



Please note that added items are bolded and italicized.

CALL TO ORDER

DISCLOSURE OF PECUNIARY INTEREST

CONSENT AGENDA

DELEGATIONS

1. ***David Capper, Senior Planner, Glenn Schnarr & Associates Inc. re: Staff Report 2017-85 regarding Proposed Official Plan and Zoning By-law Amendments White Sova Holdings Inc., Part of Lot 25, Concession 1 EHS (Caledon), 20383 Hurontario Street (Ward 1) File No: POPA 16-01 & RZ 16-10***
2. ***Keith Garbutt, President, Peel Federation of Agriculture re: Staff Report 2017-85 regarding Proposed Official Plan and Zoning By-law Amendments White Sova Holdings Inc., Part of Lot 25, Concession 1 EHS (Caledon), 20383 Hurontario Street (Ward 1) File No: POPA 16-01 & RZ 16-10***
3. ***Ryan Guetter, Vice President, Weston Consulting re: Staff Report 2017-79 regarding Proposed Town-Initiated Zoning By-law Amendment, Bolton North Hill Commercial Area, 14245 Regional Road 50 (Ward 4)***
4. ***Maurice Luchich, Senior Planner and Project Manager, Glenn Schnarr & Associates Inc. re: Staff Report 2017-49 Proposed Temporary Use By-law Application, Tolia Landscaping, Part of Lot 5, Concession 2 (ALB), 6809 Healey Road (Ward 4)***

STAFF REPORTS

<u>Staff Report 2017-51</u>	Proposed Heritage Designation for Mack's Park (10 Credit Street) (Ward 1)
<u>Staff Report 2017-79</u>	Proposed Town-Initiated Zoning By-law Amendment, Bolton North Hill Commercial Area, 14245 Regional Road 50 (Ward 4)
<u>Staff Report 2017-83</u>	Proposed Temporary Use By-law Extension, Dhillon Business Centre, Part of Lot 26, Concession 6 EHS (Caledon), 13790 Airport Road (Ward 2)
<u>Staff Report 2017-82</u>	Zoning By-law Amendment – Access Property Development
<u>Staff Report 2017-85</u>	Proposed Official Plan and Zoning By-law Amendments White Sova Holdings Inc., Part of Lot 25, Concession 1 EHS (Caledon), 20383 Hurontario Street (Ward 1) File No: POPA 16-01 & RZ 16-10

[Staff Report 2017-48](#)

Proposed Temporary Use By-law, Tarpa Construction, Part of Lot 1, Concession 4 (ALB) as in RO474921 described as 7904 Mayfield Road (Ward 4)

[Staff Report 2017-49](#)

Proposed Temporary Use By-law Application, Tolia's Landscaping, Part of Lot 5, Concession 2 (ALB), 6809 Healey Road (Ward 4)

CORRESPONDENCE

General Correspondence

1. Weston Consulting dated May 30, 2017 re: [Temporary Use By-law Application / Official Plan Review, Dhillon Business Centre, 13790 Airport Road, Part Lot 26, Concession 6 EHS, Town File No. RZ-14-05](#)

Request to Present

2. Request to Present from Caledon Area Families for Inclusion re: [Caledon Housing Initiative](#)

CONFIDENTIAL SESSION

Confidential Staff Report 2017-15 re: Advice subject to solicitor-client privilege, including communications necessary for that purpose – Appeal Options for Committee of Adjustment Decision No. B 004-016, 13471 Heart Lake Road (Ward 2)

ADJOURNMENT



Accessibility Accommodations

Assistive listening devices for use in the Council Chamber are available upon request from the Staff in the Town's Legislative Services Section. American Sign Language (ASL) Interpreters are also available upon request.

Please provide advance notice if you require an accessibility accommodation to attend or participate in Council Meetings or to access information in an alternate format please contact Legislative Services by phone at 905-584-2272 x. 2366 or via email to accessibility@caledon.ca.

Staff Report 2017-51

Meeting Date: Tuesday, June 6, 2017

Subject: Proposed Heritage Designation for Mack's Park (10 Credit Street)
(Ward 1)

Submitted By: Pamela Vega, Heritage Coordinator, Community Services

RECOMMENDATION

That staff be directed to proceed with the Notice of Intention to Designate 10 Credit Street (also known as Mack's Park, Belfountain Conservation Area) and prepare a reference plan to identify the parcel to be designated; and

That should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, a by-law be enacted for the purpose of designating Mack's Park pursuant to the *Ontario Heritage Act*.

REPORT HIGHLIGHTS

- Credit Valley Conservation is preparing a management plan and rehabilitation program for the dam and headpond within Mack's Park ("the Property") at the Belfountain Conservation Area, 10 Credit Street.
- Assessment of the cultural heritage value of the Property has determined that it meets the criteria for heritage designation under provincial Regulation 9/06 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 ("the Act").
- Heritage Caledon recommends that Council proceed with heritage designation of the Property under section 29 of the Act.
- The property owner supports Heritage Caledon's recommendation for heritage designation.

DISCUSSION

Background

The purpose of this report is to initiate the heritage designation process for Mack's Park, part of the Belfountain Conservation Area at 10 Credit Street (Schedule A).

The Park is owned and managed by Credit Valley Conservation (CVC) in the village of Belfountain. It has been identified in the Town's Cultural Heritage Landscapes Inventory (2009) as being a resource within the candidate Belfountain and Credit River Gorge cultural heritage landscape, as well as a significant cultural heritage landscape in itself. The CVC is currently undertaking a management plan for the Property and an environmental assessment for the rehabilitation of its dam and headpond.

Further to a request from a resident, a site visit by members of Heritage Caledon on June 2, 2015, and delegations to the Heritage Committee by CVC staff on October 19, 2015 and March 14, 2016 regarding the Belfountain Conservation Area Management Plan and Environmental Assessment for the headpond and dam, a heritage designation report was prepared for Mack's Park (Schedule B). Heritage Caledon has reviewed this report and recommended at its March 13, 2017 meeting that Council support the heritage designation of the Property under section 29 of the Act.

CVC supports Heritage Caledon's recommendation to Council to proceed with heritage designation of the Property, and has agreed to work closely with Town staff on the Property's rehabilitation and management plans to ensure that they have regard for the Property's identified heritage attributes.

The area being recommended for heritage designation within the Belfountain Conservation Area includes the early 20th century features of Mack's Park, the three nineteenth century mill sites, and the former quarry. It is also intended to include several unopened municipal road allowances. A reference plan indicating the parcel to be designated is required for the purposes of the heritage designating by-law. The CVC is currently in discussions with the Town regarding conveyance of these lands to the CVC, and has agreed to undertake the necessary reference plan.

Statement of Cultural Heritage Value

Belfountain Conservation Area (with Mack's Park preceding it) has been a defining feature of the village of Belfountain for over a century. The park has attracted thousands of visitors to its unique blend of a natural setting enhanced by landscape design.

When Charles Wilson Mack (1858-1942) chose the Belfountain site for his summer home in 1909, the naturally dramatic landscape of a river running through the Niagara Escarpment had been devastated by sawmills and deforestation. The conservation area's three mill sites which precede Mack's time have archaeological interest. In addition to the former sawmills, the conservation area's quarry is a visible reminder of the short-lived period of quarrying for sandstone and limestone at, or near, the Forks of the Credit. The mill sites and quarry contribute to an understanding of the local economy in the nineteenth century, which was fueled by natural resource extraction.

In contrast to the site's nineteenth-century uses, Mack's dream was to build a beautiful home in the countryside and invite the public to it for their enjoyment. Suffering from poor health and afflicted with a nervous disposition, Mack sought a calm retreat – a convenient distance from his manufacturing business and principal residence in Toronto. He and his wife, Addie Madella Mack, lived at the Belfountain bungalow they had built overlooking the river gorge from spring until fall each year. Year after year, they made improvements to the deforested landscape surrounding their bungalow. Their property, christened "Luckenuff," soon acquired the moniker "Mack's Park" with free access given to the public.

Through its transformation into a beauty spot open and free to the public, Mack's Park became a regional summer destination for day visitors as well as for artists, writers, musicians, teachers and prominent Torontonians who built cottages in Belfountain. It had the effect of turning the sleepy hamlet of Belfountain into a summer resort.

Mack's beautification project relied on Belfountain resident, Samuel Western Brock (1873-1944) to carry out the work. Mack hired Sam Brock six months every year, starting in 1910. His employment lasted the duration of Mack's decades-long endeavor. In the quarries, Brock had worked as a miner and could handle explosives for blasting rock. He was also capable of building the dam across the river, the fanciful stone structures Mack desired, fitting the structures with plumbing, tending the gardens laid out on Mack's property. It is assumed, building the rustic wooden structures that complemented the stonework. The complex stone structures surviving in the conservation area celebrate the life's work of this local builder whose livelihood came mostly from a single patron – Mack. Brock sustained a high degree of craftsmanship and artistry over three decades of work, and in the construction of the park's grotto in 1928 he demonstrated great technical ability. It is a remarkable achievement for vernacular construction.

Mack's paradoxical aims in developing Luckenuff as both a calm retreat for him and his wife and a beautiful and peaceful place that they could share with the public were motivated by their religious convictions expressed in benevolence and community service and the early twentieth century belief that parks, gardening and nature study were ways of remedying social ills. They wanted to share their good fortune with the public. The Luckenuff project provides insight into societal aspirations during the Edwardian and Interwar periods.

The many photographs taken of Mack's Park and the surviving features seen in Belfountain Conservation Area place Mack's Park firmly in the very long tradition of country estates laid out in the English Picturesque landscape style.

England set the style for landscape design in the Western World from the early eighteenth century onward into the twentieth. In the early eighteenth century, English taste was influenced by Poussin, Lorrain and Salvator Rosa who painted the Italian countryside. Designers aimed to create the same effect in three dimensions, modifying nature enough to organize the elements as if painted in a picture but ensuring that the site's naturalness remained.

In Canada, country estates were laid out in the English Picturesque landscape style as early as the 1790s. Many followed in Upper and Lower Canada in the nineteenth century. Much later through the decades of the early twentieth century, William Lyon Mackenzie King, Canada's long-serving Prime Minister, developed his Kingsmere estate in the Gatineau hills north of Ottawa. The greater part of Kingsmere showed the influence of the English Picturesque landscape style.

Mack's choice of a site with the naturally dramatic landscape of a river running through the Niagara Escarpment gave him a canvas on which to depict an improved version of nature. He had Brock build a dam with a beautifully built cascade reminiscent of the hilly Italian countryside. Including a headpond on which you could paddle a canoe from the

boathouse, a grotto with a large cavity where people could watch water trickle from the artificial stalactites, winding paths that followed stone terraces built into steep treed hillsides, and Mack's bungalow in the centre of it all. All these features are representative of the English Picturesque landscape style.

In the early twentieth century when Mack was developing his grounds, sculptured stone fountains and rustic wood structures were popular landscape design elements. Mack incorporated these to complete the picturesque effect at Luckenuff.

Famous as one of Ontario's beauty places, Mack's Park (which had been turned into a commercial venture after Mack's death and renamed Belfountain Park) was targeted for acquisition in 1959 by the newly formed Credit Valley Conservation Authority. Under its ownership and management, parcels of land adjoining the 1959 purchase were added in a series of acquisitions to reach the conservation area's present size of 32.46 acres.

While Mack's bungalow, two cottages near it and wooden structures in the landscape have vanished, a significant number of other features from Mack's Park remain. Brock's dam still stands although altered at its eastern end with a concrete sluice way and retaining wall. The grotto, repaired in 2001, rises up the high retaining wall and culminates in a parapet roof with Picturesque Gothic accents. Stone terraces and stone steps (sometimes encased in concrete) climb the steep valley walls. The tiered stone fountain erected in 1914 still works. The site of Mack's bungalow has become a barrier-free terrace lookout. The suspension footbridge above the falls, which was replaced c.1970, functions as the original did.

Description of Heritage Attributes

The following cultural heritage resources imbue Belfountain Conservation Area with historic interest and character:

- Three former sawmill sites and an abandoned quarry that describes the nineteenth-century uses on the land;
- All remaining stone or concrete works from the early twentieth century, including the dam, grotto (both inside and out), tiered fountain and its circular pool, low and high retaining walls, terraces, hillside steps, walks, circular oven, and remnant walls and posts;
- The headpond, its walls and the former swimming pool enclosure with its platforms;
- The trail beside the pond;
- The bridge, which formerly carried vehicles;
- The suspension footbridge above the falls, which is a replacement of the original suspension bridge; and,
- The site of Mack's bungalow, which has become a terrace outlook.

The mounted millstone under a shingled roof cover is not related to the conservation area as it was relocated from a former grist mill in Halton County. The millstone is not a heritage attribute.

FINANCIAL IMPLICATIONS

The property on 10 Credit Street is currently assessed as residential/ farmland (\$803,072). The Town's share of taxes levied, based on the current assessment value is \$503 and taxes are current as of May 28, 2017.

If Council approves proceeding with designation of Mack's Park, the Notice of Intention to Designate and the subsequent Notice of Passing of By-Law will be advertised on the Town Page in the local newspaper. The advertising costs will be covered under the Corporate Communications advertising budget line. Costs associated with the writing of the Heritage Designation Report will be covered by the Heritage Designation Studies capital accounts (02-02-405-16160-000-69001 and 02-02-405-15120-000-69001). Costs associated with the registration of the designating by-law will be covered under the Corporate Services Legal Services budget. The total costs associated with designation of the property are as follows:

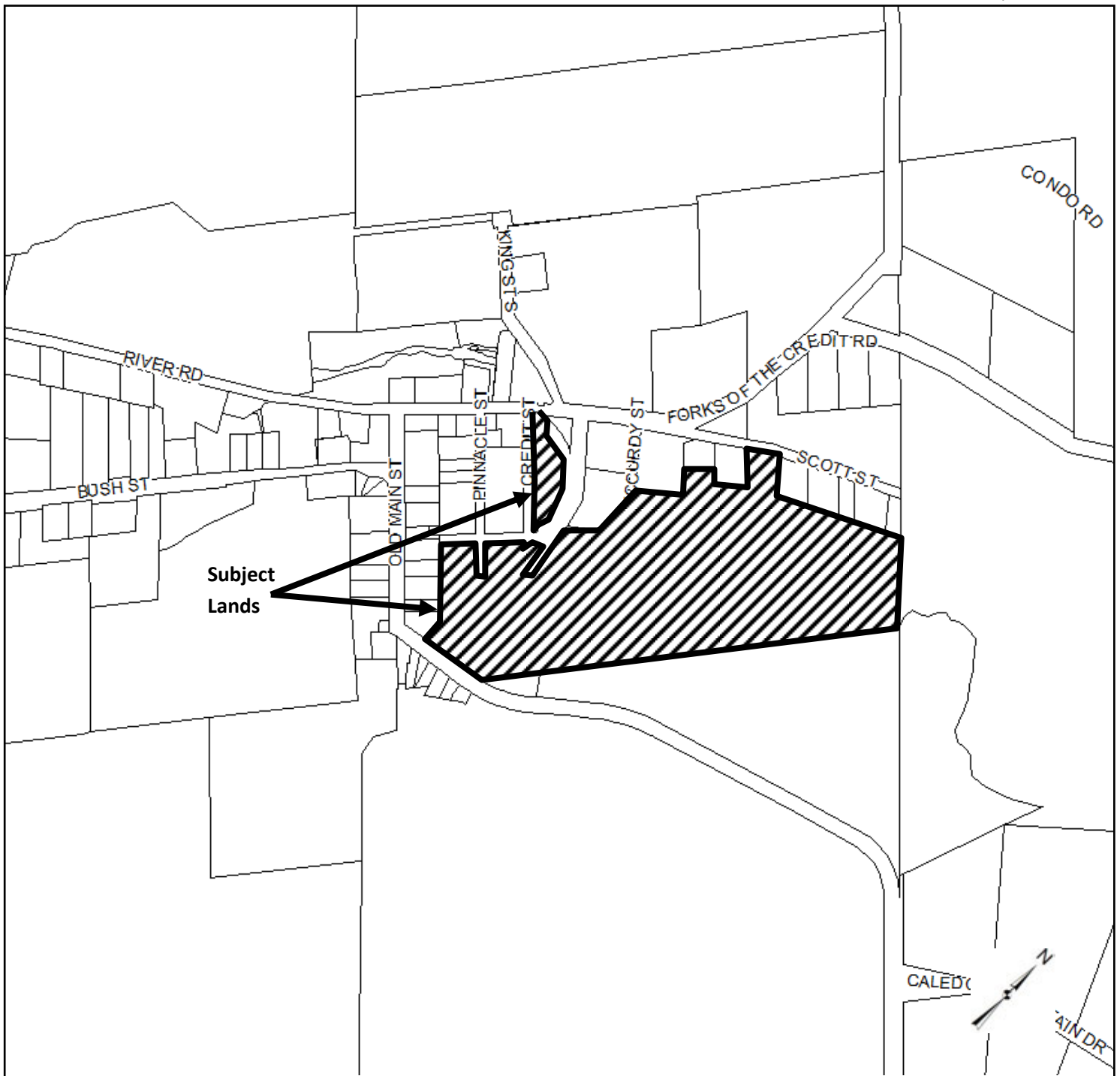
Type of Costs	Heritage Designation of Property
Heritage Designation Report	\$12,058.56
Advertising of Notice and By-law	\$100.00
Registration of Designating By-law	\$75.00
Total	\$12,233.56

COUNCIL WORK PLAN

The matter contained within this report is not relative to the Council Work Plan.

ATTACHMENTS

Schedule A – Location Map
Schedule B – Heritage Designation Report



10 Credit Street

**PLAN CAL20 LOTS 4-10,14,31,35-37,41 BLKS A-D & MILL
BLK RP 43R20002 PTS 1,2**

LOCATION MAP



Date: March, 2017

File No.: Staff Report 2017-51

Heritage Designation Report

Belfountain Conservation Area (Mack's Park)

10 Credit Street, Belfountain, Ontario

prepared for the
Town of Caledon

March 20, 2017

GEORGE ROBB ARCHITECT

201-4800 Dundas Street West, Toronto t: 416 596 8301 www.gra.ca



Title page and frontispiece: Framed photograph of Mack's Park in the possession of Peter Stewart, marked on the back as dating from the 1920s

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Appendix B: Catalogue of Historic Photographs

Appendix C: A Cultural History of Belfountain Conservation Area

Heritage Designation Report: Belfountain Conservation Area (Mack's Park)

1.0 Report Purpose and Study Methodology

1.1 Background

The Town's consideration of Belfountain Conservation Area as a property for designation under the *Ontario Heritage Act* comes at a time when its owner, Credit Valley Conservation (CVC), is planning for the park's future use and appearance.

The Belfountain Complex Management Plan will apply to a 56-hectare ecological unit comprising the Belfountain Conservation Area and adjacent Willoughby and Cox properties. Phase 1 (the background study) was completed in 2014. Phase 2 (consultation with the public, stakeholders and provincial agencies to arrive at strategic directions) ended in 2016. Phase 3 (the plan itself) is nearing completion.

To determine the preferred management alternative specifically for the dam and headpond in Belfountain Conservation Area, an environmental study was undertaken. The environmental assessment was conducted according to procedures outlined in the Conservation Ontario Class Environmental Assessment for Remedial Flood and Erosion Control Projects. The assessment looked at management alternatives for the dam, which does not meet all structural and safety standards, and for the headpond, which contributes to the warming of downstream river habitat for coldwater fish and which prevents the flow of river sediment.

The Board of CVC has endorsed the assessment's "preferred alternative." Implementation of the preferred alternative concept will see a lowering of the dam by about one metre, the elimination of the headpond and its replacement with a river channel of sufficient gradient to move waterborne sediment over the dam, and the removal of the old vehicular bridge and its replacement with a span for pedestrians and small vehicles.

As new work proposed for Belfountain Conservation Area is contemplated and implemented, the findings from the heritage designation study presented herein will serve to inform mitigation of impacts to the site's cultural heritage attributes.

1.2 Purpose and Organization of Report

The report gives evidence of the merits for designating Belfountain Conservation Area under Part IV of the *Ontario Heritage Act*. The report's primary focus is on the portion of Belfountain Conservation Area known historically as Mack's Park.

Its authors have applied provincial criteria for determining cultural heritage value or

interest. Ontario Regulation 9/06 sets out nine criteria for determining whether a property is of cultural heritage value. If one or more of the criteria is met, municipal council may designate the property under Part IV of the *Ontario Heritage Act*. The nine criteria are arranged under three possible components of a property's cultural heritage value – design/physical value, historical/associative value, and/or contextual value.

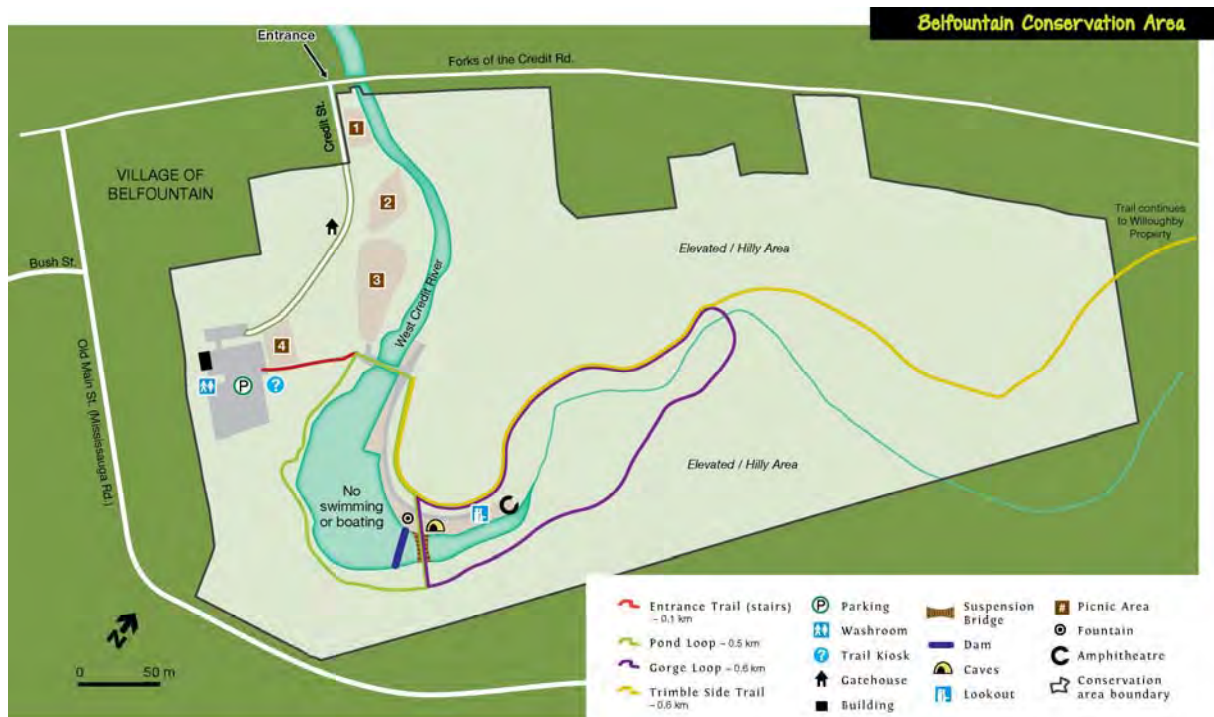
The body of the report is organized according to these three aspects. Contextual value is discussed first since it serves to introduce the historical context for Mack's Park. A discussion of historical/associative value follows. The last aspect discussed in the report is design/physical value.

To support the statements made in the report's body, Appendices A, B and C provide detailed information about the park's existing attributes, its historical appearance and its place in history. Appendix A serves to record in photographs the present-day appearance of human-made features in Belfountain Conservation Area. Appendix B is a catalogue of historic photographs found in the course of research. Appendix C is an illustrated and annotated history of the conservation area.

1.3 Location of Property

Belfountain Conservation Area, a well-known park owned and managed by CVC, is located within the village of Belfountain. Belfountain, an historic village on the Niagara Escarpment, lies near the western boundary of the Town of Caledon. Mack's Park (later known as Belfountain Park) is situated along a stretch of the west branch of the Credit River, which runs through the conservation area. The conservation area has grown incrementally since the acquisition of Mack's/Belfountain Park in 1959 to reach its current size of 13.14 hectares (32.46 acres).

A schematic map of the conservation area is presented on the next page.



Credit Valley Conservation, *Conservation Areas Visitors Guide 2015* (Mississauga, Ont.: Credit Valley Conservation, 2015), pp. 7-8. The schematic map simplifies the conservation area's boundaries. The northwestern part of the conservation area has, in fact, irregular boundaries. Old village street rights-of-way, which functionally have been absorbed into the conservation area's open space but which have not been closed by the Town of Caledon, extend into the conservation area.

1.4 Study Methodology

The report's authors, Paul Dilse and Peter Stewart, began the project in late April, 2016 by studying documents collected by CVC or archived at George Robb Architect. These initial sources indicated the complexity of the site, and a timeline was constructed (and continually improved with new information) to understand the site's chronological evolution. The timeline exercise has resulted in Appendix C: A Cultural History of Belfountain Conservation Area. The history begins with the ancient period of Indigenous use prior to 1818 and ends with the present and ongoing period of CVC ownership and management.

On May 18, 2016, Paul Dilse accompanied Peter Stewart in recording the as-found appearance of the remaining human-made features in Mack's Park. Peter Stewart returned on July 19 to photograph a few subjects missed on the initial site visit. The photographs taken in May and July are presented in Appendix A: As-found Appearance of Heritage Attributes.

Also on May 18 at the site, Peter Stewart and Paul Dilse met Sally Drummond, Heritage

Resource Officer for the Town, and Jesse DeJager and Laura Rundle, both of whom are Conservation Lands Planners with CVC, to discuss an approach to formulating the content of the designation by-law. CVC recognizes that the stoneworks and other human-made features remaining in Mack's Park have cultural value.

Besides the initial documents, Paul Dilse conducted research at the Toronto Reference Library, Peel Region Archives, Peel Land Registry Office as well as on line. A trip was made to the CVC offices in Meadowvale to view additional files and historic photographs. Laura Rundle sent digital scans of the drawings made in 1961 of the dam alterations. Peter Stewart identified and photographed the grave site of Samuel Brock, an important figure in the development of Mack's Park.

Many photographs showing the historical appearance of Mack's Park before Charles Wilson Mack started it, during the park's development, and after the park's sale were sorted and analyzed. Appendix B: Catalogue of Historic Photographs presents them by their source/collection or by format. The provenance of most of the photographs is unknown.

To place the development and design of Mack's Park in context, books on landscape design history in Canada and the United States were reviewed.

1.5 Evaluative Criteria

In each of sections 2, 3 and 4 below, the criteria related to contextual value, historical/associative value and design/physical value are quoted from Ontario Regulation 9/06. The criteria begin each section, and the paragraphs that follow answer how Belfountain Conservation Area satisfies the criteria.

2.0 Contextual Value

"The property has contextual value because it,

- i. is important in defining, maintaining or supporting the character of an area,
- ii. is physically, functionally, visually or historically linked to its surroundings, or
- iii. is a landmark."

