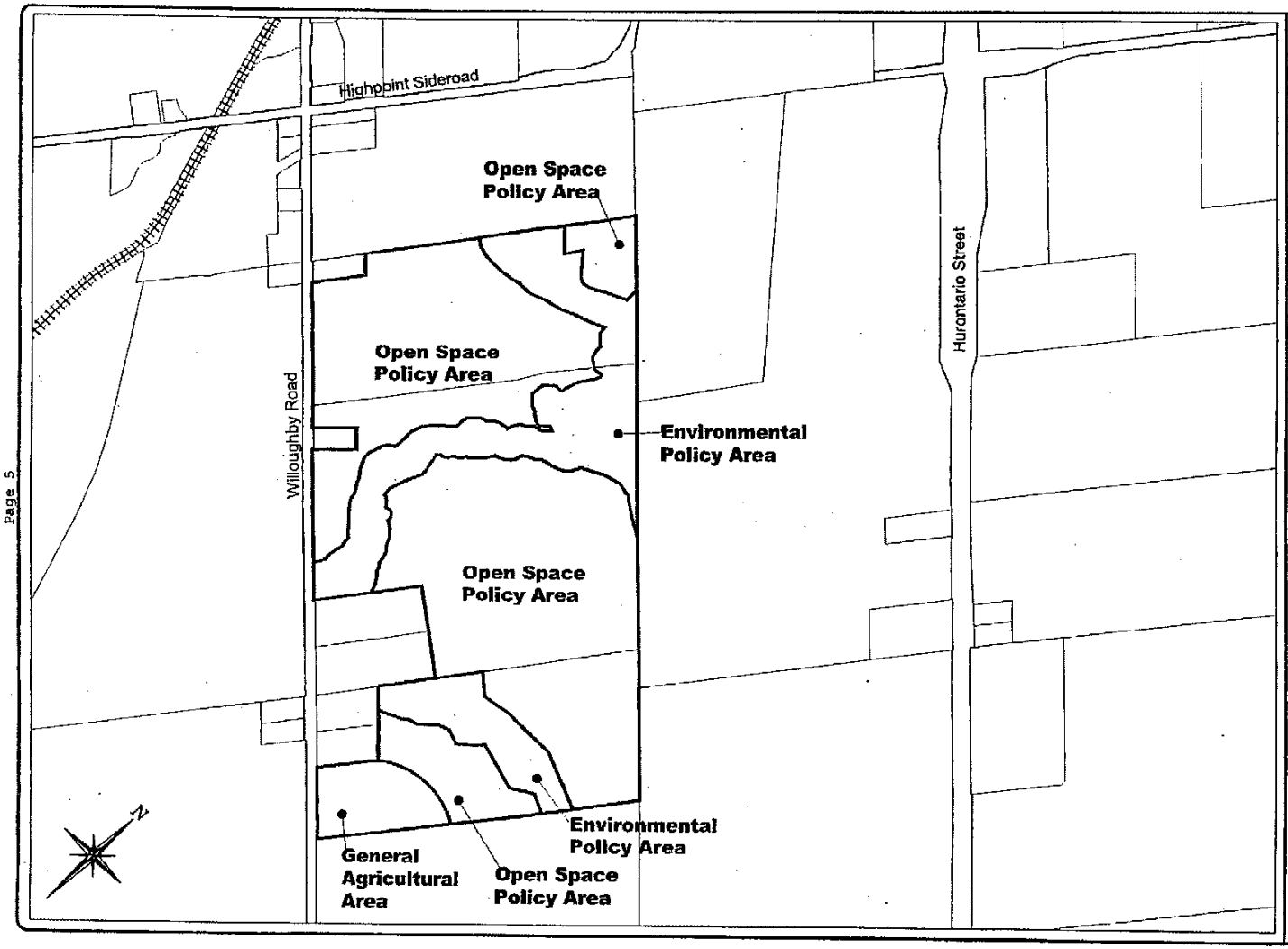
1. Schedule A (Land Use Plan) in the Town of Caledon Official Plan shall be amended for lands described as Parts of the West Half of Lot 23, 24 and 25, Concession 1 WHS from "General Agricultural Area", "Rural Area" and "Environmental Policy Area" to "General Agricultural Area", "Open Space Policy Area" and "Environmental Policy Area" in accordance with Schedule "A", attached.

2. Section 5.1.2.3 is amended by adding the following subsection:

5.1.2.3.1 Notwithstanding the General Agricultural designation shown on Schedule A, and Land Use Planning policies applicable to that designation, development of only a tee off and practice area related to a Golf Course will be permitted on a portion of the south western half of Lot 23, Concession 1 WHS (Caledon.).

Implementation and Interpretation

The implementation and interpretation of this Amendment shall be in accordance with the policies of the Town of Caledon Official Plan.



SCHEDULE "A"

OFFICIAL PLAN ADMENDMENT OPA No. 221

Caledon Grove Developments Inc., 1367933 Ontario Inc. and Guglietti Brothers Investments Limited

Parts of Lot 23, 24, & 25, Concession 1, W.H.S. (Caledon)
Town of Caledon
Regional Municipality of Peel

LEGEND

Subject Property to be Redesignated From General Agricultural Area, Rural and Environmental Policy Area to Open Space Policy Area, Environmental Policy Area and General Agricultural Area.

TOWN OF CALEDON

PLANNING & DEVELOPMENT DEPARTMENT

Provided By:	D.S.	DATE:	June 23, 2009
Checked By:	C.B.	REVISED:	July 9, 2009
File No:	09-Caledon Grove		

Scale in Metres