2.1 The Park's Setting in the Village of Belfountain

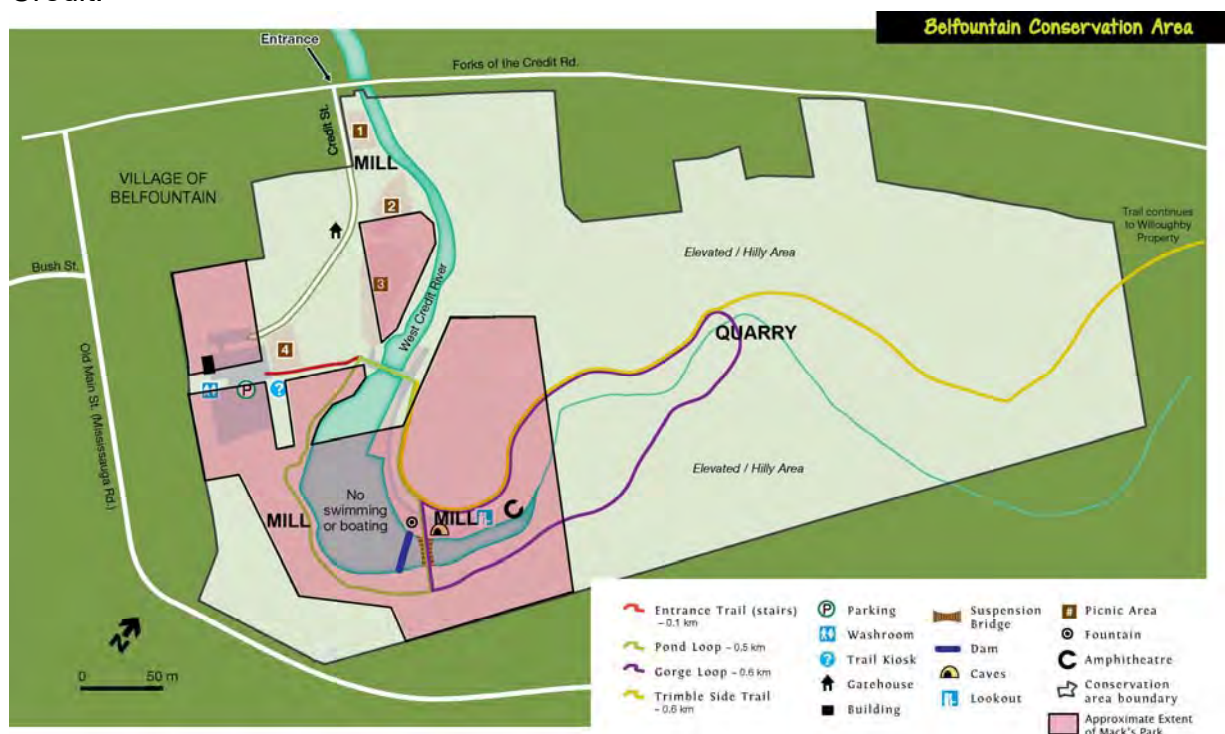
Belfountain Conservation Area (with Mack's Park preceding it) has been a defining feature of the village of Belfountain for over a century. The park has attracted thousands of visitors to its unique blend of a natural setting enhanced by landscape design.

When Charles Wilson Mack chose the site for his summer home in 1909, the naturally dramatic landscape of a river running through the Niagara Escarpment had been devastated by sawmills and deforestation. Through its transformation into a beauty spot open and free to the public, Mack's Park became a regional summer destination for day visitors as well as for artists, writers, musicians, teachers and prominent Torontonians who built cottages in Belfountain. It had the effect of turning the sleepy hamlet of Belfountain into a summer resort.

Famous as one of Ontario's beauty places, the private park was targeted for acquisition in 1959 by the newly formed Credit Valley Conservation Authority. Under its ownership and management, parcels of land adjoining the 1959 purchase were added. Belfountain Conservation Area is still a popular spot for passive recreation, drawing visitors to its naturally occurring features which are enhanced by a dam, headpond, lookout and suspension bridge above the falls, a tiered stone fountain, a stone grotto built into the high retaining wall, stone terraces and stone steps climbing the steep valley walls.

2.2 Links to Historical Periods Predating Mack's Park

Before Mack started his three-decades long project of beautifying the degraded site, the site had supported the nineteenth-century economy of Belfountain with three water-powered sawmills and a quarry. The three mill sites have archaeological interest, and the quarry located above the river's west bank remains a visible reminder of the short-lived period of quarrying for sandstone and limestone at, or near, the Forks of the Credit.



The three sawmill sites, abandoned quarry and Mack's Park are located on the present day schematic map.

3.0 Historical Value or Associative Value

"The property has historical value or associative value because it,

- i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
- ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
- iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community."

3.1 Charles Wilson Mack and Addie Madella Mack

Charles Wilson Mack (1858-1942) discovered the site for his summer home on a drive through the countryside north of Toronto in 1908. Head of C.W. Mack Ltd., a rubber stamp manufacturing firm which he had established in 1892, Mack could afford an automobile when very few owned one. His dream was to build a beautiful home and invite the public to it for their enjoyment. Suffering from poor health and afflicted with a nervous disposition, Mack sought a calm retreat – a convenient distance from his business at 60 Yonge Street in Toronto and his principal residence at centrally located 25 Homewood Avenue.

He and his wife, Addie Madella, lived at the Belfountain bungalow they had built overlooking the river gorge from spring until fall each year; and in 1933 it became their principal home. Year after year, they made improvements to the landscape surrounding their bungalow. Their property, christened "Luckenuf," soon acquired the moniker "Mack's Park" with free access given to the public.

Mack's paradoxical aims in developing Luckenuf as both a calm retreat for him and his wife and a beautiful and peaceful place they could share with the public were motivated by their religious convictions expressed in benevolence and community service and the early twentieth century belief that parks, gardening and nature study were ways of remedying social ills. The Macks were motivated to share their good fortune with the public. Their Luckenuf project provides insight into societal aspirations during the Edwardian and Interwar periods.

3.2 Samuel Western Brock

Mack needed a local tradesman to carry out his beautification project. Samuel Western Brock (1873-1944) was ideal for the job. His parents, pioneers Robert Western Brock and Jane (nee Eagles), raised him in Belfountain. He knew the village and river well. He and his wife, Susan (nee McDonald), lived close by Mack's property, on Pinnacle

Street. In the quarries, he had worked as a miner and could handle explosives for blasting rock. He was also capable of building the dam across the river, making the fanciful stone structures Mack desired, fitting the structures with plumbing, tending the gardens laid out on Mack's property, and, it is assumed, building the rustic wooden structures that complemented the stonework.

Mack hired Sam Brock six months every year, starting in 1910. His employment lasted for decades: he was still assisting Mack in 1937. In the winter when the Macks were in Toronto, Brock supported his family by trapping.

The complex stone structures surviving in the conservation area celebrate the life's work of a local builder whose livelihood came mostly from a single patron.

3.3 Credit Valley Conservation Authority

When the CVC acquired Mack's Park (renamed Belfountain Park when a commercial operation) just five years after its founding in 1954, Mack's and Brock's legacy of stone structures were protected for posterity. The Ontario Department of Planning and Development, the provincial ministry responsible for supporting all 19 newly formed conservation authorities, had recommended that the Authority establish a chain of small parks in different sections of the watershed. The department highlighted Belfountain Park and the Forks of the Credit as one of the finest potential multi-purpose conservation areas close to urban populations in South Central Ontario.

The early acquisition of the park represents a significant achievement of the public land conservation movement after the Second World War.

4.0 Design Value or Physical Value

"The property has design value or physical value because it,

- i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
- ii. displays a high degree of craftsmanship or artistic merit, or
- iii. demonstrates a high degree of technical or scientific achievement."

4.1 The English Picturesque Style in Landscape Design

The many photographs taken of Mack's Park and the surviving features seen in Belfountain Conservation Area place Mack's Park firmly in the very long tradition of country estates laid out in the English Picturesque landscape style.

England set the style for landscape design in the Western World from the early eighteenth century onward into the twentieth. In the early eighteenth century, English taste was influenced by Poussin, Lorrain and Salvator Rosa who painted the Italian countryside. Designers aimed to create the same effect in three dimensions, modifying nature enough to organize the elements as if painted in a picture but ensuring that the site's naturalness remained.

In Canada, country estates were laid out in the English Picturesque landscape style as early as the 1790s. Many followed in Upper and Lower Canada in the nineteenth century. Much later through the decades of the early twentieth century, William Lyon Mackenzie King, Canada's long-serving prime minister, developed his Kingsmere estate in the Gatineau hills north of Ottawa. The greater part of Kingsmere showed the influence of the English Picturesque landscape style. Like Mack, King developed his estate without a master plan; probably relying instead on a model of a British country estate in his mind's eye.

Mack's choice of a site with the naturally dramatic landscape of a river running through the Niagara Escarpment gave him a canvas on which to depict an improved version of nature. He had Brock build a dam with a beautifully built cascade reminiscent of the hilly Italian countryside, a headpond on which you could paddle a canoe from the boathouse, a grotto with a large cavity where people could watch water trickle from the artificial stalactites, winding paths that followed stone terraces built into steep treed hillsides, and Mack's bungalow in the centre of it all. All these features are representative of the English Picturesque landscape style.

4.2 Trends in Early Twentieth Century Landscape Design

In the early twentieth century when Mack was developing his grounds, sculptured stone fountains and rustic wood structures were popular landscape design elements. Mack incorporated these to complete the picturesque effect at Luckenuff.

4.3 Characteristics of Mack's Park

While Mack's bungalow, two cottages near it and wooden structures in the landscape have vanished, a significant number of other features from Mack's Park remain. Brock's dam still stands although altered at its eastern end with a concrete sluice way and retaining wall. The trail beside the pond perpetuates one of Mack's winding paths. The grotto, repaired in 2001, rises up the high retaining wall and culminates in a parapet roof with Picturesque Gothic accents. Stone terraces and stone steps climb the steep valley walls. The tiered stone fountain erected in 1914 still works. The site of Mack's bungalow has become a barrier-free terrace lookout. The suspension footbridge above the falls, which was replaced c. 1970, functions as the original did.

The surviving stoneworks from Mack's Park show a high degree of craftsmanship and

artistic merit. Added incrementally to the park over three decades, there is an aesthetic unity among them. The grotto in particular shows Sam Brock's technical ability – a remarkable achievement for vernacular construction.

5.0 Conclusions

5.1 Merits in Designating Belfountain Conservation Area

Belfountain Conservation Area meets eight out of the nine criteria of Ontario Regulation 9/06 for determining cultural heritage value. Set back from the road and nestled in the river valley, it is not, however, a landmark. The park:

- 1) has been a defining feature of the village of Belfountain for over a century;
- 2) contains nineteenth century mill sites and a quarry that precede Mack's Park;
- 3) is directly associated with Charles Wilson Mack whose dream it was to build a beautiful summer home in the countryside and invite the public to it for their enjoyment; with Samuel Western Brock who built the stoneworks and other features in the park for Mack; and with the Credit Valley Conservation Authority which acquired Mack's Park just five years after its founding in 1954;
- 4) reflects societal aspirations during the Edwardian and Interwar periods when it was believed that parks, gardening and nature study were ways of remedying social ills;
- 5) demonstrates the life's work of Belfountain builder, Sam Brock, whose livelihood came mostly from a single patron – Mack;
- 6) exemplifies the English Picturesque landscape style in its features along the west branch of the Credit River;
- 7) displays the high degree of craftsmanship and artistic merit Brock sustained over three decades of work; and,
- 8) demonstrates Brock's technical ability, especially in the construction of the grotto.

Only one criterion needs to be met in order to merit heritage designation. CVC supports the designation although the property owner's consent is not a requirement under the *Ontario Heritage Act*.

Having satisfied Ontario Regulation 9/06, the Town of Caledon Council may designate Belfountain Conservation Area under Part IV of the *Ontario Heritage Act*.

5.2 Delineating the Area for Heritage Designation

The area to which the heritage designation applies covers all the cultural heritage resources which remain or are known to have once been present in Belfountain Conservation Area. Included in the area are the extant features in Mack's Park, the three nineteenth century mill sites and the former quarry. The following map schematically indicates the area to which the heritage designation applies. This area should be delineated by means of a reference plan prepared following closure of old village rights-of-way that extend into the conservation area's open space.



6.0 Statement of Cultural Heritage Value or Interest

6.1 Description of the Designated Property

Belfountain Conservation Area, located at 10 Credit Street in the village of Belfountain, contains cultural heritage resources along the west branch of the Credit River which runs through the property. The designation applies to that portion of the conservation area where cultural heritage resources remain or are known to have once been present. The extant features in the part of the conservation area known historically as Mack's

Park, three nineteenth century mill sites and a former quarry are included in the designation.

6.2 Statement Explaining the Designated Property's Cultural Heritage Value

Belfountain Conservation Area (with Mack's Park preceding it) has been a defining feature of the village of Belfountain for over a century. The park has attracted thousands of visitors to its unique blend of a natural setting enhanced by landscape design.

When Charles Wilson Mack (1858-1942) chose the Belfountain site for his summer home in 1909, the naturally dramatic landscape of a river running through the Niagara Escarpment had been devastated by sawmills and deforestation. The conservation area's three mill sites which precede Mack's time have archaeological interest. In addition to the former sawmills, the conservation area's quarry is a visible reminder of the short-lived period of quarrying for sandstone and limestone at, or near, the Forks of the Credit. The mill sites and quarry contribute to an understanding of the local economy in the nineteenth century, which was fuelled by natural resource extraction.

In stark contrast to the site's nineteenth-century uses, Mack's dream was to build a beautiful home in the countryside and invite the public to it for their enjoyment. Suffering from poor health and afflicted with a nervous disposition, Mack sought a calm retreat – a convenient distance from his manufacturing business and principal residence in Toronto. He and his wife, Addie Madella Mack, lived at the Belfountain bungalow they had built overlooking the river gorge from spring until fall each year. Year after year, they made improvements to the deforested landscape surrounding their bungalow. Their property, christened "Luckenuff," soon acquired the moniker "Mack's Park" with free access given to the public.

Through its transformation into a beauty spot open and free to the public, Mack's Park became a regional summer destination for day visitors as well as for artists, writers, musicians, teachers and prominent Torontonians who built cottages in Belfountain. It had the effect of turning the sleepy hamlet of Belfountain into a summer resort.

Mack's beautification project relied on Belfountain resident, Samuel Western Brock (1873-1944), to carry out the work. Mack hired Sam Brock six months every year, starting in 1910. His employment lasted the duration of Mack's decades-long endeavour. In the quarries, Brock had worked as a miner and could handle explosives for blasting rock. He was also capable of building the dam across the river, the fanciful stone structures Mack desired, fitting the structures with plumbing, tending the gardens laid out on Mack's property, and it is assumed, building the rustic wooden structures that complemented the stonework. The complex stone structures surviving in the conservation area celebrate the life's work of this local builder whose livelihood came mostly from a single patron – Mack. Brock sustained a high degree of craftsmanship

and artistry over three decades of work, and in the construction of the park's grotto in 1928 he demonstrated great technical ability. It is a remarkable achievement for vernacular construction.

Mack's paradoxical aims in developing Luckenuff as both a calm retreat for him and his wife and a beautiful and peaceful place they could share with the public were motivated by their religious convictions expressed in benevolence and community service and the early twentieth century belief that parks, gardening and nature study were ways of remedying social ills. They wanted to share their good fortune with the public. The Luckenuff project provides insight into societal aspirations during the Edwardian and Interwar periods.

The many photographs taken of Mack's Park and the surviving features seen in Belfountain Conservation Area place Mack's Park firmly in the very long tradition of country estates laid out in the English Picturesque landscape style.

England set the style for landscape design in the Western World from the early eighteenth century onward into the twentieth. In the early eighteenth century, English taste was influenced by Poussin, Lorrain and Salvator Rosa who painted the Italian countryside. Designers aimed to create the same effect in three dimensions, modifying nature enough to organize the elements as if painted in a picture but ensuring that the site's naturalness remained.

In Canada, country estates were laid out in the English Picturesque landscape style as early as the 1790s. Many followed in Upper and Lower Canada in the nineteenth century. Much later through the decades of the early twentieth century, William Lyon Mackenzie King, Canada's long-serving prime minister, developed his Kingsmere estate in the Gatineau hills north of Ottawa. The greater part of Kingsmere showed the influence of the English Picturesque landscape style.

Mack's choice of a site with the naturally dramatic landscape of a river running through the Niagara Escarpment gave him a canvas on which to depict an improved version of nature. He had Brock build a dam with a beautifully built cascade reminiscent of the hilly Italian countryside, a headpond on which you could paddle a canoe from the boathouse, a grotto with a large cavity where people could watch water trickle from the artificial stalactites, winding paths that followed stone terraces built into steep treed hillsides, and Mack's bungalow in the centre of it all. All these features are representative of the English Picturesque landscape style.

In the early twentieth century when Mack was developing his grounds, sculptured stone fountains and rustic wood structures were popular landscape design elements. Mack incorporated these to complete the picturesque effect at Luckenuff.

Famous as one of Ontario's beauty places, Mack's Park (which had been turned into a

commercial venture after Mack's death and renamed Belfountain Park) was targeted for acquisition in 1959 by the newly formed Credit Valley Conservation Authority. Under its ownership and management, parcels of land adjoining the 1959 purchase were added in a series of acquisitions to reach the conservation area's present size of 32.46 acres.

While Mack's bungalow, two cottages near it and wooden structures in the landscape have vanished, a significant number of other features from Mack's Park remain. Brock's dam still stands although altered at its eastern end with a concrete sluice way and retaining wall. The grotto, repaired in 2001, rises up the high retaining wall and culminates in a parapet roof with Picturesque Gothic accents. Stone terraces and stone steps (sometimes encased in concrete) climb the steep valley walls. The tiered stone fountain erected in 1914 still works. The site of Mack's bungalow has become a barrier-free terrace lookout. The suspension footbridge above the falls, which was replaced c. 1970, functions as the original did.

6.3 Description of Heritage Attributes at the Designated Property

The following cultural heritage resources imbue Belfountain Conservation Area with historic interest and character:

- three former sawmill sites and an abandoned quarry that describe the nineteenth-century uses on the land;
- all remaining stone or concrete works from the early twentieth century, including the dam, grotto (both inside and out), tiered fountain and its circular pool, low and high retaining walls, terraces, hillside steps, walks, circular oven, and remnant walls and posts;
- the headpond, its walls and the former swimming pool enclosure with its platforms;
- the trail beside the pond;
- the bridge, which formerly carried vehicles;
- the suspension footbridge above the falls, which is a replacement of the original suspension bridge; and,
- the site of Mack's bungalow, which has become a terrace outlook.

The mounted millstone under a shingled roof cover is not related to the conservation area as it was relocated from a former grist mill in Halton County. The millstone is not a heritage attribute.

7.0 Acknowledgements and Further Research

7.1 Acknowledgements

Assisting the authors in the task of finding, compiling and analyzing historical records were:

- Jesse DeJager and Laura Rundle, Conservation Lands Planners with CVC; and,
- Kyle Neill, Senior Archivist at the Peel Art Gallery, Museum and Archives (PAMA), and Samantha Thompson, PAMA Archivist.

Sally Drummond, Heritage Resource Officer at the Town of Caledon, advised the authors in presenting the information they had found.

Pleasance Crawford, a retired landscape historian living in Toronto, shared her insights on the place of Mack's Park in landscape history.

Francine Antoniou, an Architect at George Robb Architect, laid in the report's illustrations.

7.2 Further Research

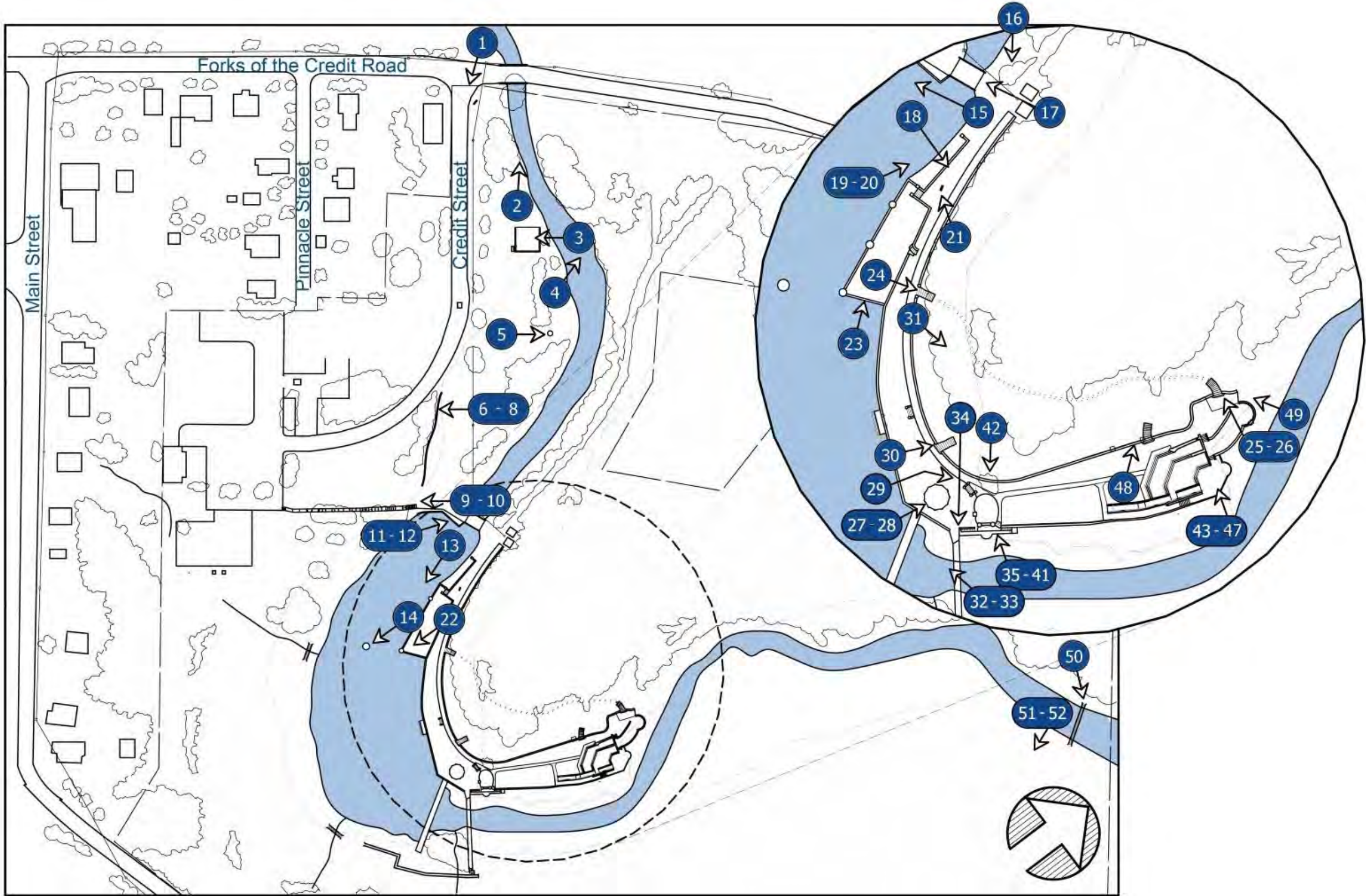
Every effort has been made to delve into the subject, but as in most cases as rich as Belfountain Conservation Area, research questions remain. These include:

- Does a transcript of court proceedings for Charles Wilson Mack's trial survive? CVC has files related to his preliminary investigation only.
- Did Sam Brock, who built the stoneworks in Mack's Park among other features, have a Metis ancestry? One unattributed source in a CVC file suggests this.
- Are there any other sources that would shed further light on Mack's design intentions? The same unattributed source refers to a *[Toronto] Star Weekly* article from sometime in 1938.
- How do Brock's stonework designs compare to other contemporary examples?
- Where does Mack's Park fit in the history of parks on the Niagara Escarpment?

Appendix A: As-found Appearance of Heritage Attributes

Introduction

The 52 photographs in Appendix A record the appearance of human-made features in Belfountain Conservation Area on May 18, 2016. A few subjects that were missed on the initial site visit were photographed on July 19. The site visits occurred during reconstruction of the high retaining wall at Mack's bungalow site and downstream. The following site plan that accompanies the photos marks the location of the photographed subjects. The photographs were taken in a north-to-south sequence, starting at the entrance to the conservation area where Credit Street meets Forks of the Credit Road.



Detail from a site plan of Belfountain Conservation Area and surroundings, showing the location of the photographed subjects. The circular inset marks the locations where a cluster of photographs were taken.



1. park entrance at 10 Credit Street (the entrance is not on lands owned by Credit Valley Conservation in summer 2016, and the building on the right is privately owned)



2. block made of stone and concrete, located near the gatehouse



3. remnant wall with cobblestone posts, located near the gatehouse and close to the river



4. poured concrete block in river near the remnant wall, with a partially discernible inscription: "[?] OOT HILL/JULY 1900 [?]"



5. riverbank circular oven of stone blocks and cobblestones with an arch on one side and a concrete cap (arch opens to show a cavity inside)



6. stone terrace below the conservation area's road access to the parking lot



7. circular concrete well head on the stone terrace



8. stone steps on the terrace



9. steps of stone or concrete, looking up from the riverbank to the parking lot



10. another view of the stone or concrete steps



11. stone wall at the river's edge and a stone post fallen into the water



12. close-up of the stone post



13. headpond, looking south (note the wall on the left of the frame, showing where the swimming pool enclosure used to be)



14. another view of the headpond with a stone pedestal rising above the water



15. stone post at the bridge beside the headpond
(the bridge used to carry vehicles as well as pedestrians)



16. concrete retaining wall on the east side of the river at the bridge



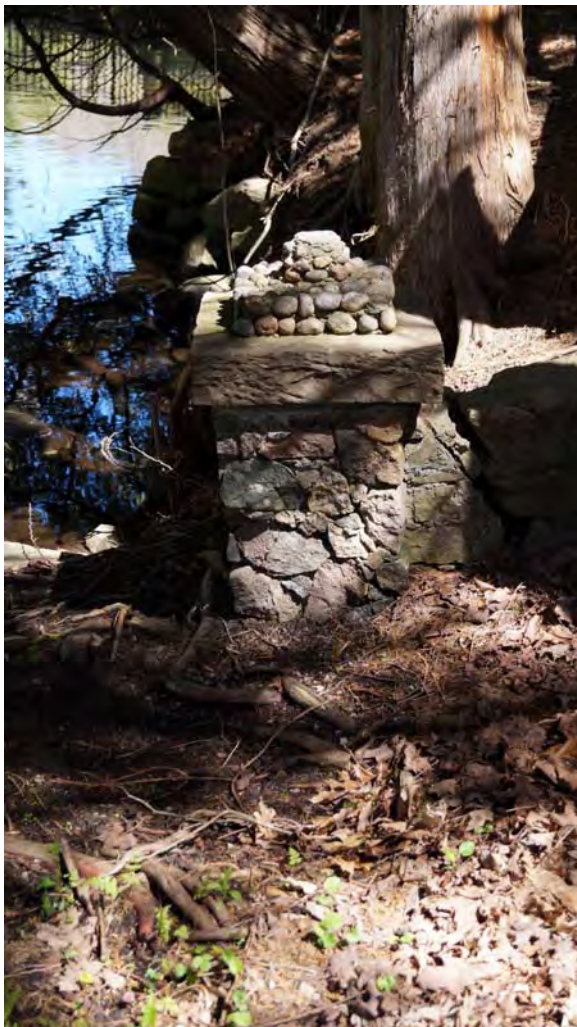
17. view from the east side of the bridge, looking west



18. stone wall (in the background) and a stone walk in front of the wall, located along the east riverbank



19. stone wall and post along the east riverbank



20. close-up of the post shown in the previous photo



21. mounted millstone under a shingled roof cover



22. former site of the swimming pool enclosure (note stone platform and iron ladder)



23. second platform in the former swimming pool enclosure



24. Luckenuf Cottage steps above the former swimming pool enclosure



25. concrete-encased stone steps formerly leading to Bide-a-wee Cottage



26. threshold step inscribed with "BIDE-A-WE[E]"



27. moss-covered stone fountain with a base, three tiers, a bell atop and a circular pool surrounding it (note construction debris and fencing on the right of the frame)



28. close-up of the fountain



29. steps and retaining wall near the fountain (note construction debris in front)



30. another set of stone steps up from the fountain



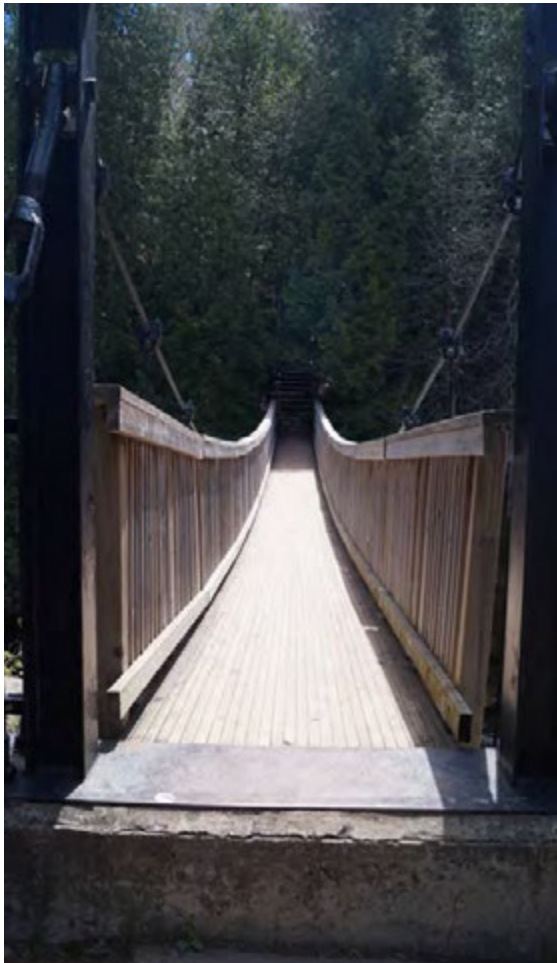
31. terraced hillside above the fountain with a planting of periwinkle



32. stone and concrete dam with stone cascades and concrete sluice way



33. dam showing stone face at low river flow (note suspension bridge above)



34. wooden suspension bridge across the gorge



35. high stone retaining wall and face of Yellowstone Cave (a grotto), as seen from the dam (note the steel stairs and railing)



36. detail of stone dentils in the grotto's face



37. corner of the grotto's parapet roof, showing a stone plaque that reads: "Yellowstone Cave"



38. one of the pointed arches in the grotto's roof



39. circular posts on the grotto's roof



40. a stone planter and one of the ventilation shafts on the grotto's roof



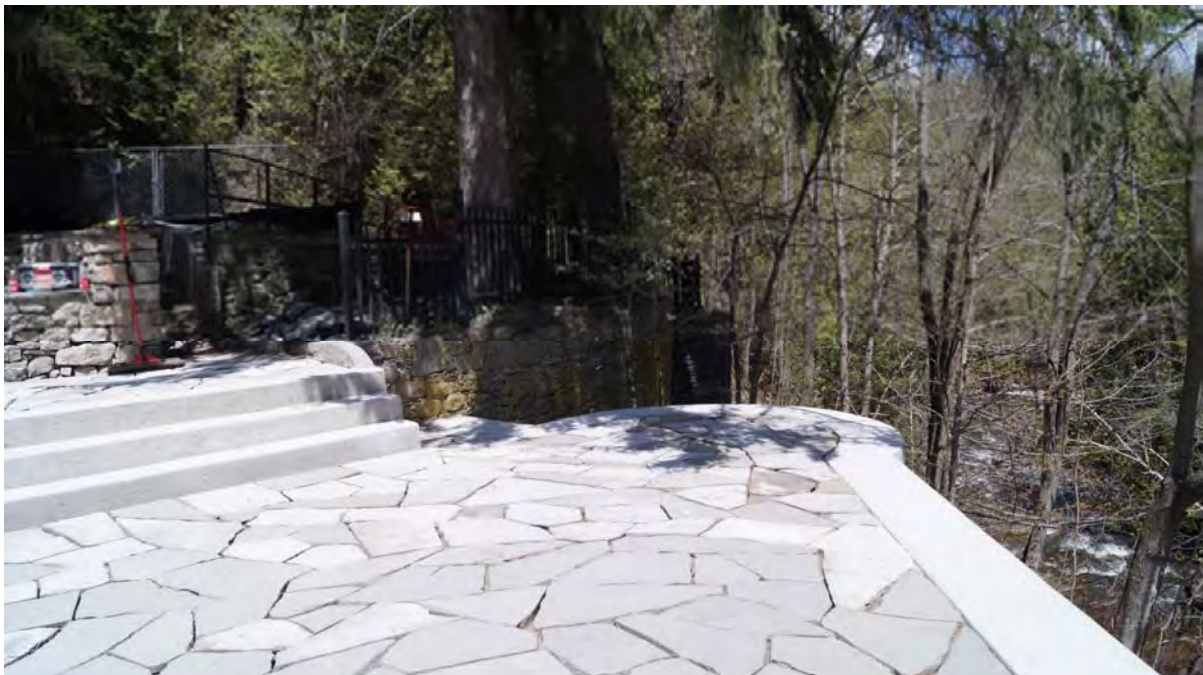
41. interior of the grotto
(note stubs of artificial stalactites)



42. War of 1812 canon transported from Nova Scotia by Mack



43. site of Mack's bungalow as it was being rebuilt in 2016 as a lookout atop the reconstruction of the high retaining wall



44. another view of the site of Mack's bungalow



45. another view of the site of Mack's bungalow



46. mature spruce rooted beside the high retaining wall at the site of Mack's bungalow



47. high retaining wall immediately downstream from the site of Mack's bungalow



48. stone steps up the hillside from the site of Mack's bungalow



49. stone block with bronze plaque, identifying the Trimble Trail (part of the Bruce Trail)



50. human-made debris in the river at the Trimble Trail bridge



51. face of abandoned quarry on the river's west side



52. rubble at the abandoned quarry

Appendix B: Catalogue of Historic Photographs

Introduction

Few historic sites in Ontario are as well-photographed as Belfountain Conservation Area. Although the catalogue contains many images, it cannot be considered comprehensive in scope. The photographs in Appendix B represent what was found in the course of research. Quite likely, duplicate images may be found in the catalogue.

Photographs in Margaret Whiteside's *Belfountain and the Tubtown Pioneers* (Cheltenham, Ont.: Boston Mills Press, 1975).



Sawing logs in Mack's Park , Belfountain — Mr. & Mrs. J. McLeod



The logging crew, Mack's Park, Belfountain — Mr. & Mrs. J. McLeod



Photographs in Berniece Trimble's *Remember When ... – a collection of pictures – a collection of memories* (Erin, Ont.: Herrington Printing and Publishing, 1976).



Two photos showing extensive flooding at Mac's Park during Hurricane Hazel.



Photographs in the “Belfountain” Catalogue at the Peel Region Archives

Belfountain



File
Name:

Description Client order image with an unknown source, believed to be from within the PAMA collection, original file name "Belfountain early 1900s 002".

Date 1:

Coverage: Caledon (Ont. : Township)

[To be identified], crossing the suspension bridge, Belfountain



File [To be identified], crossing the
Name: suspension bridge, Belfountain

Description Album photo number p8a.

Date 1: 1934-08-15

Coverage: Belfountain (Ont. : Village)

[To be identified], crossing the suspension bridge, Belfountain

File [To be identified], crossing the
Name: suspension bridge, Belfountain

Description Album photo number p7b.

Date 1: 1934-08-15

Coverage: Belfountain (Ont. : Village)

Allengames, Mack's Park, Belfountain

File Allengames, Mack's Park,
Name: Belfountain

Description

Date 1: 1941 C

Coverage: Belfountain (Ont. : Village)

Allengames, Mack's Park, Belfountain

File Allengames, Mack's Park,
Name: Belfountain

Description Mostly the same people as in
PN2009_02612 / 2009.143.001

Date 1: 1941 C

Coverage: Belfountain (Ont. : Village)

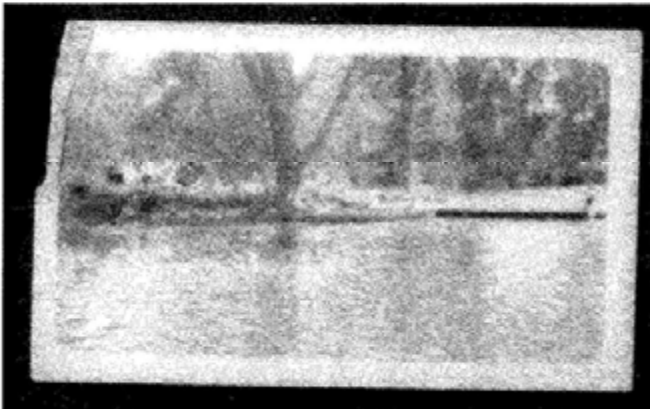
Belfountain

File Belfountain
Name:

Description Lorena Beck slides, box "Ching
Twp". Slide reads: "(2) /
Belfountain".

Date 1: 1964-05

Coverage: Chinguacousy (Ont. : Township)

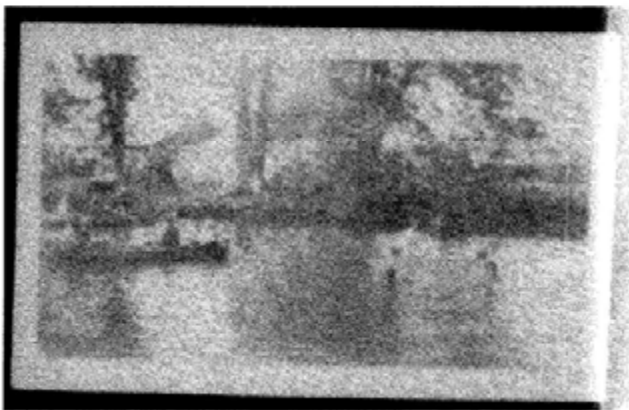
Belfountain Park

File Belfountain Park
Name:

Description
.

Date 1:

Coverage: Belfountain (Ont. : Village)

Belfountain Park

File Belfountain Park
Name:

Description
.

Date 1:

Coverage: Belfountain (Ont. : Village)

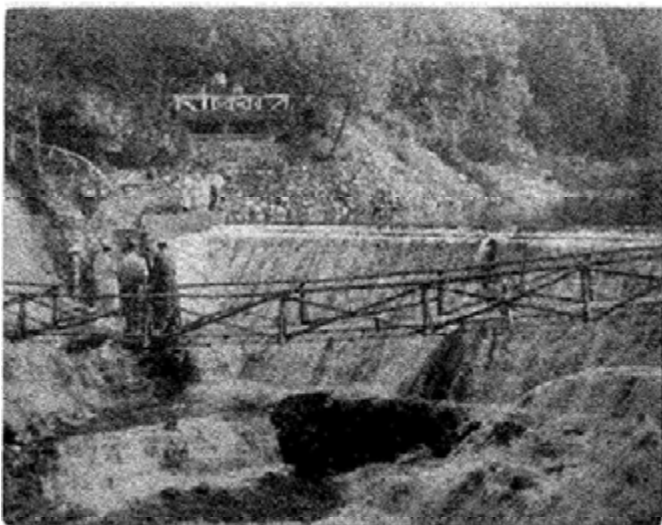
Belfountain Women's Institute, 50th anniversary

File Belfountain Women's Institute,
Name: 50th anniversary

Description Seven women stand behind a
table, two sit in profile at either
end. An extra woman looks on
from the edge of the photo. Each
have nametags pinned on their
blouses. A two-level cake is on the
centre of the table, and in front of
it on a short table is an

Date 1: 1954-05-12

Coverage: Belfountain (Ont. : Village)

Belfountain, c. 1930

File Belfountain, c. 1930
Name:

Description

Date 1: 1930 C

Coverage: Belfountain (Ont. : Village)

Brownies and Guides decorating altar for Harvest Service, Melville

File Name: Brownies and Guides decorating altar for Harvest Service, Melville White Church

Description Envelope reads: "Annie Levenston / the 1837 White Church on the Fourth Line W. in Caledon. / Joan Rollings, info officer, Credit Valley Conservation Authority, will be there. / Pennycook / Saturday, October 7/78 / 10 a.m. / -- need color and black and white of

Date 1: 1978-10-07

Coverage: Belfountain (Ont. : Village)

C. W. Mack's Park, Belfountain

File Name: C. W. Mack's Park, Belfountain

Description Frost postcard collection.

Date 1: 1910 C

Coverage: Belfountain (Ont. : Village)

C. W. Mack's Summer Home, Belfountain

File C. W. Mack's Summer Home,
Name: Belfountain

Description Frost postcard collection.

Date 1: 1910 C

Coverage: Belfountain (Ont. : Village)

C. W. Mack's Summer Home, Belfountain

File C. W. Mack's Summer Home,
Name: Belfountain

Description Frost postcard collection.

Date 1: 1930 C

Coverage: Belfountain (Ont. : Village)

C. W. Mark's summer home, Belfountain

File C. W. Mark's summer home,
Name: Belfountain

Description B/W post card of C.W. Mark's
Summer Home, Belfountain.

Date 1: 1920 C

Coverage: Belfountain (Ont. : Village)

Christmas Greetings landscape postcard

File Christmas Greetings landscape
Name: postcard

Description Frost postcard collection. Mailed
in Belfountain.

Date 1: 1912

Coverage:

Credit River at C. W. Mack's, Belfountain

File Credit River at C. W. Mack's,
Name: Belfountain

Description Frost postcard collection.

Date 1: 1910 C

Coverage: Belfountain (Ont. : Village)

Credit River, Belfountain

File Credit River, Belfountain
Name:

Description Written by Marnie from her
cottage in Belfountain, to Miss E.
Sommer of Detroit.

Date 1: 1941 C

Coverage: Belfountain (Ont. : Village)

Footbridge, Mack's Park, Belfountain

File Footbridge, Mack's Park,
Name: Belfountain

Description A suspension bridge over a river,
leading out from a thickly forested
area. A treehouse/lookout tower is
seen at the start of the bridge; it is
covered with an umbrella.

Date 1: 1950-05-24

Coverage: Belfountain (Ont. : Village)

Fountain at C. W. Mack's Park, Belfountain

File Fountain at C. W. Mack's Park,
Name: Belfountain

Description Frost postcard collection.

Date 1: 1910 C

Coverage: Belfountain (Ont. : Village)

Mack's bridge and falls, Belfountain

File Mack's bridge and falls, Belfountain
Name:

Description Frost postcard collection.

Date 1: 1910 C

Coverage: Belfountain (Ont. : Village)

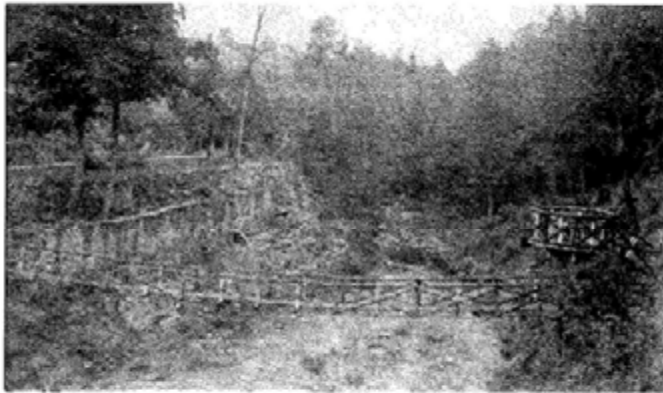
Mack's Park, Belfountain

File Mack's Park, Belfountain
Name:

Description Frost postcard collection.

Date 1: 1910 C

Coverage: Belfountain (Ont. : Village)

Mack's Park, Belfountain

File Mack's Park, Belfountain
Name:

Description Image of the footbridge and
lookout at Mack's Park,
Belfountain, looking downstream.

Date 1:

Coverage: Belfountain (Ont. : Village)

Mack's Park, Belfountain

File Mack's Park, Belfountain
Name:

Description

Date 1:

Coverage: Belfountain (Ont. : Village)

Mack's Park, Belfountain

File Mack's Park, Belfountain
Name:

Description

Date 1:

Coverage: Belfountain (Ont. : Village)

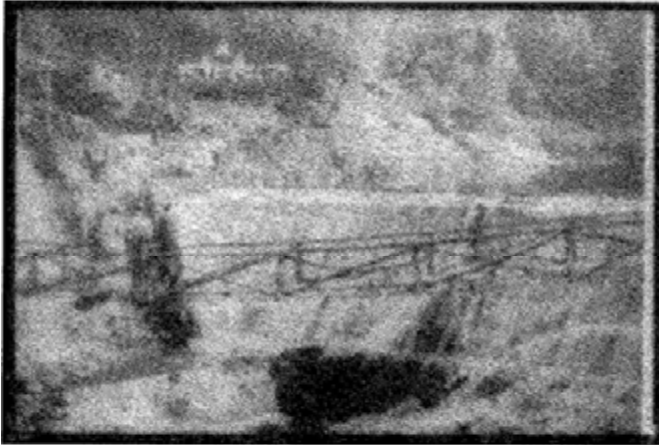
Mack's Park, Belfountain

File Mack's Park, Belfountain
Name:

Description

Date 1:

Coverage: Belfountain (Ont. : Village)

Mack's Park, Belfountain

File Mack's Park, Belfountain
Name:

Description

Date 1: 1930 C

Coverage: Belfountain (Ont. : Village)

Silo splitting, [Belfountain], Caledon Township

File Silo splitting, [Belfountain],
Name: Caledon Township

Description A split silo, possibly in Belfountain,
certainly somewhere in the area of
Caledon.

Date 1: 1951-10-18

Coverage: Caledon (Ont. : Township)

Storm damage, Belfountain

File Storm damage, Belfountain
Name:

Description A woman stands, holding a large
shard of broken glass in her hand,
above her head. Behind her is a
broken window on a house.

Date 1: 1949-04-15

Coverage: Belfountain (Ont. : Village)

The Cove, Mack's Park, Belfountain

File The Cove, Mack's Park,
Name: Belfountain

Description Frost postcard collection.

Date 1: 1910 C

Coverage: Belfountain (Ont. : Village)

The Johnstons at Belfountain



File The Johnstons at Belfountain
Name:

Description Johnston copyloan.

Date 1: 1880-1921 C

Coverage: Belfountain (Ont. : Village)

Will Rodger's Estate, Belfountain

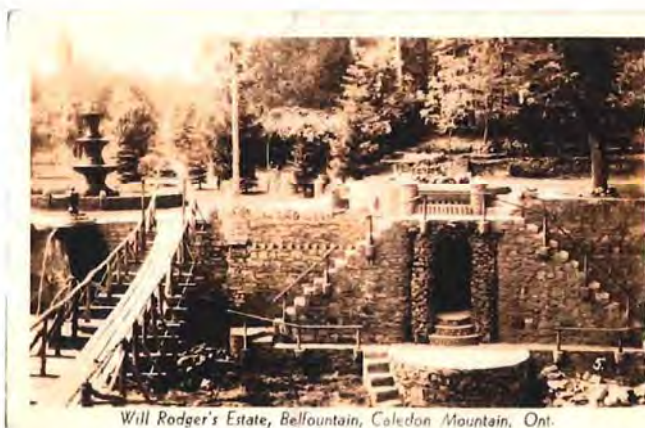


File Will Rodger's Estate, Belfountain
Name:

Description Frost postcard collection.

Date 1: 1930 C

Coverage: Belfountain (Ont. : Village)

Will Rodger's Estate, Belfountain

Will Rodger's Estate, Belfountain, Caledon Mountain, Ont.

File Will Rodger's Estate, Belfountain
Name:

Description Suspension bridge over a river,
fountain, stone wall and stair case
leading down to the water, fortress-
like doorway to underneath the
grounds.

Date 1: ND

Coverage: Belfountain (Ont. : Village)

Will Rodger's Estate, Belfountain

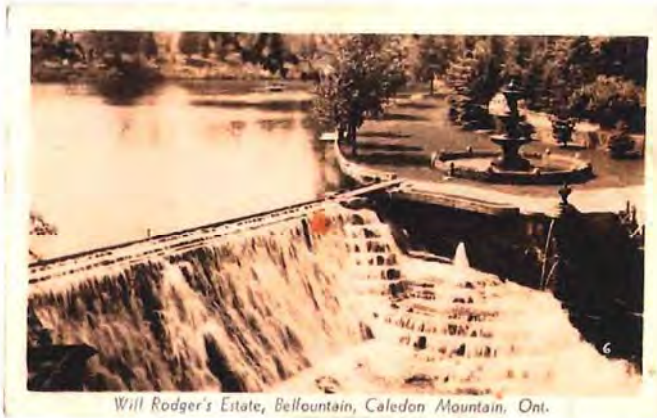
Will Rodger's Estate, Belfountain, Caledon Mountain, Ont.

File Will Rodger's Estate, Belfountain
Name:

Description Suspension bridge over a river,
showing as gazebo on the other
side of the river.

Date 1: ND

Coverage: Belfountain (Ont. : Village)

Will Rodger's Estate, Belfountain

File Name: Will Rodger's Estate, Belfountain

Description: Estate grounds, showing a waterfall, fountain, trees, sculptures.

Date 1: ND

Coverage: Belfountain (Ont. : Village)

Peter Stewart's Framed Photograph Marked on the Back as Dating from the 1920s



Photographs Collected by Credit Valley Conservation
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1. CVC Photograph Taken from Berniece Trimble's *"Belfountain": Caves, Castles and Quarries in the Caledon Hills* (Erin, Ont.: Belfountain-Rockside Women's Institute, 1975), p. 74.



2. CVC Unattributed Photographs Perhaps Taken by the Macks







3. CVC Post Card Without a Caption



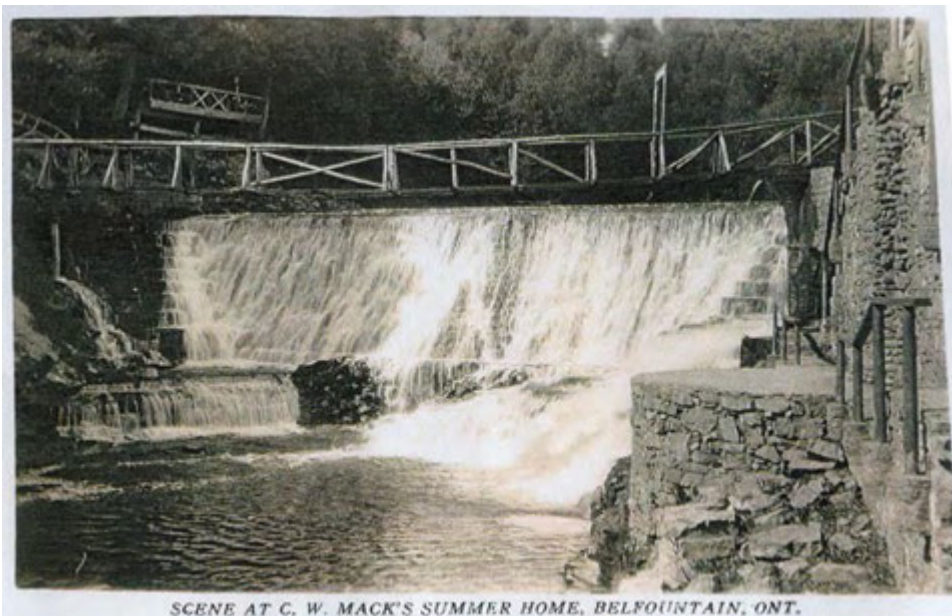
4. CVC Post Cards With Typeset Captions





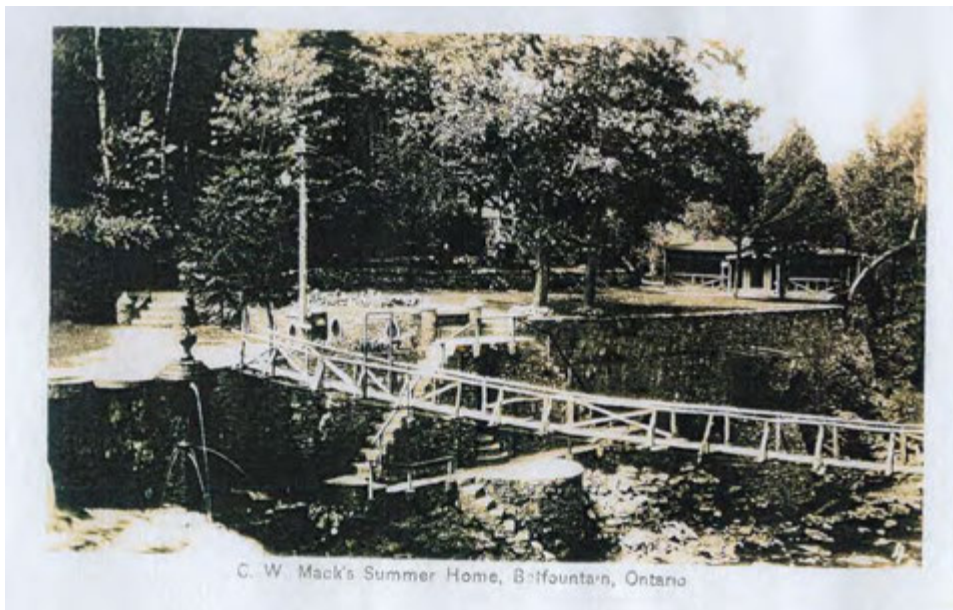


VIEW AT C. W. MACK'S SUMMER HOME, BELFOUNTAIN, ONT.



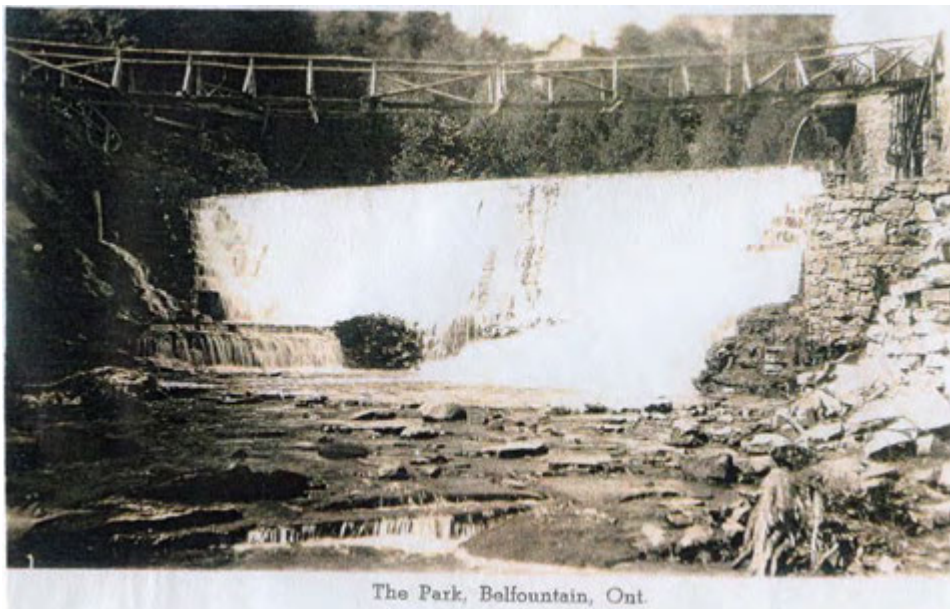
SCENE AT C. W. MACK'S SUMMER HOME, BELFOUNTAIN, ONT.



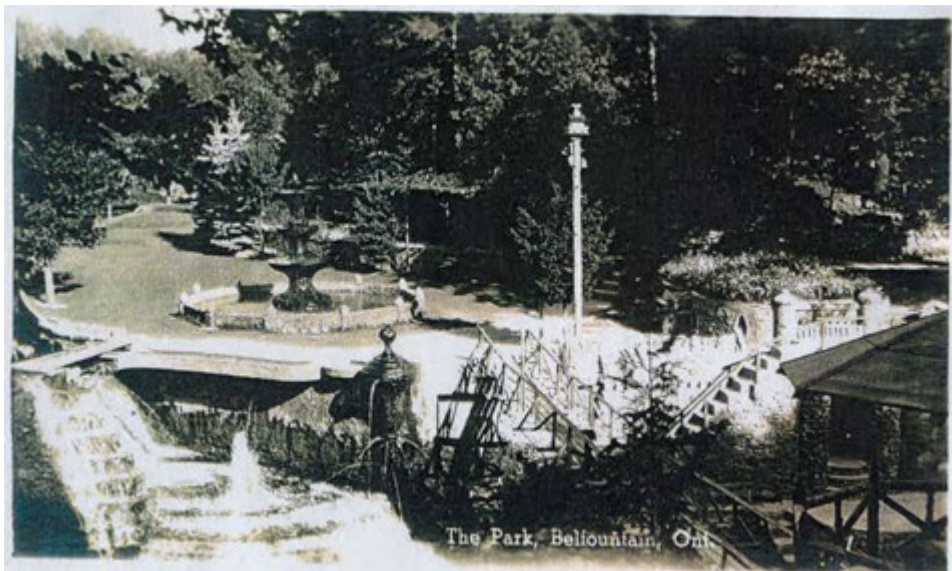




Belfountain, Ont., Canada



The Park, Belfountain, Ont.



5. CVC Post Cards With Block LetterING

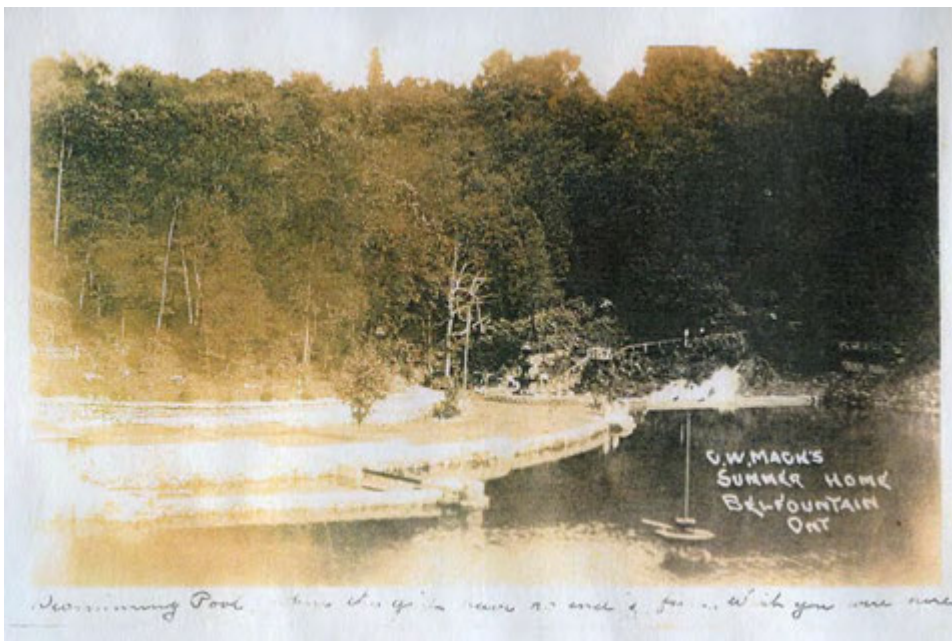
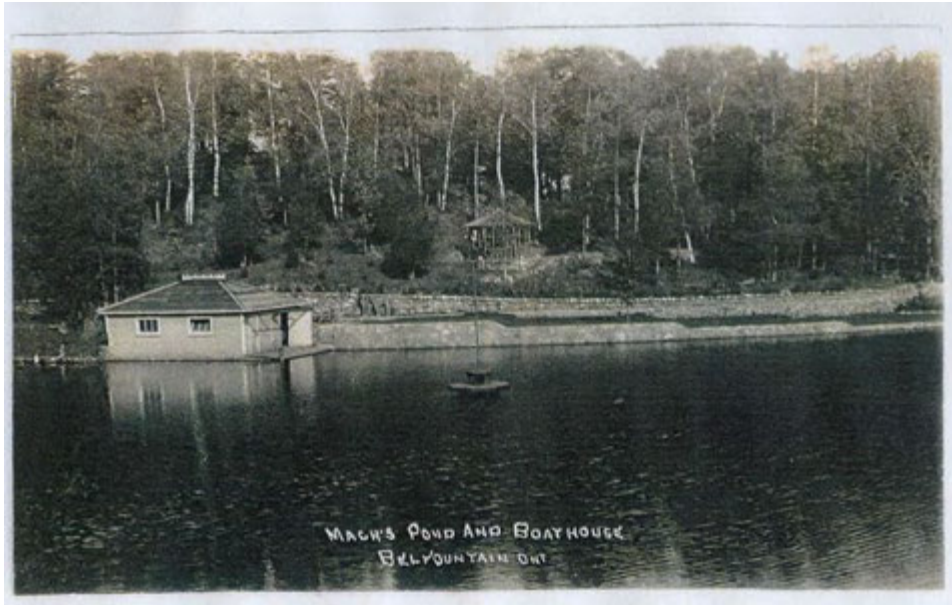








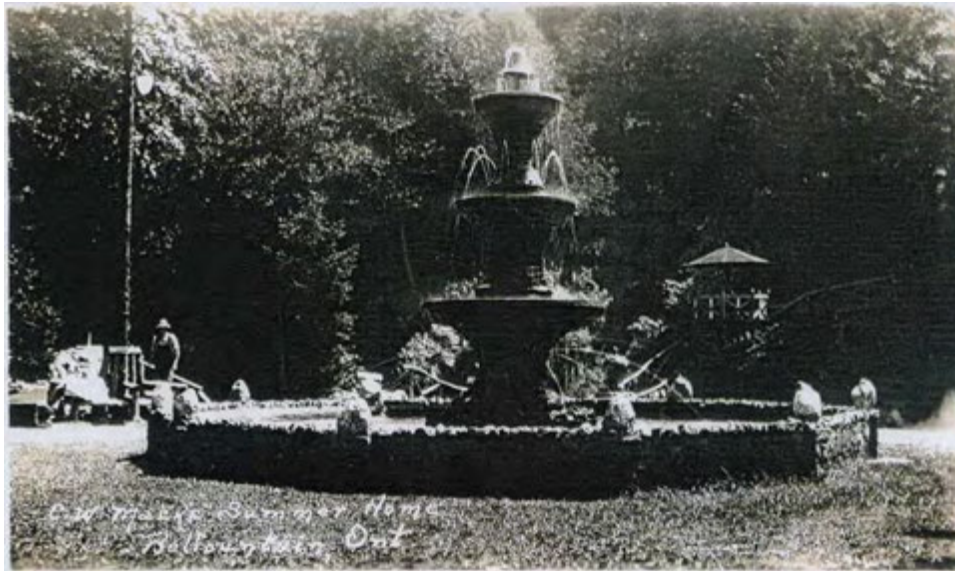






6. CVC Post Cards With Upper-and-Lower-Case Lettering







7. CVC Photographs Known To Be from Roy Trimble of Belfountain







8. CVC Photographs Known To Be from Jack Brock of Orangeville (Grandson of Samuel Western Brock)





9. CVC Photographs Known To Be from Joan Ada Mason of Windsor, Ontario



10. Other Black-and-White Photographs Collected by CVC







11. CVC Colour Slides Taken Primarily in the 1960s or Early '70s



S05 page 15-13



S05 page 15-14



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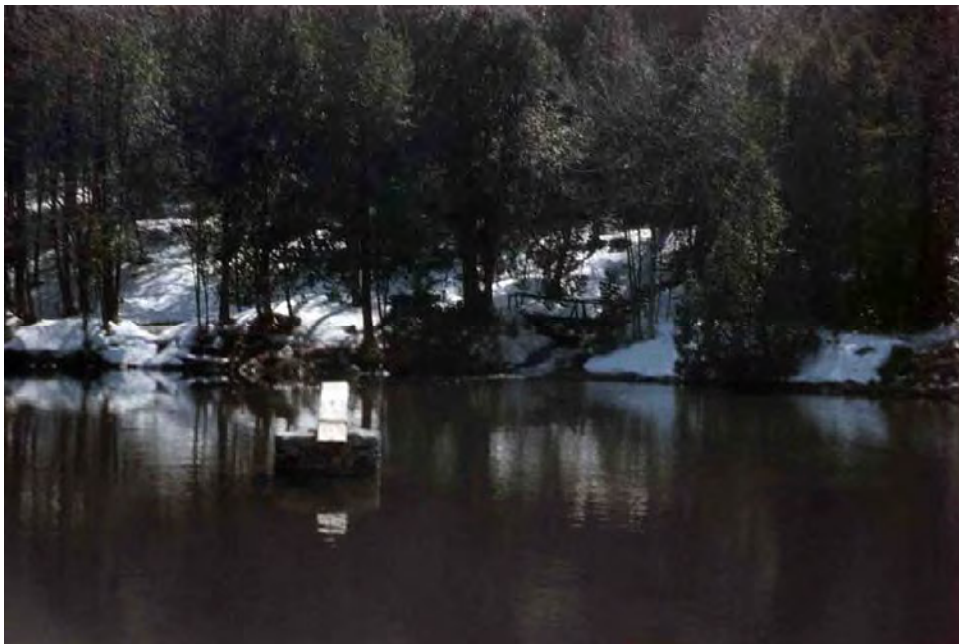
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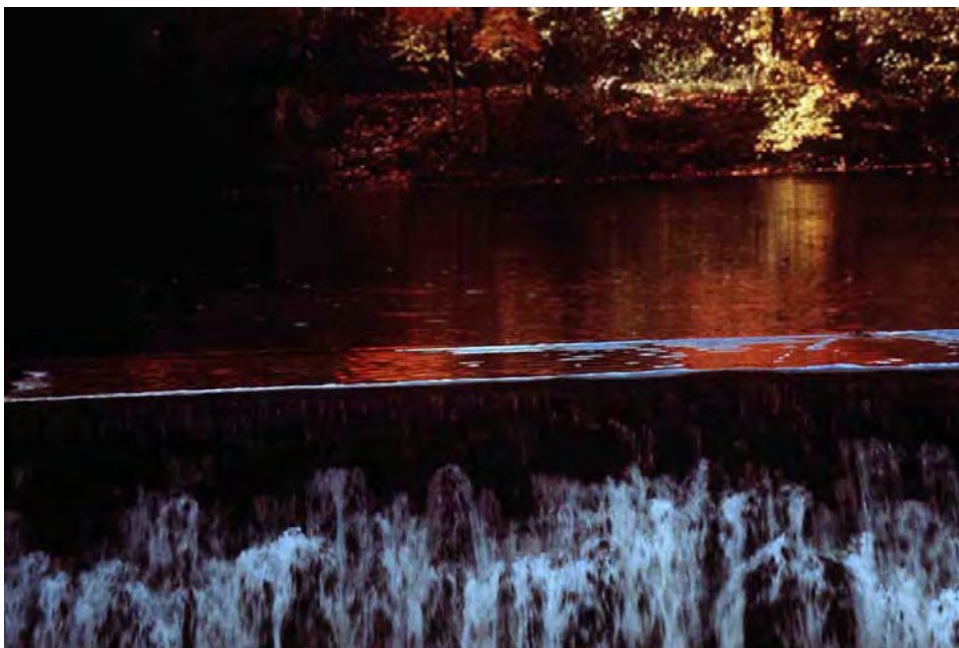
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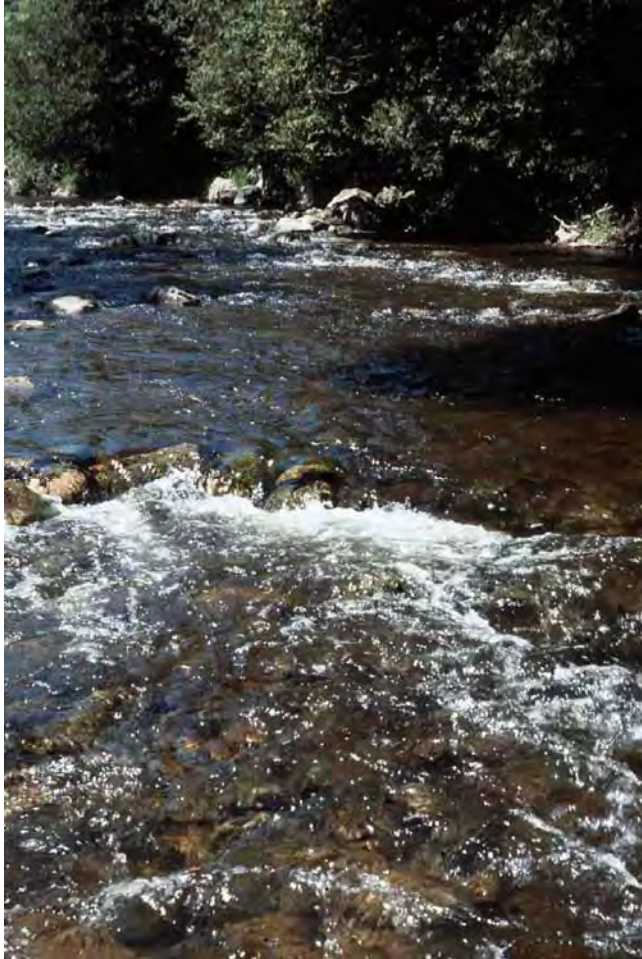
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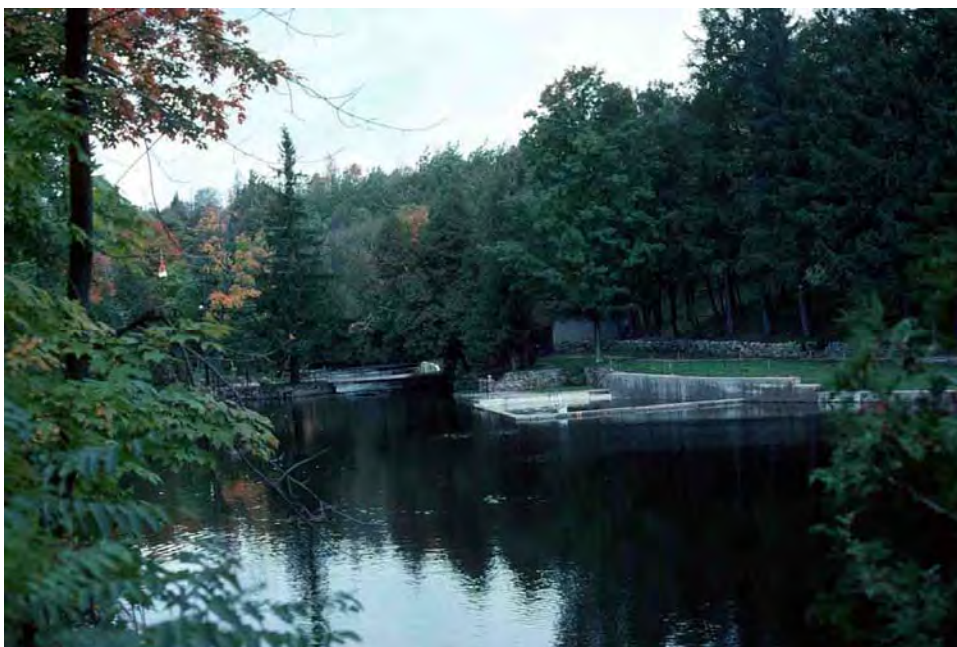
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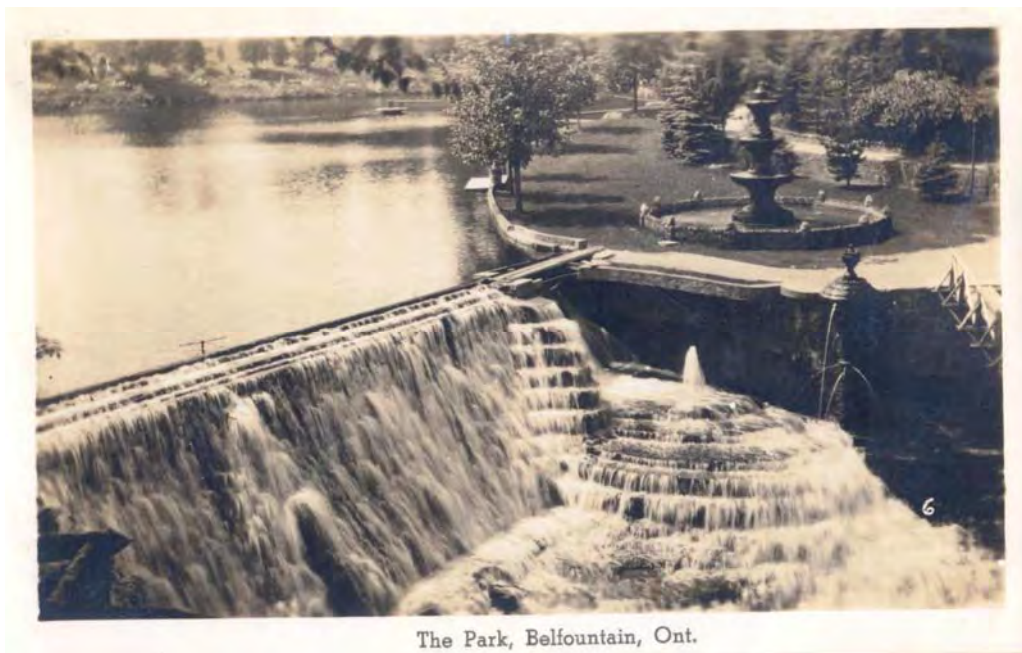
Additional Photographs Collected by the Town of Caledon
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Belfountain, Ontario 1956 Photo Courtesy of Derek P. Paterson





Appendix C: A Cultural History of Belfountain Conservation Area

Introduction

Belfountain Conservation Area has a rich and complicated history. The history is told chronologically through significant events (or milestones) that have shaped its narrative. The series of milestones are organized in five thematic periods – 1) Indigenous Use; 2) Milling, Quarrying and Village Development; 3) Mack's Summer Home and Park, "Luckenuf"; 4) A Commercial Park; and, 5) Conservation Lands.

Indigenous Use

Prior to 1818

The earliest human use of the site that has become Belfountain Conservation Area is as yet unknown. However, the seven registered archaeological sites of Native cultural origin that have been identified within three kilometres of the conservation area and the conservation area's location along the West Branch of the Credit River indicate the likelihood of a long history of human occupations on the land. The seven nearby sites that have been found date from about 5,000 years ago to about 1400 A.D. ¹

It is known with certainty that, before the start of European settlement, the Credit River watershed belonged in the territory of the Mississague (Mississauga) people who had moved down into Southern Ontario from their original homeland north of Lake Superior and Lake Huron in the early 1700s. The Mississauga, Ojibway-speaking Anishinaabeg, moved around the land to fish, hunt and trap game, harvest wild plants, and trade pelts with European fur traders in exchange for guns, iron axes, brass kettles, woven fabrics and other European products. In addition to their economic ties, intermarriage between Anishinaabe women and European fur traders who lived with their wives and children in Anishinaabe camps cemented bonds between Indigenous and European cultures. ²

1818

Following the American revolutionary war which had uprooted Americans who were supporters of the British Crown (United Empire Loyalists), the British government needed to resettle the refugees in British North America and wanted to increase population in their remaining land holdings. This meant dispossessing the Mississauga (and other Native people near the American border) of their fishing, hunting and harvesting grounds. The representative of the British government negotiated Treaty No. 19 (Ajetance Treaty) with representatives of the Mississague Nation for surrender of the interior of the Mississague Tract (the upper parts of Peel and Halton Counties, comprising 648,000 acres). The government offered the Mississauga an annual payment of money for title to their lands. ³



Detail from D.W. Smyth, "A Map of the Province of Upper Canada" (London: W. Faden, 1813), National Map Collection # 15294. Note the lands still belonging to the Mississauges in 1813.

Milling, Quarrying and Village Development

1820

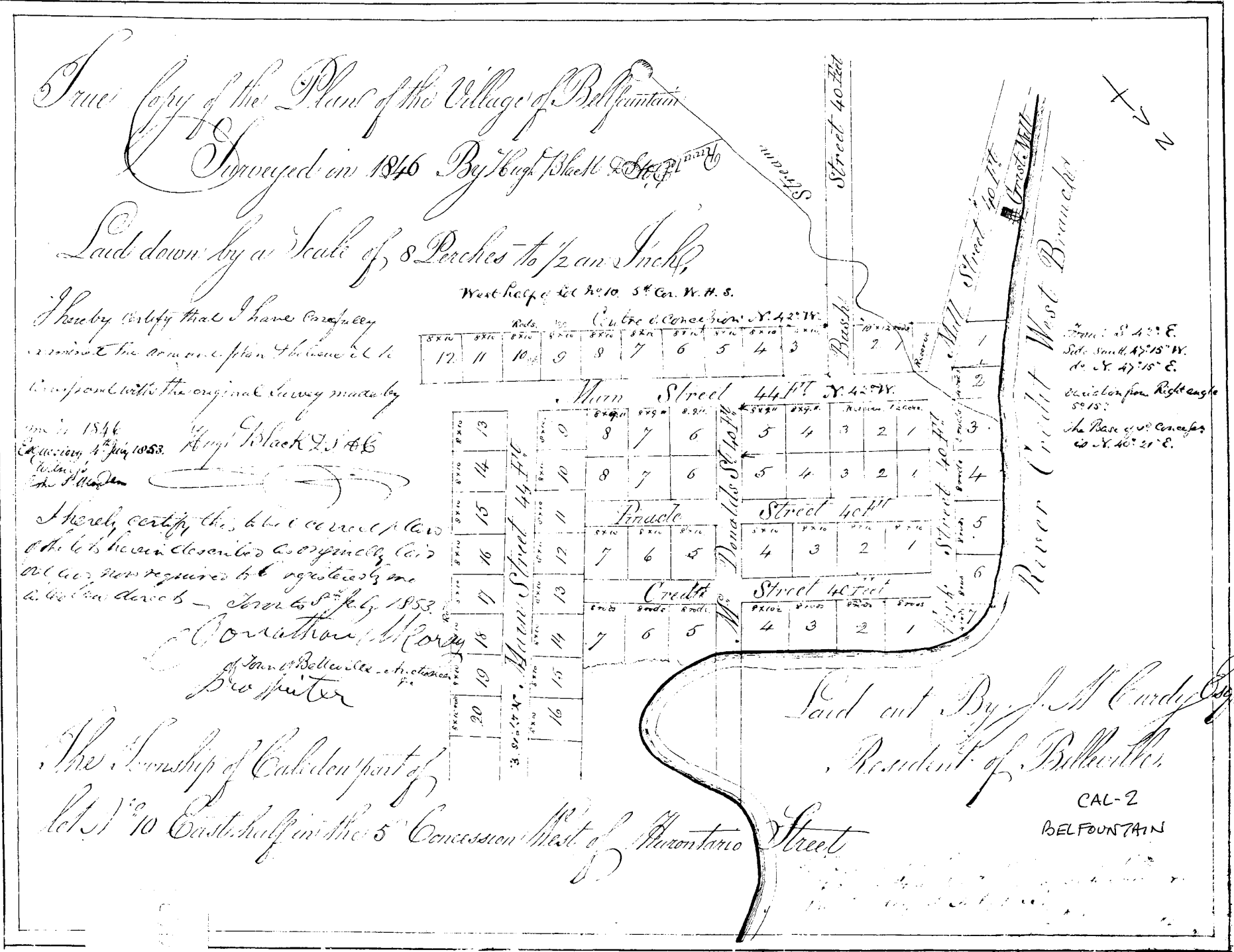
Surveyor Samuel Ryckman completed the survey of the western half of Caledon Township, one of the townships created out of the ceded Mississagau Tract. ⁴

c. 1825

William Frank, U.E.L, dammed the West Branch of the Credit River west of where the conservation area is now located, forming a millpond and powering a grist mill. Frank sold the grist mill property to Jonathan McCurdy, another U.E.L, who then built a sawmill near the grist mill. ⁵

1846

Miller Jonathan McCurdy was granted the Crown patent for the easterly half of Lot 10 in the Fifth Concession, West of Hurontario Street, Caledon Township through assignment from John Thomas, Sr., a settler. ⁶ McCurdy commissioned surveyor Hugh Black to lay out the village of Belfountain on his Crown-patented land. The village plan consisted of 65 lots. McCurdy immediately started selling small parcels of land in his village. ⁷



Hugh Black, "True Copy of the Plan of the Village of Belfountain Surveyed in 1846 By Hugh Black: Registered Plan CAL-2," 4 Jul. 1853.

By 1859

The village was developing into a farm service centre, milling flour, sawing lumber, tanning hides, shoeing horses, selling store goods, making shoes, making cabinets and furniture, constructing buildings, providing hotel food, drink and accommodation, and offering postal service.⁸

George Hughson operated a sawmill on the river's west bank near Fork Street where the conservation area's flat picnic area above the headpond exists today.⁹



Detail from George R. Tremain, "Tremain's Map of the County of Peel, Canada West" (Toronto: G.R. & G.M. Tremain, 1859). Note the abbreviations marking the village's sawmills, grist mill, tannery, blacksmith shop and post office.

1883

Surveyors Unwin, Browne & Sankey resubdivided Hugh Black's plan and added lots and blocks of land east and north of the original village. The expansion responded to the establishment of nearby sandstone and limestone quarries which were made accessible to the Toronto market by the Credit Valley Railway. It had opened in 1879. By 1885, Meadows Brock was operating a quarry near where the conservation area's initial parcel of land is located. Meadows' brother, Samuel, who would play a prominent

role in the early twentieth century developing Mack's Park, was also working in the industry. The Credit Valley sandstone that was quarried went into several buildings or parts of buildings that still stand in downtown Toronto, including the Legislative Assembly Building in Queen's Park. By 1900, large-scale quarrying ended, and with it Belfountain's short-lived prosperity.¹⁰

In the late nineteenth century, Charles Grasley's sawmill (for planing and shingles) operated on the river's east bank near where the conservation area's Yellowstone Cave stands; and Pringle's sawmill operated upstream on the opposite side of the river (the site is underwater in the headpond). Logging crews cleared many trees from the conservation area site.¹¹

Plan N^o 66 Registered July 8th 1853
by Hugh Black. Surveyor.

[illegible]

Toronto
~~Sept 3~~ 1883
 Edwin Brown & Sankey
 P. L. Surveyors

Adeline M. Ryan
Esq. F. Ryan
CAL-20

CAL-20
BELFOUNTAIN

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Sawing logs in Mack's Park, Belfountain — Mr. & Mrs. J. McLeod



The logging crew, Mack's Park, Belfountain — Mr. & Mrs. J. McLeod

Margaret Whiteside, *Belfountain and the Tubtown Pioneers*
(Cheltenham, Ont.: Boston Mills Press, 1975), n.p.



The ruins of Grasley's sawmill and the deforested valley walls are shown in this early twentieth century photograph of the conservation area site. The photograph is reproduced in Berniece Trimble, *"Belfountain": Caves, Castles and Quarries in the Caledon Hills* (Erin, Ont.: Belfountain-Rockside Women's Institute, 1975), p. 74.

Mack's Summer Home and Park, "Luckenuf"

1908

Charles Wilson Mack (1858-1942) discovered the site for his summer home on a drive through the countryside north of Toronto. Head of C.W. Mack Ltd., a rubber stamp manufacturing firm which he had established in 1892, Mack could afford an automobile when very few owned one. His dream was to build a beautiful home and invite the public to it for their enjoyment.¹² Suffering from poor health and afflicted with a nervous disposition, Mack sought a calm retreat – a convenient distance from his business at 60 Yonge Street in Toronto and his principal residence at centrally located 25 Homewood Avenue.¹³ The peaceful site he had discovered – part of Belfountain Conservation Area today – was hidden from the main east-west road through Belfountain, back of cottages erected along Credit Street, on a bend in the river where the valley walls were

steep and where the river cascaded over a natural falls. But the peaceful site had been devastated by the sawmills. To fulfil his dream to the fullest extent, the 50-year-old Mack and his wife, Addie (nee Underwood), embarked on an evolving, decades-long project of beautifying the site.

Whether Mack had a measured plan or a sketch of what he wanted is unknown. None of Mack's own papers exist: drawings, notes, diary entries or correspondence he may have kept have not survived. It may be that Mack's vision for the place grew incrementally as he was inspired by sights he saw in his travels.



A photograph of Charles Wilson Mack in Belfountain. The photo reproduced by Credit Valley Conservation originated with Jack Brock of Orangeville – grandson of Samuel Brock.

1909-10

Mack wrote in 1933 that the grounds for his summer home were started in 1909.¹⁴ His first purchase of land in Belfountain was, however, in 1910. Farmer brothers, Archibald and Angus Blair, sold Mack almost two acres of land on June 25, 1910. This was the first of five transactions Mack would make with the Blairs or with Gertrude McLaren to assemble adjoining parcels of land. The 1910 purchase was followed by acquisitions in 1912, 1914, 1921 and 1923.¹⁵

To carry out his wishes, Mack hired Sam Brock six months every year, starting in 1910.

¹⁶ His employment lasted for decades: he was still assisting Mack in 1937. Samuel Western Brock (1873-1944) was ideal for the job. His parents, pioneers Robert

Western Brock and Jane (nee Eagles), raised him in Belfountain. He knew the village and river well. He and his wife, Susan (nee McDonald), lived close by Mack's property, on Pinnacle Street. In the quarries, he had worked as a miner and could handle explosives for blasting rock. He was also capable of building the dam across the river, making the fanciful stone structures Mack desired, fitting the structures with plumbing, tending the gardens laid out on Mack's property, and, it is assumed, building the rustic wooden structures that complemented the stonework. In the winter when the Macks were in Toronto, Brock supported his family by trapping. ¹⁷

Mack also provided employment for Matilda Judson, a destitute widow who became the Macks' housekeeper, and for J.S. McDonald, who transported the Macks' guests to and from the Credit Forks train station. ¹⁸



A photograph of Samuel Western Brock in Belfountain. The photo reproduced by Credit Valley Conservation shows him with pelts he had trapped in the winter season when not working for Mack. He and his wife, Susan, are buried in Blair-Belfountain Community Cemetery, their graves marked by an impressive and prominently placed monument.

1914

1914 was a difficult year for Mack. He was accused of procuring a drug for 19-year-old Rita Laughlin who may have required an abortion. Letters and a statement gathered in support of Mack reveal conditions at his summer home christened "Luckenuf," five years after his project had commenced. A photograph, dated 1914, is the first visual record. ¹⁹

From spring until fall, the Macks lived in a modest bungalow perched on the high bank overlooking the new dam that Brock had erected for them. ²⁰ The frame bungalow with

its canopy-like roof, long verandah and tall chimney offered a splendid view of the river, falls and gorge. A flag mast surmounted the bungalow's low-pitched hip roof. An arbour stood near the bungalow's front walk.

Mack wrote in his own statement of defence a description of the den near the bungalow:

"The little den on the hill near the bungalow is perched on a high foundation. It has large windows and glass-doors on all sides and there are no blinds or curtains. It is wonderful on a moonlight [sic] night, looking out on the water, or trees and sky in all directions. No sound but the music of the little river which goes rushing by. The Calm and peacefulness of it all would quiet anyone's nerves." ²¹

Mack had also had a guest cottage called Bide-a-wee built. In his statement, he wrote:

"The cottage on the hill (Bide-a-wee) that such things are being said about, has two rooms with a big archway between one of these a kitchen and the other contains four beds all in plain view without curtains or screens between, where all can be seen at a glance. The den and this cottage are both just at the corner of the main house – all three quite close together each one in plain view of the other two. Bide-a-wee is all windows and glass doors. We built it for girls who have no place to go to spend their vacation and have but little money to spend for such things. It is comfortably furnished to accomodate [sic] eight and we allow different lots of girls to come here each lot staying two weeks rent free, they supplying their own meals. We have a Guest Book with the names and addresses of all these girls and nicer girls it would be hard to find." ²²

In addition to the vacationing girls, the Macks welcomed day visitors. Mack described the public nature of his property:

"The place is open to the public – everyone made welcome and many coming day in and day out – no door or window closed, every place wide open, the girls out around the grounds, day visitors of note from the Caledon Club and many miles around. People coming and going all the time – anywhere from thirty to over one hundred in a day." ²³

Mack overcame the accusation, and lived to develop the park further.



The photo reproduced by Credit Valley Conservation is the first visual record of Mack's summer home and park. There were many photos to follow. Mack's summer home and park are extremely well-documented in photos.



The photo reproduced by Credit Valley Conservation shows Bide-a-wee. Stone steps climbed stone terraces to its front porch. Perpendicular to Bide-a-wee was another clapboard cottage. Note the cottage's wooden stilts.

c. 1918

Replying to the historian, William Perkins Bull, in 1933, Mack explained the origin of the cannon he had brought to his property 15 years before. He told Bull about:

"A large old canon [sic] in the center of our grounds up there [in Belfountain], that really was used in Privateering days off the coast of Nova Scotia, during the war of 1812, and then, planted, partly, in the ground, at a main corner street of Liverpool, N.S. near where I was born, and then brought up to Belfountain, through my pocket book some, 15 years ago, and mounted in cement, where it now is.

"Tis an old looking chap to be sure, with a powder 'hole,' to fill with powder, and a fuse – and 'Bang' she did go." ²⁴

1925

Mack made him and Addie joint tenants (owners) of the property. The property had reached its ultimate size in 1923. ²⁵

1928

Mack's 1928 project – presumably, executed by Sam Brock – was an elaborate grotto dubbed Yellowstone Cave after the natural caves in Yellowstone National Park, Wyoming. Mack's Park had become a summer destination, attracting day visitors as well as artists, writers, musicians, teachers and prominent Torontonians who built cottages in Belfountain. Mack's Park had transformed Belfountain from a "slumbrous hamlet" into a "summer resort." ²⁶

One Sunday in August 1928 when the Peel and Dufferin Regimental Band found out that Stanley Park in Erin Village had been double booked, Mack and Addie hosted the band's sacred concert at Mack's Park. *The Brampton Conservator* recorded the attendance of "a crowd of hundreds of people, scattered over the beautiful grounds and the sloping sides of the river across from the lawn." The article continued with a description of the park:

"While thousands of people visit the place during the week and on Sundays, Mr. Mack has never departed one iota from his original intention concerning the place, that it was to be a feast of beauty for eye and mind, and not a resort for Sunday picnicing. There is no bathing on Sunday[,] notices all over the grounds prohibit smoking, visitors are requested politely to be quiet and orderly[,] to keep off the private grounds, and to injure nothing anywhere on the grounds. It would be a person of very poor spirit indeed, who refused to comply with such reasonable requests, in view of the vast hospitality conferred, in free access to the grounds.

"In addition to the various features of Mack's that are already familiar to the public, is the

Indian cave, just below the falls, in course of construction by Mr. Mack. The idea is solely his own conception, and beneath a most innocent-looking flower bed on the level of the lawn hides the roof of the cave. This is reached by descent of steps built down the side of the rocky bank of the river, and 'Oh's,' and 'Ah's', are frequent and audible as the visitors pass into the cool gloom of the cave. There is an ingenious arch of Credit stone to support the roof, and a number of ventilating shafts have been added which give a special beauty to the place. At the rear, a tiny gnome stands out from the rock to guard the place, and to insure the faery rule of the spirits of the glen. On one side of the cave will be a cabinet for curiosities, and on the other, lighted from the outside, a tank for fish.

"The visitors' cottage has never been empty this summer, over 130 visitors to date having enjoyed the hospitality of Mr. and Mrs. Mack. The visitors have been groups of from 8 to 14 girls, who bring their own bedding and food, and whose only expense in connection with a fortnight's outing is \$2.00, which is charged for the electricity they use in cooking. The cottage is designed primarily to give rest and change to business girls, and they get free bathing, boating, and an outing in the most beautiful section of the Caledon Mountains, for very small outlay." ²⁷

The article finished with an awkward poem entitled "Belfountain Falls" by visitor Albert Edward Cooper of Toronto. It sadly includes racist lines; but, despite this, the poem is valuable for the information it contains about features at Mack's Park. It is reproduced as a sidebar.

Belfountain Falls:

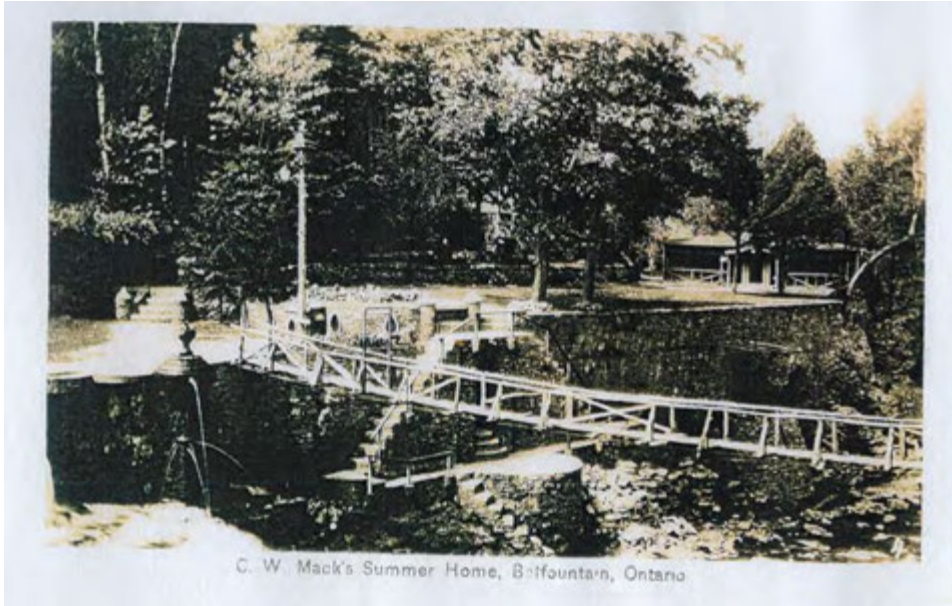
The lake laid smooth with pictures-
que shadow
Around its shore were very shallow
Little wee fish congregated in shoals
And spectators along the shores in
droves.
A beautiful pathway hugged the east
shore
With signs demanding don't smoke
any more
All welcome to travel and see the
sights
Across the cable bridge to cedar
heights.
A three ledge fountain at the fall's
edge
Sparkling water tumbling, ledge to
ledge
The roar of the falls with mantle of
white
Tumbling down stone steps from
the great height.
The beautiful curtain of foaming
white
Sings a song down the stone steps
day and night
Winding its way through a stoney
pathway
Circling through woods, meadows
and highways.
Belfountain village looked down from
a height
And to view the lake below was a
delight
Pathway leading with stone steps
was a sight
And the lake was reflecting strong
sunlight.
Below the falls there's a yellow
stone cave
So well named but lacking an
Indian brave
The color was like they used on their
face
Conventional among all the red
race.
Across cable bridge to cedar heights
Log steps to landings was a lovely
sight
Ozone of cedars invigorating
And all pathways were very
inviting.
Albert Edward Cooper.



Yellowstone Cave, an elaborate grotto built into the high retaining wall beside the dam, was Mack's 1928 project. The photo reproduced by Credit Valley Conservation shows the grotto's three levels – a rounded bottom platform with stone steps down to the river's edge, a tall stone wall with a round-arched entrance into the grotto's interior, and a parapet roof on top of which a flower garden was planted.



The framed photograph found by Peter Stewart in a yard sale about 2003 is marked on the back as dating from the 1920s. Capturing both passive and active recreational activity at Mack's Park, the photo shows the stone face of the dam with cascading ledges and a *jette d'eau* at one of the ledges. The headpond created by the dam is enclosed by stone walls, and children swim in it, right to the edge of the dam. An urn-shaped stone fountain was placed next to the *jette d'eau*, and multiple spigots released streams of water into the gorge. A three-tiered stone fountain stood on the lawn beside the dam; the fountain, also pierced by multiple spigots, stood centred in a stone-walled pool of water. A terraced stone walkway followed the contour of the treed valley wall, and stone steps rose up from the walkway.



The photograph reproduced by Credit Valley Conservation originated with Joan Ada Mason of Windsor, Ontario. The photo shows a suspension bridge made of rough-hewn wooden trusses. A tall light standard with a teardrop globe lighted the entrance to the bridge. The verandah railing on Mack's bungalow matched the bridge's rustic appearance.



The post card photograph reproduced by Credit Valley Conservation shows a rough-hewn wooden lookout under the shelter of an umbrella-like canopy. The tongue-in-cheek caption named the lookout, "The Pulpit," with reference to Mack's strict rules about park behaviour.



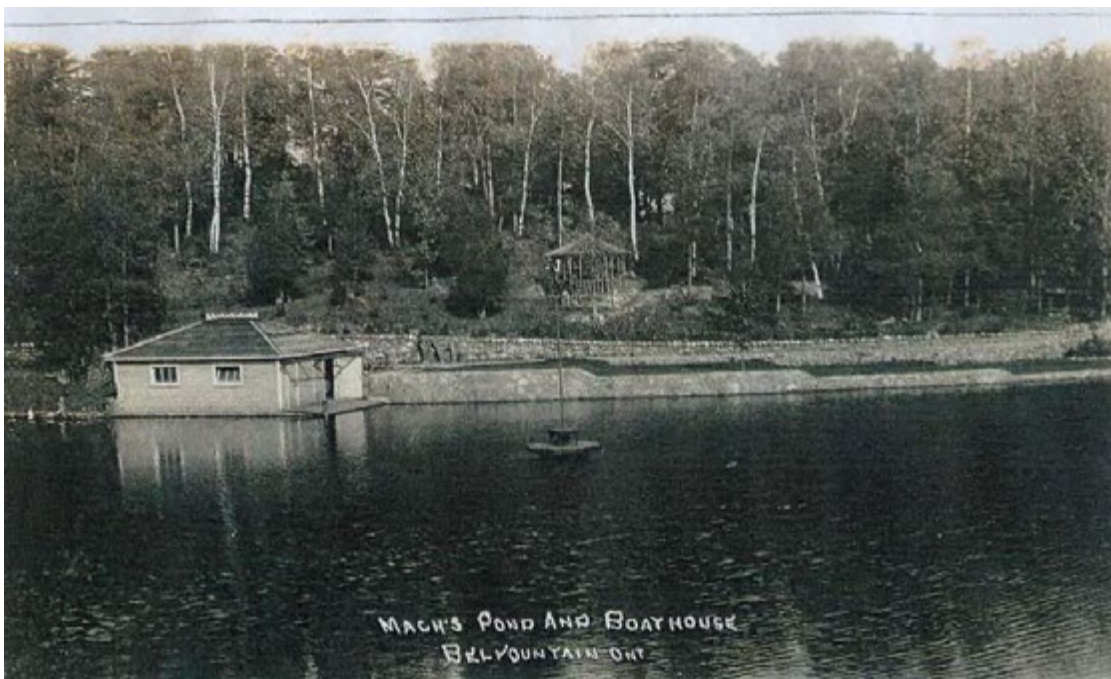
The post card photograph reproduced by Credit Valley Conservation was taken from the river's west bank. On the frame's far left, note the boaters. Near the upper right, note the tall light standard holding a teardrop globe. A wooden bench encircles the light standard.



The photograph reproduced by Credit Valley Conservation shows rough-hewn wooden piers and bridges around the headpond.



The post card photograph reproduced by Credit Valley Conservation shows a narrow portion of the headpond walled off for a swimming pool. The pool was adjacent to a boathouse. A flag mast marked one corner of the swimming pool.



The post card photograph reproduced by Credit Valley Conservation carries the handwritten date of July 6, 1920 on its back. The boathouse on the edge of the headpond was clad in wood siding and surmounted by a hipped roof. A hipped-roof, wooden arbour stood on a terrace.



The photograph, reproduced by Credit Valley Conservation and originating with Roy Trimble of Belfountain, details the stonework on the terrace and steps near the wooden arbour.



The photograph reproduced by Credit Valley Conservation shows another of the fanciful stone creations in Mack's Park. The fire pit employed the same rock-faced stone treatment used on other features. The pit's rounded platform and round arch were motifs seen elsewhere in the park. A massive chimney crowned the pit.



The post card photograph, reproduced by Credit Valley Conservation and originating with Roy Trimble, is estimated to date to c. 1930. The wide appeal of Mack's Park explains the bounty of post cards and other photos documenting it.

1933

When Mack turned 75, the Macks' principal residence became their bungalow in the park.²⁸

1937

A portion of the high retaining wall below the grotto collapsed in a disastrous flood, and was subsequently repaired.²⁹

1943

For all Mack's health problems, he lived to age 83. He might have had an even longer life had he not been in a car crash. After a long illness resulting from injuries received in a car crash at Bradenton Beach, Florida, Mack died on July 23, 1942. The following year, his entire estate was bequeathed to Addie. Mack's estate included a half interest in his business and Mack's Park where the bungalow and two cottages stood.³⁰

A Commercial Park

1945

Three years after Mack's death (and four years before her own in 1949) Addie sold Mack's Park to Carl Uteck of Toronto, who turned the park into a commercial venture.³¹

1950

Uteck sold the park to William Rodger of Doon village (now in the City of Kitchener).³²

1955

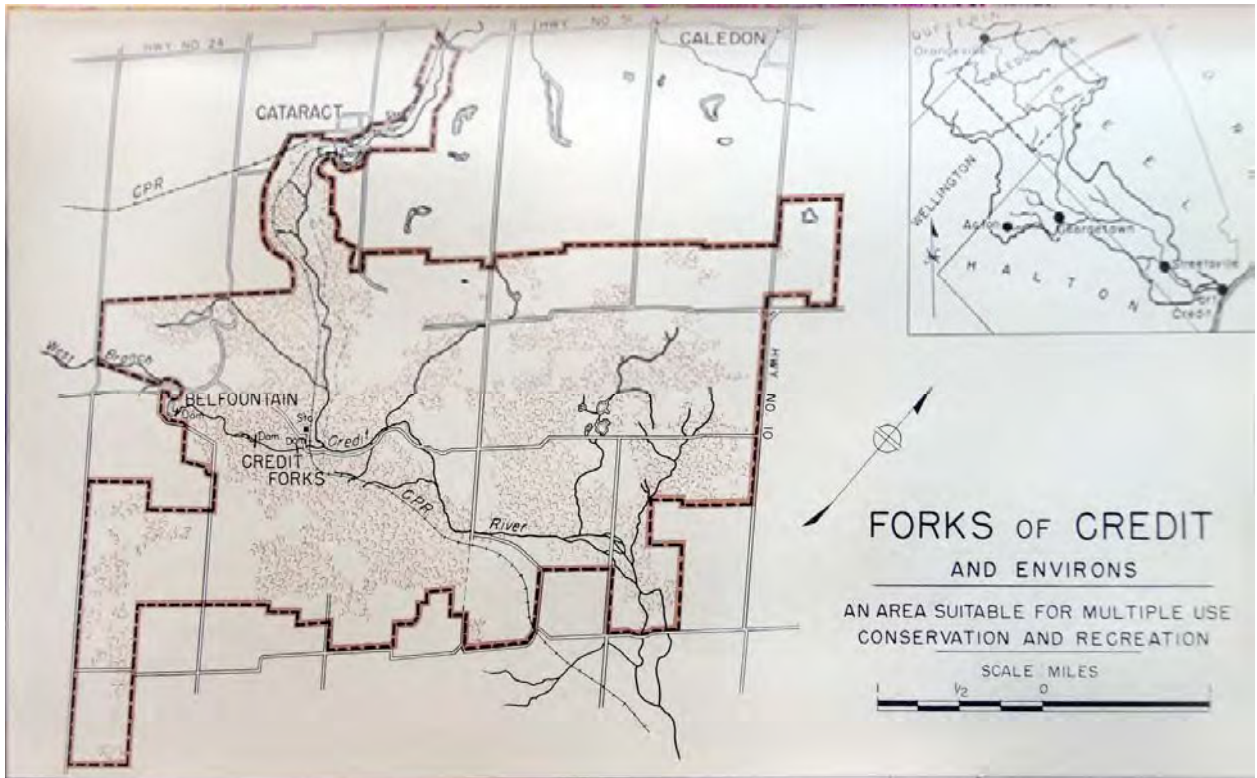
The Ontario Department of Planning and Development, the provincial ministry responsible for supporting all newly formed conservation authorities, recommended that the Credit Valley Conservation Authority, founded in May 1954, establish a chain of small parks in different sections of the valley and a scenic route and conservation trail. The department highlighted Belfountain Park – the new name for Mack's Park – and the Forks of the Credit as one of the finest potential multi-purpose conservation areas close to urban populations in South Central Ontario.³³ When the department published the summary version of the Credit Valley Conservation Report in 1957, it said:

"... The natural beauty of the escarpment in the central part of the watershed has few if any rivals within such a short distance of Metropolitan Toronto [the newly formed regional municipality]. The wooded cliffs, vistas, waterfalls and fast-running streams of this section annually attract thousands of motorists and thus provide a steady flow of traffic for the commercial parks of the area to draw upon. ...

"Established shortly after the turn of the century, Belfountain Park lies amidst surroundings of great natural beauty. Here the west branch of the Credit drops off the escarpment in a picturesque waterfall which has been further heightened by the construction of a stone dam.

"The admission charge is 50 cents per car and 10 cents per person arriving on foot. The total seasonal attendance is about 25,000 and on a busy holiday about 1,500 people use the park. Many visit the area simply to view the spectacular falls."³⁴

Included in the report were two photographs of Belfountain Park. One showed the headpond, commenting on its scenic qualities and its excellent swimming, and the other featured the dam.



Ontario Dept. of Planning and Development, *Our Valley: A Report to the People of the Nineteen Authorities in Ontario V. 1 N. 2* (Jul. 1955), p. 15.



Ontario Dept. of Planning and Development, *Credit Valley Conservation Report 1957: Summary* (Toronto: Dept. of Planning and Development, 1957), p. 131.



Ontario Dept. of Planning and Development, *Credit Valley Conservation Report 1957: Summary* (Toronto: Dept. of Planning and Development, 1957), p. 132.

Conservation Lands

1959

The Credit Valley Conservation Authority purchased the nucleus of Belfountain Conservation Area where Belfountain Park had operated. A description of Belfountain Conservation Area is included in the Summer 1959 issue of *Our Valley*:

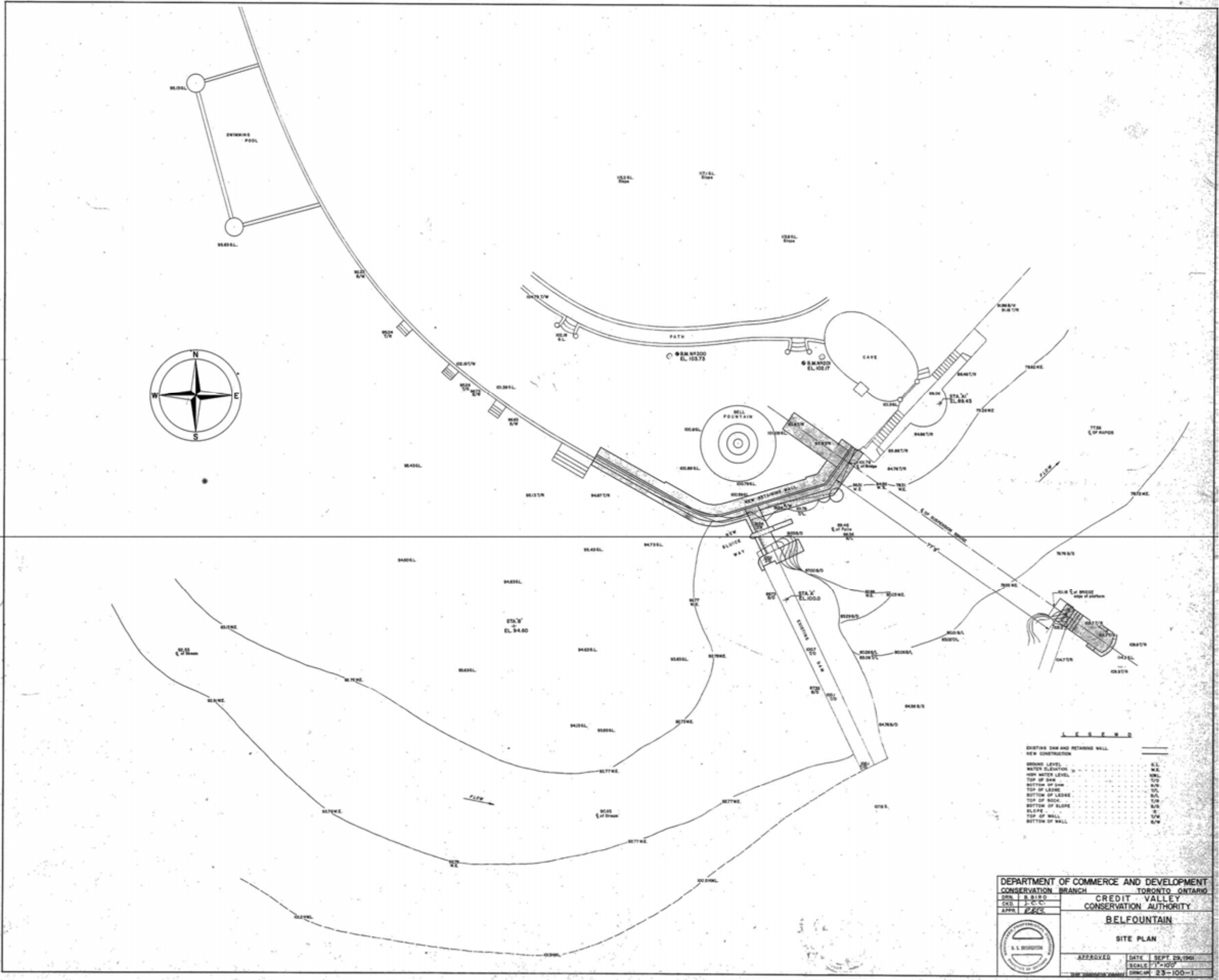
"The establishment of the Belfountain Conservation Area was adopted as Scheme No. 6 of the Authority. This recommends the purchase by the Authority of a twenty-two acre property which has been known as Belfountain Park. Located about one mile from the Forks of the Credit River, it has become famous as one of Ontario's beauty places, with many thousands of visitors flocking here annually. The west branch of the Credit River flows through the property feeding a three-acre pond with fresh, clear water suitable for swimming and fishing. The pond itself was created by a concrete dam across the river gorge cut through the face of the Niagara Escarpment. As the Area has been operated as a commercial park in the past, sufficient facilities are available so that the public will be able to make use of the area almost immediately. Facilities will include swimming, fishing, picnicking, foot paths, woodlot management, and nature study." ³⁵

The 22 acres in Scheme No. 6 represented an eventual goal. The actual size of the Authority's purchase was much smaller.³⁶

1961

The Conservation Branch of the provincial government drew plans for altering Sam Brock's dam. A concrete sluice way and new retaining wall were added at the dam's eastern end. According to the government's drawings, a concrete cap over Brock's dam was to be added later.³⁷

The same year, the Authority acquired a second parcel of land, adjoining the 1959 purchase. Since then and until as recently as 2007, a series of acquisitions have considerably enlarged the 1959 boundaries.³⁸



Ontario Dept. of Commerce and Development, Conservation Branch, "Credit Valley Conservation Authority, Belfountain Dam, Belfountain, Ontario, Drawing 23-100-1: Site Plan," 29 Sept. 1961, Credit Valley Conservation.



The photographs reproduced by Credit Valley Conservation and originating with Roy Trimble show the dam before its alteration, the tiered fountain with a bell and weathervane atop, and the headpond drained of its water.

BELFOUNTAIN CONSERVATION AREA

CVC Parcel Acquisition Map for Heritage Designation Scoping

May 19th, 2016



Following the 1959 purchase of William Rodger’s Belfountain Park, Credit Valley Conservation has added 16 adjoining parcels.

1963

The Peel County Historical Society Association and the Women's Institute of North Peel opened a summer museum in Bide-a-wee Cottage – the first temporary home for the groups' collections. Attended by thousands on summer weekends, the museum was the forerunner of the Peel Art Gallery, Museum and Archives (PAMA).³⁹

1969

The Authority engaged Canadian Mitchell Associates Ltd., consulting engineers and town planners, to report on existing site conditions and prepare a conceptual plan for developing Belfountain Conservation Area. The firm was represented by D.E. Ruggles, landscape planner, and J.A.J. Knox, landscape architect and engineer (and also the firm's president). Although not fully implemented, their recommendations had a profound impact on the legacy left by Mack and Brock.

First, the authors described three buildings on the conservation area property – two remaining cottages near the river and a two-storey red brick house in the southwest corner along Peel County Road No. 10 (Main Street). (Mack's bungalow had become the park superintendent's residence, and Bide-a-wee the summer museum run by the historical society and Women's Institute.) They also described the conservation area's other features. A level area near the Credit Street entrance was used for parking. A concrete bridge permitted vehicle and pedestrian crossing of the river. A paved walkway connected the bridge to the museum and superintendent's residence. A suspension footbridge connected the paved walkway on the river's east bank to the west bank trail that looped back to the parking lot. An old walkway extended up the slope from the bridge to an open sloping area along the southwest property line. A trail extended from the tiered fountain up the north (east) slope to a summit. A retaining wall bordered the headpond's shore and river gorge, and part of the headpond was enclosed for the pool previously used for swimming. Their description continued:

"On the north [or east] bank in the vicinity of the dam are located unique stone works, constructed in the early 1900's by the former owner of the property, Mr. C. W. Mack, including a large fountain in a deteriorating state of repair. A circular cave with stone interior walls is built into the side of the gorge and is reached by means of two flights of stone steps leading down to a paved overlook in front of the cave entrance, all of which are in need of some repair. Along the walkway north of the pond and dam are several stone masonry steps leading to terraces on the slope above and in the vicinity of the Museum is a complicated system of stone masonry retaining walls and steps, all of which are in need of repair. The retaining wall along the riverbank extends to the north-east beyond the house currently occupied by the Supervisor [superintendent] and terminates at an overlook above the river.

"Further stone masonry retaining walls and steps in a bad state of repair are situated along the edge of the river in the picnic area between the parking lot and Peel County

Road 11 [Forks of the Credit Road]. A small storage building is located at the end of the bridge on the north-east side of the river and an historical Millstone [which had been relocated from a Halton County flour mill] is displayed at the water's edge between the swimming area and the bridge. A level grass strip extends from the end of the bridge to the Supervisor's Residence, between the retaining wall and the paved walkway. Picnic facilities are currently located along the south [west] bank of the headpond and south-west of the Credit River between the parking lot and Peel County Road 11." ⁴⁰

They concluded with a description of the site's tree cover and of "an unsightly scar" where tree cover had been removed from the slope upward from the headpond's west edge.

Second, Ruggles and Knox drew a development concept for the conservation area, organized around a distribution of park use zones. Zones were assigned for access and parking, picnicking and passive recreation, river bathing, nature exploration, historical interpretation, and park services. To separate access and parking from the remainder of the conservation area, they recommended rerouting the park entrance road and relocating the parking area to the tableland above the river's west bank. They envisioned a stone-and-timber gatehouse erected 350 feet from the intersection of Credit Street and Peel County Road 11. All new buildings should adhere to a theme – a blend of stone, masonry, timber and wood-shingle roofing.

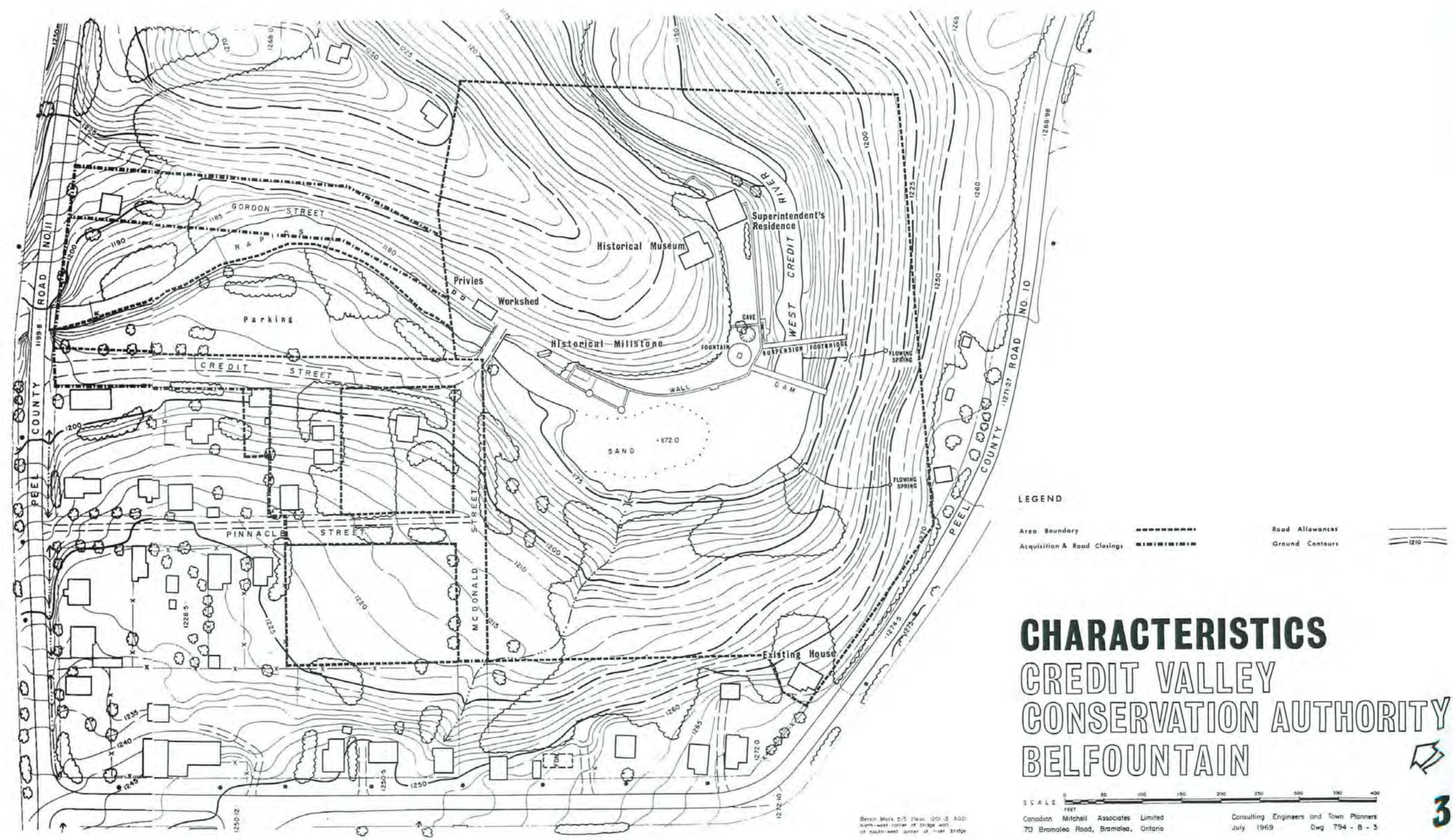
Ruggles and Knox also recommended construction of a small picnic shelter, a large open pavilion, a few stone fireplaces, privies, and a concession and washroom building with maintenance and storage centre on the building's lower level. They recommended filling in and sodding the disused swimming pool and replacing it with a small bathing area upstream from the headpond. They called for a drinking fountain placed above one of the naturally flowing springs. A shelter roof should cover the drinking fountain to create a lookout – one of a number of lookouts. They proposed selective clearing of trees down the slopes toward the river to open up views from the lookouts to the river below. They recommended an additional footbridge and high-level footpath. In addition, nature trails should be surfaced with gravel. Dead and dying trees in the nature exploration zone should be removed, and selective tree planting initiated.

For the historical interpretation zone, Ruggles and Knox proposed demolition of the park superintendent's house (Mack's bungalow), levelling and seeding the site, and retaining its basement wall to act as a retaining wall along the gorge. The cave, fountain, stone steps, stone retaining walls and museum (Bide-a-wee) should be developed as an interpretation centre, showcasing the conservation area's historically significant features, displaying natural flora, and graphically explaining natural phenomena. Interpretive displays under shelter roofs should be placed between the cave and the gorge lookout. Stonework should be repaired. Eventually, the deteriorated frame museum building should be replaced by a masonry structure reflective of the historical significance of the site. Unlike their recommendation for Mack's bungalow, they

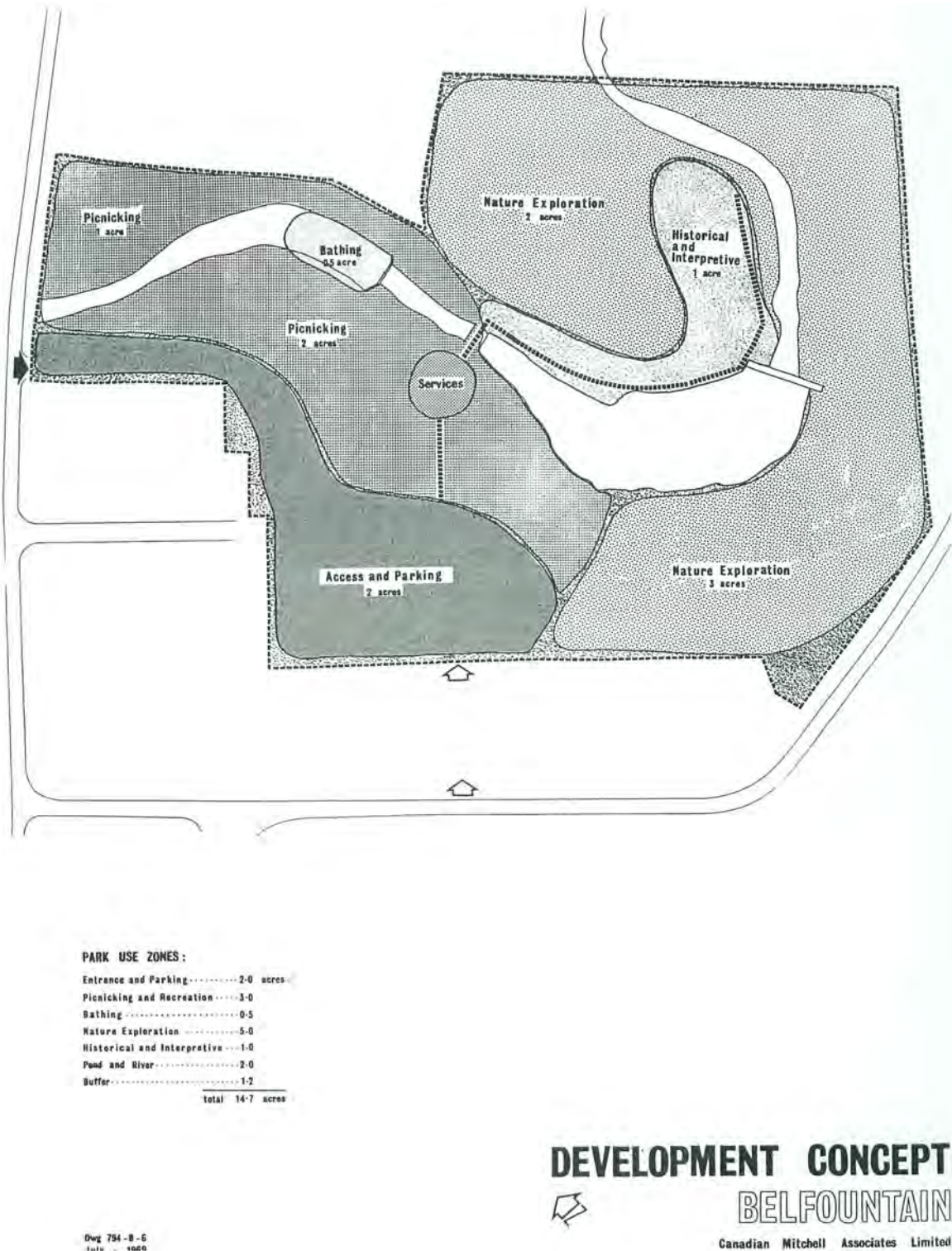
suggested that the Authority retain ownership, and lease, the two-storey red brick house in the conservation area's southwest corner. They considered it to be representative of late nineteenth century Ontario farmhouses, and to be worthy of restoration by a lessee interested in its historical significance.

They called for adding a rock outcrop planted with native flora at the old swimming pool's outermost corner. They proposed removing the existing maintenance shed and relocating the millstone there. Iron railings along the retaining wall at the dam should be replaced with wooden posts and rails in keeping with the character of Belfountain. New boundary fencing along Peel County Roads 10 and 11 should also be post and rail (but post and wire fencing elsewhere). The existing paved walkway should be extended. Wood signs with routed letters, the Authority's crest and the name, Belfountain, should be erected. Wells for potable water should be drilled, a septic tank and tile bed near the concession and washroom building laid out, and hydro lines buried.

Furthermore, Ruggles and Knox noted the "most irregular" shape of the conservation area property, and recommended that the Authority request Caledon Township closure of portions of Credit, Pinnacle, McDonald and Gordon Streets so that they could be deeded to the Authority.



D.E. Ruggles and J.A.J. Knox, “Belfountain Conservation Area Development Plan and Report” (Bramalea, Ont.: Canadian Mitchell Associates Ltd., 1969). Ruggles and Knox depicted the existing features of Belfountain Conservation Area in their 1969 report and development concept.



Ruggles and Knox organized their development concept for Belfountain Conservation Area around a distribution of park use zones.



The development concept formulated by Ruggles and Knox in 1969 was partially implemented by the Authority.



About the time of the 1969 report and development concept, the Authority took colour slides of the conservation area. In this photograph, a truck approaches the concrete bridge when vehicles were still crossing it. In the far left of the frame is a concrete shelter.



The concrete shelter – probably, a gatehouse – is a far cry from the blend of stone, masonry, timber and wood shingle Ruggles and Knox had recommended. Neo-Expressionist Modern and Brutalist architecture from the late 1950s through the early 70s utilized poured, exposed concrete for its plastic qualities or for its massiveness.



A creation from Mack's time – the rustic stone oven – contrasts with the concrete shelter.



The Authority built the concession and washroom building recommended by Ruggles and Knox. Note the swimmers.



The plaque above the millstone explains its origins.



The c. 1970 photograph shows the tiered fountain and the grotto's roof planted with flowers.



The c. 1970 view shows a new suspension bridge and the grotto's roof with its stone planter.



Detail on the new suspension bridge and the c. 1970 appearance of the grotto's wall are shown in this Credit Valley Conservation photograph.



The altered dam with its concrete sluiceway and retaining wall are seen in this c. 1970 photograph.

1971

The museum in Bide-a-wee closed. Two years later, Bide-a-wee was demolished. All the buildings from Mack's era were gone. Even the two-storey red brick house singled out for preservation by Ruggles and Knox met the same fate. The practice of the Authority at the time was to demolish or remove buildings when properties were acquired and added to the conservation area.⁴¹

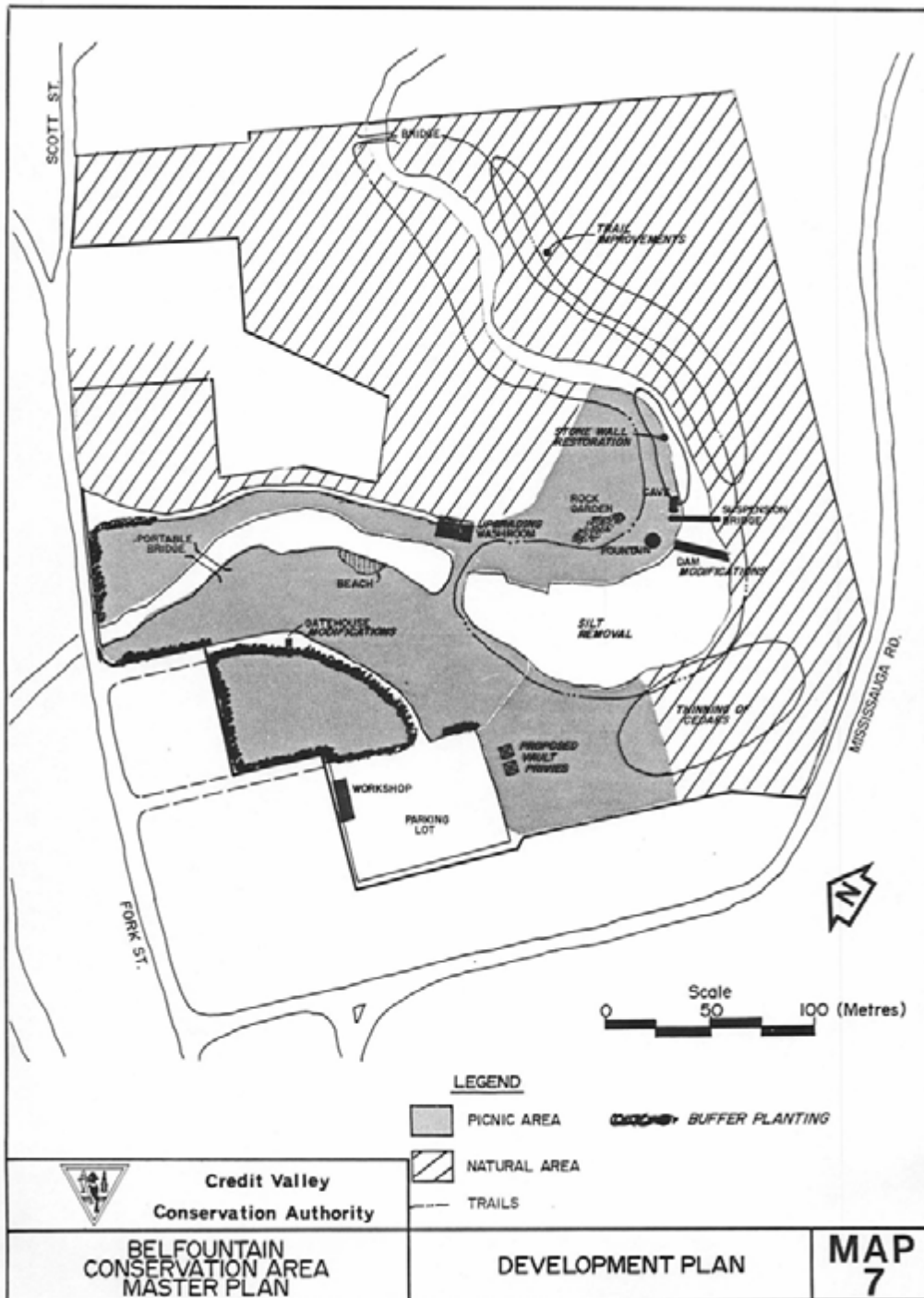
1984

The Authority released its revised master plan for Belfountain Conservation Area, first issued in 1978. It stated that development of the conservation area had not been intensive in the decades following the 1959 purchase. Deteriorating stonework had been stabilized. Mack's suspension bridge had been replaced. The new parking lot recommended by Ruggles and Knox had been constructed. A washroom and changeroom facility near the bridge had been erected. A gatehouse had been built. A workshop located beside the new parking lot had been enlarged. Mack's swimming pool had been filled in. A bridge had been erected at the conservation area's eastern boundary to link the trails on either side of the river. A portable footbridge had been built near the conservation area's entrance. A small rock garden designed to help stabilize a slope had been laid out. Trees had been planted to buffer adjacent residential properties, and clusters of trees had been placed in picnic areas.

The master plan called for restoration of some of the existing landscaped areas and stoneworks, including the deteriorated retaining walls downstream from the dam.

Additional vault privies would be constructed to augment facilities in the central washroom building. Security lighting would be installed in lower high-use areas to discourage vandalism. The trail system would be continually upgraded. Silt build-up in the headpond would be removed, and manual stoplogs in the dam's sluice gate would be replaced with a mechanical sluice gate to eliminate excessive silting.⁴²

As it turned out, the mechanical sluice gate did not eliminate excessive silting. Overall, the master plan was only partially implemented.



Credit Valley
Conservation
Authority,
"Belfountain
Conservation Area
Master Plan," Aug.
1978; revised May
1984, Credit Valley
Conservation.

1990

Instead of adding washroom facilities to the existing, the Authority replaced the inadequate washroom and changeroom near the bridge with a washroom and workshop building beside the parking lot. Jedd Jones Architect Ltd. designed it. ⁴³

2000

The Authority engaged George Robb Architect with its team including an engineer, contractor, masonry conservator and mason to assess the physical condition of the conservation area's stonework. They found that early stonework in Mack's Park had followed general rules about laying stone masonry – stones laid horizontally in their natural bed, stones bonded with vertical joints never aligning over more than two courses, and mortars made softer than the stones they are used to set – but later work, especially the replacement of the high retaining wall, often had not. The team recommended a prioritized program of repair work. ⁴⁴

2001

After years of funding shortfalls, the Authority was finally able to invest in stonework repair. J.D. Strachan Construction Ltd. stabilized the grotto entrance and interior under the supervision of George Robb Architect. ⁴⁵

2003

Most of the balance of stone restoration work which had been recommended in the year 2000 report was carried out by Roof Tile Management Inc. ⁴⁶

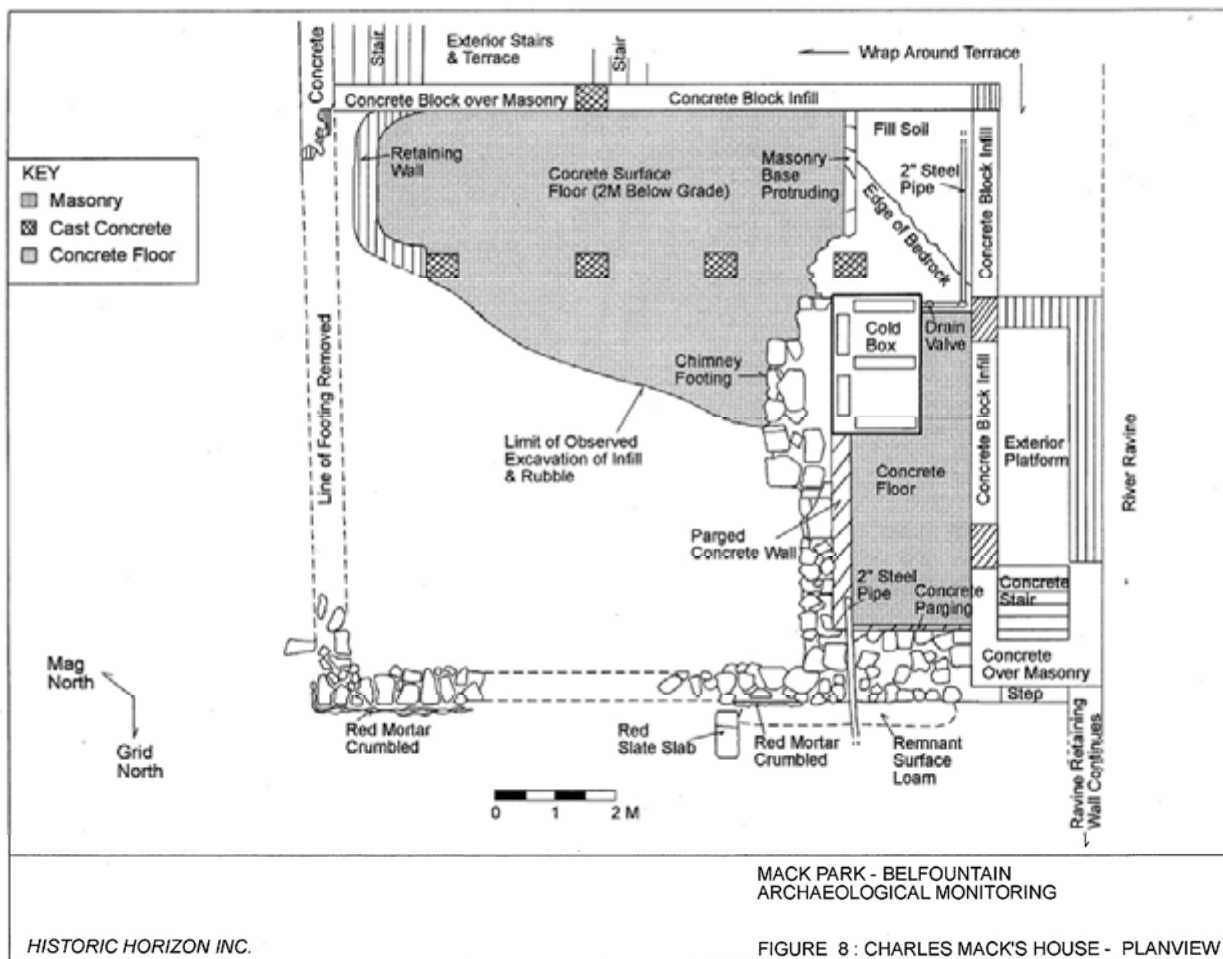
Before work began on the retaining wall where Mack's bungalow had once stood, archaeologists from Historic Horizon Inc. documented the removal of the former bungalow's footings. In the process, they found Mack's poured concrete cold box (which was cooled by piped-in spring water). They also reported what may have been a remnant from a footing of Grasley's mill. In addition, the archaeologists conducted a limited Stage 2 assessment on the flat land near the park's entrance. ⁴⁷



Heather Henderson et al, "Mack Park (AkHa-10), Belfountain, Lot 10, Conc. 5, Caledon Township, Archaeological Monitoring Final Report," Apr. 2005, George Robb Architect.



In this photograph taken by George Robb Architect in 2003, archaeologist Heather Henderson of Historic Horizon Inc. is inspecting the excavation pit where her team discovered Mack's poured concrete cold box.



The result of archaeological investigation in 2003, a plan of the foundations of Mack's bungalow shows the location of the cold box.

2016

The last piece of the work recommended in the year 2000 was completed. The high retaining wall downstream from the 2003 restoration work had collapsed into the river, and it was replaced with a stone-faced concrete retaining wall and modified terrace plan designed by George Robb Architect and executed by Sunshine Landscape Design and Construction.⁴⁸ The terrace plan incorporated barrier-free access.

Conclusions

Belfountain Conservation Area is particularly interesting in the study of historic landscapes because of five stories it can tell within its compact footprint on the Niagara Escarpment. Its standing features, ruins and archaeological remains can interpret five themes in the history of the Credit River watershed and the region centred on Toronto:

- 1) the fishing, hunting and harvesting grounds of the Mississauga and earlier Native people and the dispossession of the Mississauga from their lands;

- 2) the development of Belfountain village in the second half of the nineteenth century, with an economy based on milling, farm services and quarrying;
- 3) the three-decades long project Charles Wilson Mack and his wife, Addie, began in the Edwardian era to transform the deforested valley of a former Belfountain mill site into their summer home and a park free to visitors;
- 4) the short time span after the Second World War when what had been Mack's Park operated as a commercial venture called Belfountain Park; and,
- 5) the period after 1959 when the Credit Valley Conservation Authority acquired Belfountain Park and adjoining lots to manage Belfountain Conservation Area as publicly owned conservation lands.

Although all five thematic periods are interrelated, the period when C.W. Mack and Sam Brock were building Luckenuff has left the greatest cultural imprint on the conservation area.

Mack's paradoxical aims in developing Luckenuff were twofold:

- 1) to give him and his wife a calm retreat at a convenient distance from his business and principal residence in Toronto; and,
- 2) to share his retreat with the public who might also benefit from its beauty and peacefulness.

The religious convictions of Mack and Addie and the early twentieth century belief that parks, gardening and nature study were ways of remedying social ills were obvious motivation for sharing their good fortune with the public (on Mack's strict terms).⁴⁹ Mack's design inspiration, however, can only be surmised by examining the many photographs taken of Mack's Park as well as the remaining features in the conservation area. In 2016-17 when this history is being written, we are without any sketches, notes, diary entries or correspondence Mack may have made to record his design influences and intentions.

What we do have – the photographs and surviving features – place Mack's Park firmly in the very long tradition of country estates laid out in the English Picturesque landscape style.

The landscape historian, Edwinna von Baeyer, has said that England set the style for landscape design in the Western World from the early eighteenth century onward into the twentieth. In the early eighteenth century, English taste was influenced by Poussin, Lorrain and Salvator Rosa who painted the Italian countryside. Designers aimed to

create the same effect in three dimensions, modifying nature enough to organize the elements as if painted in a picture but ensuring that the site's naturalness remained.⁵⁰

In Canada, country estates were laid out in the English Picturesque landscape style as early as the 1790s:

"Prince's Lodge, Bedford Basin (Halifax) was the site of Canada's oldest example of the English Picturesque landscape style. Laid out by Queen Victoria's father, the Duke of Kent, for his mistress Julie de St. Laurent (while he was commander-in-chief of the garrison), the design incorporated a heart-shaped pool, a meandering path which spelled out 'Julie,' a miniature lake and waterfall and secluded grottoes."⁵¹

Many followed in Upper and Lower Canada in the nineteenth century. Ravenswood, home of a wealthy Montreal business person, was described in 1865:

"No sylvan spot could have been procured, had all the woods around Quebec been ransacked, of wilder beauty. In the centre a pretty cottage; to the east, trees; to the west, trees; to the north and south, trees – stately trees all around you. Within a few rods from the hall door a limpid little brook oozes from under an old plantation, and forms, under a thorn tree of extraordinary size and most fantastically shaped limbs, a reservoir of clear water, round which, from a rustic seat, you notice speckled trout roaming fearlessly. Here was, for a man familiar with the park-like scenery of England, a store of materials to work into shape. That dense forest must be thinned; that indispensable adjunct of every Sillery home, a velvety lawn, must be had; a peep through the trees, on the surrounding countryside obtained; the stream dammed up as to produce a sheet of water, on which a birch canoe will be launched; more air let in round the house; more of the forest cut away; and some fine beach [sic], birch, maple, and pine trees grouped. The lawn would look better with a graceful and leafy elm in the centre, and a few smaller ones added to the perspective."⁵²

Much later through the decades of the early twentieth century, William Lyon Mackenzie King, Canada's long-serving prime minister, developed his Kingsmere estate in the Gatineau hills north of Ottawa. The greater part of Kingsmere showed the influence of the English Picturesque landscape style with its rolling lawns, carefully sited groups of sugar maples and white pines, paths of discovery in the forest, a hidden waterfall, a grotto and assemblies of building fragments arranged to resemble ruins – vantage points from which to view into the forest.⁵³ Like Mack, King developed his estate without a master plan; probably relying instead on a model of a British country estate in his mind's eye.⁵⁴

Mack picked a site with the naturally dramatic landscape of a river running through the Niagara Escarpment. His project of transforming the degraded Belfountain property into a beauty spot demonstrates a close alignment with features common to country estates laid out in the English Picturesque landscape style. There was his dam with a beautifully built cascade reminiscent of the hilly Italian countryside, a headpond on

which you could paddle a canoe from the boathouse, a grotto with a large cavity where people could watch water trickle from the artificial stalactites, winding paths that followed stone terraces built into steep treed hillsides, and Mack's bungalow in the centre of it all. Sculptured stone fountains and rustic wood structures, popular in the early twentieth century, completed the picturesque effect.⁵⁵

Just five years after its founding, the Credit Valley Conservation Authority protected Mack's and Brock's legacy by purchasing the site. If the character of Luckenuff had been clearly understood and the resources to keep its many elements in good repair been available, more of it would still remain.

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1. Heather Henderson et al, "Mack Park (AkHa-10), Belfountain, Lot 10, Conc. 5, Caledon Township: Archaeological Monitoring Final Report" (Toronto: Historic Horizon Inc., Apr. 2005), p. 3.
2. Paul Dilse, Heather Henderson et al, "Heritage Conservation Feasibility Study of Old Port Credit Village: Stage 1 Report" ([Toronto]: George Robb Architect, 28 Nov. 2003), p. 6.
3. Heritage Mississauga, "Aboriginal Culture," 2009, www.heritagemississauga.com/page/Aboriginal-Culture; and Canada, "Ajetance Treaty No. (Number) 19," 8 Oct. 1818, Treaty Texts – Upper Canada Land Surrenders, www.aadnc-aandc.gc.ca/eng/1370372152585/1370372222.
4. Christopher Andreae, "Quarries at the Forks: Appendix B – Landuse History at the Forks of Credit" (London, Ont.: Historica Research Limited, 30 Sept. 1988), p. 1.
5. William Perkins Bull Collection, Series 2, File 4 – Belfountain, Box 83, Peel Region Archives; and Berniece Trimble, *"Belfountain": Caves, Castles and Quarries in the Caledon Hills* (Erin, Ont.: Belfountain-Rockside Women's Institute, 1975), p. 43.
6. "Crown Grant to Jonathan McCurdy," 17 Mar. 1846, Township of Caledon, Liber BA, Folio 70, Ontario Ministry of Natural Resources.
7. Hugh Black, "True Copy of the Plan of the Village of Bellfountain Surveyed in 1846 By Hugh Black: Registered Plan CAL-2, 4 Jul. 1853; and "Land Title for Lot No. 10, East ½, 5 Concession West [Caledon Township], Book "A", p. 335, Peel Land Registry Office.
8. Christopher Andreae, pp. 3-4.

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10. Unwin, Browne & Sankey, "Plan of addition to the Village of Belfountain ... : Registered Plan CAL-20," 1883; Christopher Andreae, pp. 4, 13, 27 & 28; Correspondence between William Perkins Bull and Samuel Brock, 28 Jul. 1937, William Perkins Bull Collection, Series 5 – Families, Reel 8, pp. 6469-71, Peel Region Archives; and Berniece Trimble, p. 49.
11. Heather Henderson, pp. 4 & 6 & Fig. 5; Berniece Trimble, pp. 44 & 74; and Margaret Whiteside, *Belfountain and the Tubtown Pioneers* (Cheltenham, Ont.: Boston Mills Press, 1975), np.
12. "To Bury C.W. Mack, Luck-en-uf Founder," *Toronto Daily Star*, 25 Jul. 1942, p. 8; and "Obituary: Charles W. Mack," *The Brampton Conservator*, 30 Jul. 1942, p. 3.
13. "REX vs. Charles W. Mack: Preliminary investigation before Magistrates Crawford, McMurchy and Jackson, at Brampton, on Saturday, the 12th day of September, A.D. 1914," pp. 7 & 10, Credit Valley Conservation; and Might Directories, *The Toronto City Directory 1908* (Toronto: Might Directories, 1908), p. 829.
14. Letter to William Perkins Bull from C.W. Mack, 8 Feb. 1933, William Perkins Bull Collection, Series 2, File 4 – Belfountain, Box 83, Peel Region Archives.
15. Caledon Instrument # 13664, 25 Jun. 1910; # 14186, 24 Jun. 1912; # 14717, 19 Jun. 1914; # 17061, 10 Dec. 1921; and # 17060, 8 Oct. 1923; all in Peel Land Registry Office.
16. C.W. Mack, "My own Statement," 17 Nov. 1914, p. 12, in file of letters and statements in support of Mack for his trial, Credit Valley Conservation.
17. William Perkins Bull Collection, Series 5 – Families, Reel 8, pp. 6452, 6466, 6469-71 & 6476; Berniece Trimble, pp. 49 & 75; Canada, "Fourth Census of Canada, 1901, Schedule No. 1. Population, Province of Ontario, District No. 51 Cardwell, S. District No. D, Polling sub-division No. 1 in Caledon," p. 6; and Canada, "Fifth Census of Canada, 1911, Schedule No. 1. Population by Name, Personal Description, etc., Province of Ontario, District No. 104 Peel, S. District No. 4, Enumeration District No. 1 in Caledon Tp.," p. 7. A typeset article entitled "Mack's Park" (but without the author, publication or its date identified) described Sam Brock's ancestry as "part-Ojibway." The article is found in a Credit Valley Conservation file and was likely prepared about 1985 by Credit Valley Conservation staff since manuscript versions of it are also found in the file. In the

Census of Canada, Brock and both parents identified as having an English origin. His Metis heritage could not be verified in the course of research.

18. C.W. Mack, p. 12; Letter by J.S. McDonald of Belfountain in support of Mack for his trial, 7 Nov. 1914, Credit Valley Conservation; and "Society," *The Brampton Conservator*, 23 Aug. 1928, p. 4, c. 2. The society page article described the hardscrabble life of 83-year-old Matilda Judson. Her husband had been killed by a fall of stone on his second day in the quarry at Credit Forks, and without family to help she supported herself by working for people in Belfountain, including the Macks as their housekeeper.
19. "REX vs Charles W. Mack ..."; statement and letters in support of Mack for his trial; and photograph marked with "Macks Bungalow, Belfountain 1914," Credit Valley Conservation.
20. "REX vs Charles W. Mack ...," p. 10. In his 15 Oct. 1914 letter of support, F.F. Foster of R.R. # 1, Terra Cotta described Mack's pond which the public used for fishing, swimming, etc.
21. C.W. Mack, p. 5.
22. C.W. Mack, p. 11.
23. C.W. Mack, p. 12.
24. Letter to William Perkins Bull from C.W. Mack, 8 Feb. 1933.
25. Caledon Instrument # 17098, 4 Jul. 1925.
26. "Belfountain Bridge Formally Opened," *The Brampton Conservator*, 21 Jul. 1927, p. 1.
27. "Peel and Dufferin Regimental Band," *The Brampton Conservator*, 23 Aug. 1928, p. 11.
28. Might Directories, *Toronto City Directory 1933* (Toronto: Might Directories, 1933), p. 894.
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- 97950, Surrogate Court of the County of York, 23 Aug. 1943, Credit Valley Conservation.
31. Caledon Instrument # 20538, 11 Sept. 1945; Letters probate for the estate of Addie Madella Mack, # 25725, Surrogate Court of the County of York, 25 Jun. 1949; and Berniece Trimble, p. 78. There were no direct heirs – the Macks did not have children – and Addie divided her estate among relatives, friends and 17 charities.
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 33. Ontario Dept of Planning and Development, *Our Valley: A Report to the People of the Nineteen Authorities in Ontario* V. 1 N. 1 (Jan. 1955), p. 9; *Our Valley ...* V. 1 N. 2 (Jul. 1955), pp. 13 & 15.
 34. *Credit Valley Conservation Report 1957: Summary*, pp. 129 & 133-34.
 35. Ontario Dept. of Planning and Development, *Our Valley: A Report of the Work of the Conservation Authorities in Ontario* V. 5 N. 2 (Summer 1959), p. 23.
 36. Caledon Instrument # 25600, 15 Jun. 1959.
 37. Ontario Dept. of Commerce and Development, Conservation Branch, "Credit Valley Conservation Authority, Belfountain Dam, Belfountain, Ontario," 29 Sept. 1961, Credit Valley Conservation.
 38. Credit Valley Conservation, "Belfountain Conservation Area: CVC Parcel Acquisition Map for Heritage Designation Scoping," 19 May 2016.
 39. C.V. Charters, *Brampton's 100th Anniversary as an Incorporated Town, 1873-1973* (Brampton, Ont.: Town of Brampton, 1973), pp. 89-90; and D.E. Ruggles and J.A.J. Knox, "Belfountain Conservation Area Development Plan and Report" (Bramalea, Ont.: Canadian Mitchell Associates Limited, Jul. 1969), Map 3, Credit Valley Conservation.
 40. D.E. Ruggles and J.A.J. Knox, p. 5.
 41. C.V. Charters, p. 90; and Berniece Trimble, pp. 78 & 147.
 42. Credit Valley Conservation Authority, "Belfountain Conservation Area Master Plan," Aug. 1978; revised May 1984, pp. 7, 24-25 & 27-30, Credit Valley Conservation.
 43. Jedd Jones Architect Ltd., "Belfountain Conservation Area: Washroom/Workshop

Building," 4 May 1990, Credit Valley Conservation.

44. George Robb Architect, n.p.
45. Peter Stewart in an e-mail, 12 Aug. 2016.
46. Peter Stewart.
47. Heather Henderson, pp. 9-12.
48. Peter Stewart.
49. Edwinna von Baeyer, *Rhetoric and Roses: A History of Canadian Gardening, 1900-1930* (Markham, Ont.: Fitzhenry & Whiteside, 1984), pp. 2-4.
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51. Edwinna von Baeyer, pp. 4-5.
52. Edwinna von Baeyer, pp. 5-6.
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54. Edwinna von Baeyer, *Garden of Dreams: Kingsmere and Mackenzie King* (Toronto and Oxford: Dundurn Press, 1990), pp.13 & 117.
55. Rudy J. Favretti and Joy Putman Favretti, p. 66; and Edwinna von Baeyer, p. 111.



Site of Mack's Bungalow, 2016, George Robb Architect

Staff Report 2017-79

Meeting Date: Tuesday, June 6, 2017

Subject: Proposed Town-Initiated Zoning By-law Amendment, Bolton North Hill Commercial Area, 14245 Regional Road 50 (Ward 4)

Submitted By: Mary T. Nordstrom, Senior Planner, Development, Community Services

RECOMMENDATION

That Staff Report 79/2017 regarding Proposed Town-Initiated Zoning By-law Amendment, Bolton North Hill Commercial Area, 14245 Regional Road 50, Ward 4, be received; and,

That the By-law attached as Schedule “B” to Staff Report 79/2017 be enacted to amend Zoning By-law 2006-50, as amended to rezone a portion of the subject lands from Agricultural (A1) to General Commercial - Exception 577 (C-577) to permit future commercial development.

REPORT HIGHLIGHTS

- The Town initiated a Zoning By-law Amendment on February 24, 2015 to permit the development of lands for commercial purposes, in keeping with the Town’s Official Plan policies.
- The By-law proposes to rezone the lands to a site specific General Commercial zone to permit commercial uses and create site specific zone standards.
- A formal Public Meeting was held in accordance with the requirements of the *Planning Act* and the comments derived from the circulation and Public Meeting has been considered.
- Planning staff is of the opinion that the proposal is consistent with Provincial, Regional and local policy documents.

DISCUSSION

The purpose of this Report is to seek Council enactment of the proposed Zoning By-law Amendment.

Subject Lands

The subject property is municipally known as 14245 Regional Road 50 and is located on the north-east corner of Regional Road 50 and Columbia Way in Bolton. Refer to Schedule “A” – Location Map, attached. The entire property is 5.3 ha (13.1 ac) in size; however, the portion of the lands subject to the Zoning By-law Amendment is 3.3 ha (8.15 ac). The property is currently vacant. The surrounding land uses are primarily agricultural to the north and west, institutional (St. Michaels Secondary School) to the east, and residential to the south.



Background

The North Hill Commercial Area site originated from the work on the South Albion-Bolton Community Plan in 2004. On November 6, 2007 Council directed staff to initiate a municipal comprehensive review for a settlement area boundary expansion to accommodate the Bolton North Hill Commercial Area and on November 17, 2009 Council selected the subject lands as the location for the Bolton North Hill Commercial Area. A Regional Official Plan Amendment (ROPA) was filed on September 20, 2010 to expand the settlement boundary of the Bolton Rural Service Centre to accommodate both the Bolton North Hill Commercial Area and Coleraine West Employment lands. ROPA 28 and was subsequently appealed in its entirety on June 10, 2014. On February 6, 2015 the OMB advised that the appellant scoped the appeal of ROPA 28 to exclude the Bolton North Hill Commercial Area site, therefore ROPA 28 for the subject lands became in full force and effect.

On June 23, 2015, the Town approved Official Plan Amendment No. 244 (OPA 244) which re-designated a portion of the subject lands from Prime Agricultural Area to Bolton North Hill Commercial Area. No appeals were received and as such OPA 244 is in full force and effect.

On February 24, 2016, the Town initiated a Zoning By-law Amendment application (RZ 16-02) to rezone the same portion of lands from Agricultural (A1) to General Commercial - Exception 577 (C-577) to permit commercial uses and site specific standards, in keeping with the policies of OPA 244.

There is no development proposed at this time and Site Plan Approval will be required prior to development occurring on site.

Proposed Zoning By-law Amendment

The Town is proposing to rezone a portion of the lands from Agricultural (A1) to General Commercial - Exception 577 (C-577). Schedule "B" – Draft Zoning By-law Amendment, attached.

The proposed Zoning By-law Amendment permits a wide variety of convenience commercial uses in keeping with the Town's Official Plan policies. These uses include, but are not limited to:

- Grocery Store
- Clinic
- Business Office
- Restaurant
- Fitness Centre
- Drive-Through Service Facility
- Retail Store

The proposed Zoning By-law Amendment also identifies site specific standards relating to:

- Reduced setbacks from lot lines
- Restrictions on parking locations (not permitted between a building and street)
- Restrictions on loading and delivery space locations (recessed from building facades; not permitted between a building and a street)
- Restrictions on garbage enclosures (not permitted between a building and a street)
- Requiring that 50% of the frontage along Regional Road 50 have building coverage
- Enhanced landscaping requirements along Regional Road 50 and Columbia Way
- Permitting Business Offices to account for a maximum of 50% of the total gross floor area for all uses
- Ensuring adequate separation distance between the school and the uses on the subject lands by increasing setbacks and not permitting drive-through queue lanes between a proposed building and the school

Planning Review

Documents that have been considered by the Town in its review of the subject application include the Provincial Policy Statement 2014, Places to Grow: Growth Plan for the Greater Golden Horseshoe (incorporated into the Town's Official Plan), Region of Peel Official Plan and the Town's Official Plan, in addition to comments and recommendations provided by internal departments and external agencies.

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) contains policies with respect to promoting efficient development and land use patterns to accommodate a range and mix of employment needs (including industrial and commercial). The PPS directs the Town to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses as well as opportunities for a diversified economic base through maintaining sites which support a wide range of economic activities and ancillary uses to meet the needs of existing and future businesses. The PPS also speaks to optimizing the use of land and resource by making effective use of existing public infrastructure and services. Staff is of the opinion that the proposed development is consistent with the Provincial Policy Statement, 2014.

Region of Peel Official Plan

The proposed development is located within the Rural Service Centre of Bolton as shown on Schedule "D" of the Region of Peel Official Plan. The proposed development is consistent with the goals and objectives for Rural Service Centres as set out in the Regional Plan.

Town of Caledon Official Plan

The subject lands are designated Bolton North Hill Commercial Area and Prime Agricultural Area on Schedule “C”, Bolton Land Use Plan within the Town’s Official Plan. The lands being rezoned are entirely located within the Bolton North Hill Commercial Area designation.

The Bolton North Hill Commercial Area permits a food supermarket and ancillary retail and service commercial uses including apparel, convenience and grocery stores, clinics, limited offices, personal services, pharmacies, banking, hair salons, dry cleaning and restaurants. The goal is to serve the existing North Hill neighbourhood while ensuring that the viability of the Bolton Core Commercial Area is maintained. The proposed By-law is in keeping with the uses permitted in the Official Plan.

Consultation

The subject application was circulated to external agencies and internal departments for review and comment. As per Schedule “C” – Comment Sheet, attached, comments from agencies and departments have been addressed and there is support for the proposed zoning of the lands. Detailed site design comments will be addressed through the processing of a future Site Plan application.

In accordance with the *Planning Act*, a Notice of Application and Public Meeting was mailed to all landowners within 120 m (393.7 ft). In addition, the Notice was posted on the Town’s website and placed in the Caledon Citizen and Caledon Enterprise on March 3, 2016. Signage was posted on the property on February 26, 2016.

A statutory Public Meeting was held in accordance with the requirements of the *Planning Act* on Tuesday, March 22, 2016. The following questions and comments were raised at the Public Meeting:

Comment: Inquiry about whether commercial is allowed on the lands.

Response: The Official Plan Amendment approved on June 23, 2015 permitted commercial uses on the lands. Since the current zoning does not permit commercial uses, a Zoning By-law Amendment is required.

Comment: Concerns about access to the site and existing traffic conditions along Columbia Way. Requested information on where site accesses will be located.

Response: During the processing of the Official Plan Amendment, a Traffic Impact Study was prepared in support of the applications. The Study identified that the traffic could be accommodated along Columbia Way.

In addition, the applicant recently submitted a Traffic Impact Study based on a full moves driveway (access) on Columbia Way, opposite Kingsview Drive and a limited moves driveway (access) on Regional Road 50 at the northern limit of the proposed rezoning area. The study determined all intersections are expected to operate satisfactorily without the need for any geometric improvements. Peel Region staff support the proposed driveway access on Regional Road 50 provided it is physically restricted to

right in/right out only. The results of the study were accepted by transportation staff at both the Region of Peel and Town of Caledon.

Comment: Concerns about the overall site design and visibility from the south side of Columbia Way. Discussion about building location, signage, installation of landscaping to minimize the view of buildings and parking along Columbia Way, location of delivery and loading spaces, and light pollution.

Response: The proposed By-law and the Town's Industrial/Commercial Urban Design Guidelines require enhanced landscaping (including trees) along both Columbia Way and Regional Road 50. The buildings will be located close to the street to encourage walkability and safe pedestrian movement, while accommodating the required landscaping. The proposed By-law encourages buildings to locate along Regional Road 50 and limits parking, loading and delivery space, as well as garbage enclosures, so they cannot locate between a building and a street. Through the Site Plan Approval process, the applicant will be required to submit elevations and signage details which will be reviewed in accordance with the By-law and applicable Urban Design Guidelines.

The Zoning By-law contains standards identifying the maximum height of light standards and requiring all light to be in a downward manner within the limits of the site and not spilling onto adjacent property.

Comment: Concerns regarding safety for students within the area.

Response: The proposed By-law has been circulated to the Dufferin-Peel Catholic District School Board. The School Board has no concerns with the By-law and indicated the proposed By-law contains appropriate standards to ensure safe setbacks from the buildings, drive-through queue lanes, driveway as well as loading, delivery and parking spaces. The Dufferin-Peel Catholic District School Board will also be circulated as part of the Site Plan Approval application for review and comment.

Comment: Information requested on the square footage of the grocery store at the Bentall (Home Depot) site.

Response: The zoning of the Home Depot lands (C-432), restricts the size of a supermarket to 3,716 m² (39,998.7 ft²).

Comment: Inquiry about the servicing of the lands.

Response: During the processing of the Official Plan Amendment, appropriate studies confirmed that there was servicing capacity for the lands. The Region has advised the Town that confirmation of capacity and water pressure will be required during the review of the Site Plan Approval application.

FINANCIAL IMPLICATIONS

The subject property is currently assessed as residential (\$ 626,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$3,022. The property tax account is current.

If the development were to proceed as proposed, the taxable assessment value of the property would change to reflect the development that occurs.

Any future development would be subject to Town of Caledon development charges, currently \$37.75/m², as per By-law No. 2014-054. Any development would also be subject to Region of Peel development charges, currently \$205.51/m², and Education development charges, currently \$10.87/m² as per the respective development charge by-laws. Development charges will be indexed next on August 1, 2017. All development charges are payable prior to issuance of a building permit.

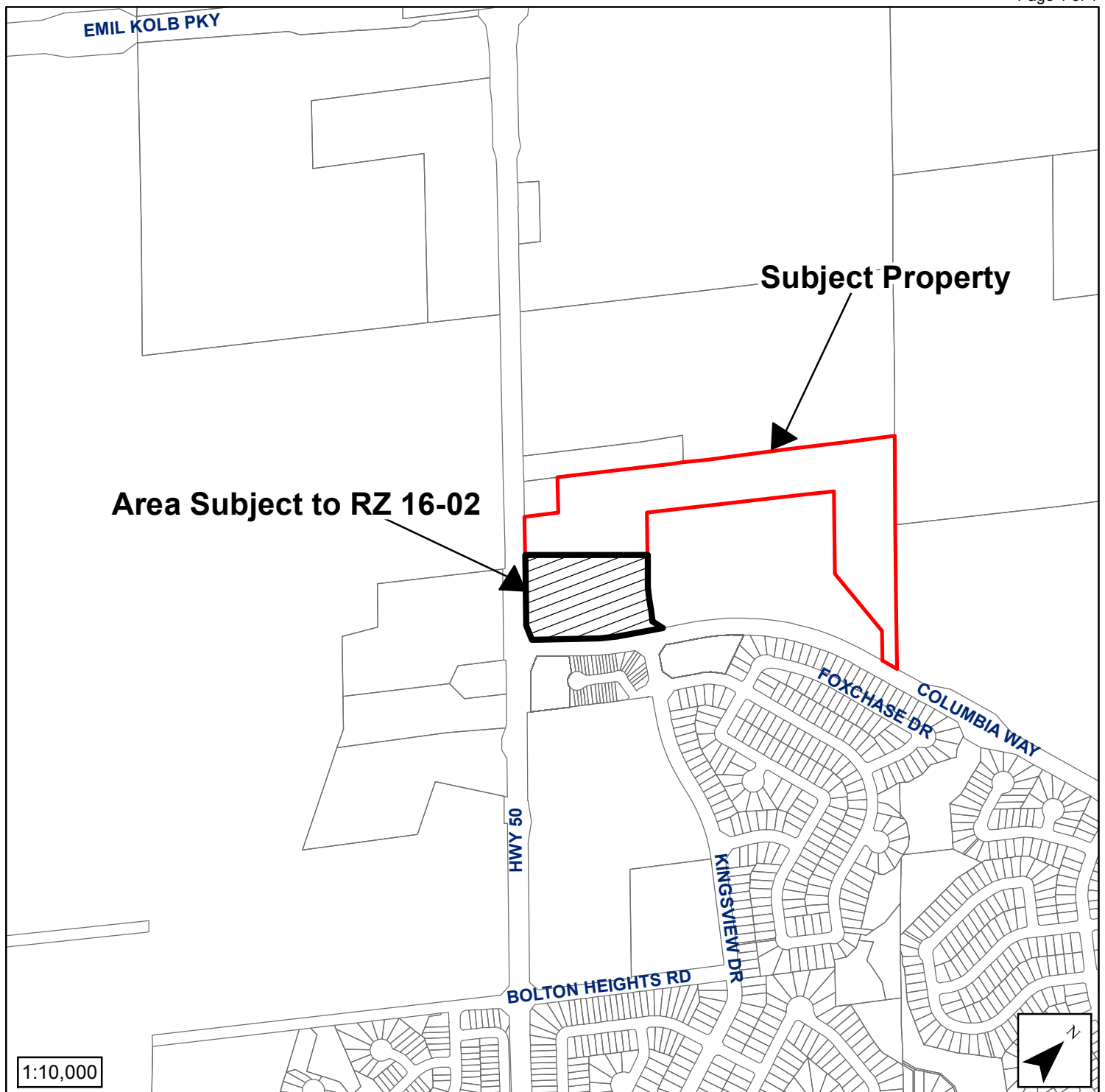
COUNCIL WORK PLAN

The recommendation included in this Report is related to the following goals identified in the 2015-2018 Council Work Plan:

- Customer Service: To adopt an innovative approach that adapts to the changing needs and expectations of our community while supporting best practices.
- Growth: To plan for complete communities under the growth plan.

ATTACHMENTS

Schedule A – Location Map
Schedule B – Draft By-law
Schedule C – Comment Sheet



Zoning By-law Amendment Application
RZ 16-02
Bolton North Hill Commercial Area

14245 Regional Road 50

Part Lots 11 and 12, Concession 7 (ALB)

LOCATION MAP



Date: February 24, 2016

File No.: RZ 16-02

**THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NO. 2017-xxx**

Being a by-law to amend Comprehensive Zoning By-law 2006-50, as amended,
with respect to Part of the West Half of Lot 12, Concession 7 (Albion),
Town of Caledon, Regional Municipality of Peel.

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 the Council of The Corporation of the Town of Caledon considers it desirable to pass a zoning by-law to permit the use of Part of the West Half of Lot 12, Concession 7 (Albion), Town of Caledon, Regional Municipality of Peel, for commercial purposes.

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 13.1:

Zone Prefix	Exception Number	Permitted Uses	Special Standards
C	577	<ul style="list-style-type: none"> - Animal Hospital - Business Office - Clinic - Convenience Store (4) - Drive-Through Service Facility (13) - Dry Cleaning or Laundry Cleaning - Financial Institution - Fitness Centre - Grocery Store - Laundromat - Personal Service Shop - Restaurant - Retail Store - Video Outlet/Rental Store (3) 	<p>Lot Line Definition For the purpose of this zone, the <i>Front Lot Line</i> shall be along Regional Road 50.</p> <p>Front Yard (Minimum) 6.0 m</p> <p>Exterior Side Yard (Minimum) 6.0 m</p> <p>Planting Strip Location A <i>Planting Strip</i> shall be required along a <i>Front Lot Line</i>, <i>Exterior Side Lot Line</i>, <i>Rear Lot Line</i>, and northerly limit of the C-577 zone.</p> <p>Planting Strip Widths (Minimum)</p> <ul style="list-style-type: none"> a) Along a <i>Front Lot Line</i> with enhanced landscaping 6.0 m b) Along an <i>Exterior Side Lot Line</i> with enhanced landscaping 6.0 m c) Along the northerly limit of the C-577 zone 3.0 m d) Along a <i>Rear Lot Line</i> 6.0 m

Zone Prefix	Exception Number	Permitted Uses	Special Standards
			<p>Parking Space Setback (Minimum) a) From the northerly limit of the C-577 zone 7.5 m b) From a Rear Lot Line 6.0 m</p> <p>Parking Space Location For the purpose of this zone, parking spaces shall not be located between a building abutting a <i>Front Lot Line Planting Strip</i> or an <i>Exterior Side Lot Line Planting Strip</i>, and a <i>street line</i>.</p> <p>Delivery Space and Loading Space Setback (Minimum) -From a <i>Front Lot Line</i> 7.5 m -From an <i>Exterior Side Lot Line</i> 7.5 m -From a <i>Rear Lot Line</i> 6.0 m</p> <p>Delivery Space and Loading Space Recess For the purpose of this zone, <i>loading spaces</i> and <i>delivery spaces</i> shall be set back a minimum of 1.5m behind any wall facing the <i>front lot line</i> or <i>exterior side lot line</i>, and shall be screened with a solid wall.</p> <p>Delivery Space and Loading Space Location <i>Loading spaces</i> and <i>delivery spaces</i> shall not be located in a <i>Front Yard</i> or <i>Exterior Side Yard</i>.</p> <p>Driveway Setbacks (Minimum) -From the northerly limit of the C-577 zone 0.0 m -From a <i>Rear Lot Line</i> 6.0 m</p> <p>Building Mass For the purpose of this zone, the combined sum of <i>all building widths</i> abutting a <i>Front Lot Line Planting Strip</i> shall be no less than 50% of the <i>lot frontage</i> excluding <i>entrance width</i>.</p> <p>Business Office For the purpose of this zone, the combined sum of the <i>gross floor area</i> for <i>Business Office</i> uses cannot exceed 50% of the total <i>gross floor area</i> for all uses.</p>

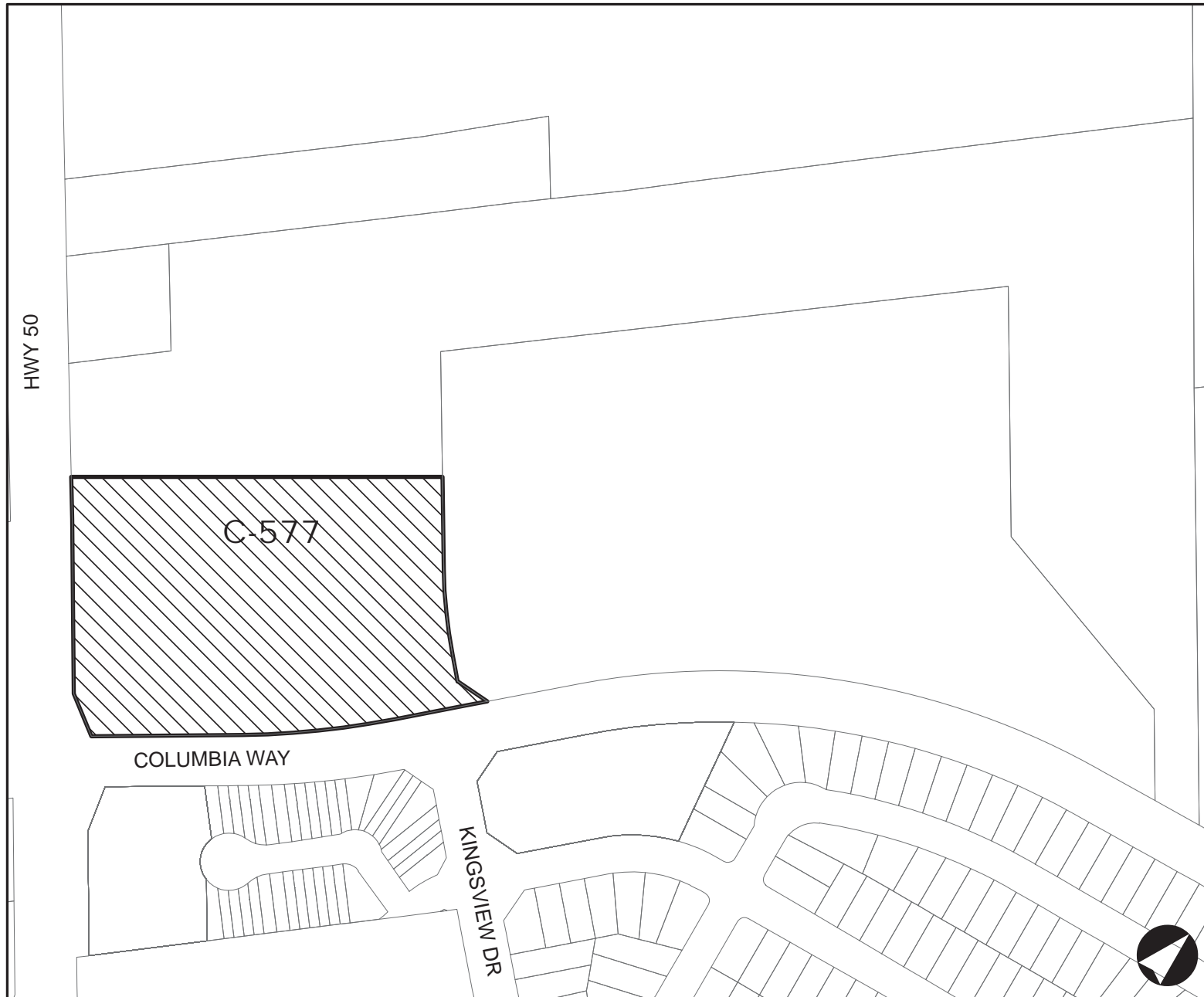
Zone Prefix	Exception Number	Permitted Uses	Special Standards
			<p>Private Garbage Enclosures In addition to the requirements for <i>private garage enclosures</i> within the General Provisions of the Zoning By-law, <i>private garbage enclosures</i> are not permitted in a <i>front yard</i> or <i>exterior side yard</i>.</p> <p>Drive-Through Service Facility Location Queuing lanes associated with a <i>Drive-Through Services Facility</i> shall not be located in a <i>rear yard</i>.</p> <p>Enhanced Landscaping For the purpose of this zone, for landscaping to be considered "enhanced", it must receive the prior written approval of a Town of Caledon Landscape Architect.</p>

2. Schedule "A", Zone Map 21 of By-law 2006-50, as amended is further amended for Part of the West Half of Lot 12, Concession 7 (Albion), Town of Caledon, Regional Municipality of Peel, from Agricultural – A1 to General Commercial Site-Specific – C-577 in accordance with Schedule "A" attached hereto.

Read three times and finally passed in open Council on the XX day of XXXXXX, 2017.

Allan Thompson, Mayor

Carey deGorter, Clerk




**Schedule A
By-law 2017-XXX**

Part of the West Half of Lot 12,
Concession 7 (Albion)
Town of Caledon

Regional Municipality of Peel

Legend

-  Subject lands to be Rezoned from
Agriculture (A1) to General Commercial
Site Specific (C-577)

Key Map



Subject Lands

Date: January 11, 2017

File: RZ 16-02

MEETING COMMENT SHEET

Committee of the Whole (PD) Date: June 6, 2017

PIM Date: March 22, 2016

Prepared: May 11, 2017

Lead Planner: Mary Nordstrom
Ext. 4223

**Proposed Town-Initiated Zoning By-law Amendment
Bolton North Hill Commercial Area
14245 Regional Road 50, Part Lot 12, Concession 7 (Albion)
Northeast Corner of Regional Road 50 and Columbia Way
File Number: RZ 16-02**

The following comments were received regarding the above-noted file.

EXTERNAL AGENCY COMMENTS

Canada Post – March 3, 2016

Comments: No objection to the amendment of the Zoning By-law and would appreciate the opportunity to comment on any subsequent subdivision, condominium and/or site plan applications in order to set conditions for the provision of mail service to future occupants.

Enbridge Gas – March 1, 2016

Comments: Enbridge Gas Distribution does not object to the proposed application and reserves the right to amend or remove development conditions.

Hydro One – May 4, 2016

Comments: Hydro One has no objections at this point. Please ensure that all private electrical infrastructure on the property have owner agreements/easements placed on them when impacted by property severances/easements to ensure all land owners/tenants legal rights are maintained. Ensure all industry standard utility separation minimums are maintained. Please call for locates for exact location of Hydro One underground equipment prior to digging.

Dufferin Peel Catholic District School Board – March 11, 2016

Comments: The subject property is located adjacent to St. Michael Catholic Secondary School, located at 9130 Columbia Way, which has an enrolment of 1,254 students. Due to the proximity of the application to the school, the Board advises that convenience uses are very popular for students. There is a strong potential for increased pedestrian traffic to the site and drive-through locations have proved problematic at similar establishments in terms of associated pedestrian traffic and safety. The Board appreciates the proposed minimum standard of a 6 metre planting strip and driveway setback adjacent to the school site. In order to avoid negative impacts adjacent to the playfield, consideration for a setback to the loading area is requested.

Concerns were addressed by not permitting drive-through queuing lanes between any future building and the school's lot line and requiring a 6 metre loading space setback to the school's lot line. Confirmation received April 22, 2016.

Peel District School Board – March 10, 2016

Comments: The Board has no comments or concerns regarding this Zoning By-law Amendment.

Ontario Power Generation – March 11, 2016

Comments: No comments.

Bell Canada – May 3, 2016

Comments: No concerns.

Rogers Communication – May 3, 2016

Comments: No comments or concerns at this time.

Region of Peel – April 22, 2016 and March 31, 2017

Comments: Regional Staff have no concerns with the Zoning By-law Amendment.

The Region will support the proposed north driveway located approximately 146 metres from the stop bar of the southbound left-turn lane at the signalized intersection of Highway 50 and Columbia Way as a right-in/right-out only. A northbound right-turn lane with 30 metres storage and 75 metres taper will be required. The access will be physically restricted with the centre median on Highway 50.

All of the Region's requirements can be addressed at the site plan stage, including a mutual access easement with the adjacent property owner and a hydrant flow test to address water pressure for this site.

Toronto and Region Conservation Authority

Comments: Through the South Albion-Bolton CEISMP study, it was concluded that there are no significant features or floodplain within the Bolton North Hill Commercial Area. Please note that page 29 of the Phase 3: Implementation Report, notes: "With respect to the North Hill Commercial Site, due to its small size, it is anticipated that the property would be developed as part of a single application. Therefore, it is assumed that no function design level study would be required. As such, future development and stormwater management planning for the North Hill site could conceivably proceed to the detailed level of design, using the management criteria developed as part of this current study".

It is our understanding that any new development on the subject lands would require a Functional Servicing Report, Stormwater Management Report and Water Balance Report to demonstrate that the proposed development meets the targets and criteria established through the South Albion-Bolton CEISMP. We would like to be consulted on any proposed development to determine any TRCA interested from a Stormwater Management and Resource Management perspective.

Municipal Property Assessment Corp.

Comments: No comments received.

Ontario Provincial Police (Caledon Detachment)

Comments: No comments received.

TOWN OF CALEDON – DEPARTMENT COMMENTS

Community Services, Parks and Recreation Divisions – February 25, 2016

Comments: No comments on the Zoning By-law Amendment. Any future development of the site will require the payment of Cash In Lieu of Parkland in accordance with Town policies.

Community Services, Development Section, Urban Design – April 17, 2017

Comments: No comments.

Community Services, Development Section, Landscape – May 3, 2016

Comments: No concerns.

Corporate Services, Legislative Section, Accessibility – February 29, 2016

Comments: Parking shall comply with By-law 2015-058. Further comments will be provided at Site Plan stage.

Corporate Services, Legal Services – March 1, 2016 & March 15, 2017

Comments: No comments.

Community Services, Building and Support Services Section – February 26, 2016

Comments: No concerns.

Community Services, Development Section, Engineering – March 14, 2016

Comments: No concerns with the rezoning application.

Community Services, Fire and Emergency Services – March 11, 2016

Comments: No comments.

Finance and Infrastructure Services, Finance – May 11, 2017

Comments: The subject property is currently assessed as residential (\$ 626,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$3,022. The property tax account as at May 11, 2017 is current. If the development were to proceed as proposed the taxable assessment value of the property would change to reflect the development that occurs.

Any future development would be subject to Town of Caledon development charges, currently \$37.75/m², as per By-law No. 2014-054. Any development would also be subject to Region of Peel development charges, currently \$205.51/m², and Education development charges, currently \$10.87/m² as per the respective development charge by-laws. Development charges will be indexed next on August 1, 2017. All development charges are payable prior to issuance of a building permit.

Finance and Infrastructure Services, Engineering Services – March 14, 2016

Comments: No comments on this rezoning application.

Finance and Infrastructure Services, Transportation Engineering – March 23, 2017

Comments: No concerns.

Strategic Initiatives Policy and Sustainability Section, Heritage – March 1, 2016

Comments: No built heritage or cultural heritage concerns with this application; however, an archaeological assessment will be required as part of the subsequent Site Plan Application.

Strategic Initiatives Policy and Sustainability Section, Policy – November 7, 2016

Comments: No concerns.

Development Section, Zoning – April 6, 2017

Comments: No concerns.

Staff Report 2017-83

Meeting Date: Tuesday, June 6, 2017

Subject: Proposed Temporary Use By-law Extension, Dhillon Business Centre, Part of Lot 26, Concession 6 EHS (Caledon), 13790 Airport Road (Ward 2)

Submitted By: Brandon Ward, Senior Planner, Development, Community Services

RECOMMENDATION

That Temporary Use Zoning By-law Amendment Application RZ 14-05 to permit the storage of trucks, trailers and transport containers on the subject lands for a temporary period, be refused

REPORT HIGHLIGHTS

- An application for a Temporary Use Zoning By-law was filed by Weston Consulting on behalf of Sukhvinder Dhillon ("Dhillon") in June of 2014 to temporarily permit a transportation depot use on a portion of the subject property which is situated outside of the Sandhill settlement area. This application intends to renew and extend a previous Temporary Use By-law that was approved by council for this use in April of 2011 for a three year period which subsequently expired in April of 2014.
- The subject lands have an extensive history with respect to the ongoing transportation depot use on the property. The Town initiated enforcement action in 2007 for the non-conforming transportation depot use on the lands, which includes parking and storage of trucks, trailers and transport containers. Since that time, the applicant filed Official Plan Amendment (POPA 08-10) and Zoning By-law Amendment (RZ 09-07) applications to permit the existing use. OPA 08-10 was not pursued because it necessitated an expansion to the Sandhill settlement area which could only be initiated by the Town. RZ 09-07 was not supported by staff but was approved in 2010 to permit the transportation use only on the 0.61 hectare (1.51 acre) portion of the subject lands within the Sandhill settlement area boundary. The initial Temporary Use By-law application was also submitted to the Town in 2010 to permit the transportation depot use for an interim basis on the additional 1.3 hectare (3.2 acre) portion of the property outside of the settlement area boundary which reflected the full extent of the use occurring on the property. This application was not supported by staff, however Council passed the Temporary Use By-law (BL-2011-043) in April, 2011.
- The application to renew and extend the Temporary Use By-law has been circulated to internal departments and external agencies for review and comment. In addition, a Public Meeting was held for this application on September 17, 2014.
- The application has been reviewed in conjunction with relevant policies from the 2014 Provincial Policy Statement (PPS), the Region of Peel Official Plan and the Town of Caledon Official Plan. In addition, comments received from the circulation of

the application have been taken into consideration. Based on this review, staff recommends that the application be refused for the following reasons:

- The Town of Caledon Official Plan contains policies that allow Council to pass Temporary Use By-laws for uses that are legitimately temporary in nature, provided specific criteria are met. This application seeks to permit a use that is not intended to be temporary in nature. The applicant has not demonstrated intent to remove the use at any point in time and the use appears to be a permanent venture, due to its long-standing presence on the subject lands.
- The application has proposed that the Temporary Use By-law be considered to allow the use to continue while the Sandhill Land Use Study is completed. The Sandhill Land Use Study exercise concluded in 2015 and determined that uses which cause truck traffic conflicts are not appropriate for Sandhill. Recently, the applicant has requested the Temporary Use By-law allow the use to resume while the upcoming Town-initiated Official Plan begins. A Temporary Use By-law is not intended to serve as an interim placeholder approval in speculation of an Official Plan review yielding permanent approval of the use in question.
- The application has failed to demonstrate that all criteria for considering Temporary Use By-laws have been satisfied, particularly whether adverse traffic impacts will be created and whether the use will become permanent and difficult to terminate.
- The subject lands are designated Prime Agricultural Area in both the Region of Peel and Town of Caledon Official Plans. The proposed Temporary Use By-law will facilitate a use that, considering its apparent permanent nature, is not permitted within the Agricultural policies of both the Town and Region Official Plans and therefore does not conform to these respective Plans.
- The transportation depot use which the Temporary Use By-law intends to facilitate is not a permitted use in accordance with the Agricultural policies of the PPS. Therefore the application is not consistent with the 2014 Provincial Policy Statement.

DISCUSSION

The purpose of this report is to provide the planning analysis in support of staff's recommendation that the Temporary Use Zoning By-law Amendment which seeks permit the storage of trucks, trailers and transport containers for an additional interim period of time, be refused.

Subject Lands

The subject property is legally described as Part Lot 26, Concession 6 E.H.S. (Caledon), being 13790 Airport Road. The property is approximately 9.63 hectares (23.8 acres) in area and is located on the west side of Airport Road, south of King Street and is situated at the southwest corner of the Sandhill Settlement Area.

The subject lands contain an operating transportation depot that includes a 387 square-metre (4,165 square-foot) maintenance/storage building, a large truck, trailer and transportation container storage/parking area covering the eastern and central portion of the subject property. Lands to the north and west of the subject lands are agricultural lands used for crop production. A stream corridor traverses the western half of the subject property which is situated outside of the portion of the property to which this application applies. The adjacent property to the south is used for the outdoor storage of trailers, containers and equipment (see Schedule A – Location Map, attached).

Purpose of the Application

A 0.61 hectare (1.51 hectare) northeast corner of the subject property is situated within the Sandhill Settlement Area Boundary. A transportation depot is a permitted use within this portion of the property which presently contains the maintenance/storage building, a gravel-surface storage/parking area and an existing access on Airport Road. However, this existing use extends well beyond the portion of the property within the settlement area and covers an additional 1.30 hectares (3.21 acres) of the property. The transportation depot use is not permitted on this portion of the property as these lands fall outside of the Sandhill settlement area and are designated Prime Agricultural Area in the Town of Caledon Official Plan.

The purpose of the proposed Temporary Use By-law is to permit the existing truck, trailer and transport container parking/storage on the subject 1.30 hectare (3.21 acre) portion of the lands outside of the settlement area for a temporary basis. Essentially, this application serves to renew and extend a previous Temporary Use By-law that was passed for this portion of the property on April 5, 2011, which permitted these uses for an interim three-year period and has since expired on April 5, 2014.

Background

The subject lands have an extensive history with respect to the ongoing transportation depot use on the property which is outlined as follows:

- In 2008, Dhillon submitted applications to amend the Town of Caledon Official Plan (POPA 08-10) and Zoning By-law (RZ 09-07) to permit the existing transportation depot on the property. The Official Plan Amendment application was not pursued by the applicant because it necessitated an expansion to the Sandhill settlement area boundary which could only be initiated by a municipality through a municipal comprehensive review.
- Dhillon revised their Zoning By-law amendment application in June of 2010 to permit a transportation depot only on the 0.61 hectare (1.51 acre) portion of their lands within the Sandhill settlement area boundary. Dhillon also submitted a new Temporary Use By-law application (RZ 10-06) at that time to permit the outdoor storage of transport trailers for an interim basis on the 1.3 hectare (3.2 acre) portion of their property outside of the settlement area boundary which reflected the full

extent of the use presiding on the property. Dhillon also filed a subsequent application for Site Plan Approval (SPA 2011-056) in June of 2011.

- In April of 2011, Council initiated an Interim Control By-law for the Sandhill settlement area as a result of an influx of development proposals for highway commercial uses as well as industrial uses which appeared to conflict with the planned function and character of Sandhill.
- Because of an influx of development applications for Sandhill that was conflicting with the planned function of the area, Council passed an Interim Control By-law (BL-2011-093) on July 12, 2011 which froze any new development in the area while Traffic and Land Use studies were completed to determine appropriate land uses for Sandhill. Some applications, including those filed by Dhillon, were exempt from the Interim Control By-law and allowed to continue through their review process.
- In March of 2011, a staff report (PD-2011-04) to Council recommended both the Zoning By-law Amendment (RZ 09-07) and Temporary Use By-law (RZ 10-06) applications by Dhillon be refused. The report concluded that the applications were not consistent with the Provincial Policy Statement (2005) and did not conform to both the Region of Peel and Town of Caledon Official Plans.
- Notwithstanding the staff recommendation for refusal, Council approved the Dhillon applications and passed two By-laws in April of 2011:
 - BL-2011-042 rezoned the 0.61 hectares (0.51 acre) portion of the subject property within the Sandhill settlement area to Unserved Industrial Exception 508 (MU-508) which permitted a Transportation Depot on this portion of the property;
 - BL-2011-043 rezoned the 1.3 hectare (3.2 acre) portion of the property outside of the Sandhill settlement area to a Temporary Use By-law (A1-T9) that permitted the open storage and parking of transport trucks and trailers for a temporary period expiring on April 5, 2014. This By-law was passed on the basis that it would permit the use for an interim period to allow the Sandhill Land Use Study exercise to proceed and define permanent land use direction for the area.
- The Sandhill Land Use Study was completed in December, 2012 and prescribed a framework of land use policies and zoning standards to guide development approvals in Sandhill. The study recommended that permitted uses for Sandhill not include those that would cause truck traffic conflicts.
- Based on these recommendations, Council adopted OPA 233 and passed Zoning By-law 2013-072 in July of 2013 which refined the permitted uses within the Sandhill settlement area. For the Dhillon property, the transportation depot use was not carried forward in the new zoning By-law 2013-072. However, this use would be allowed to continue as a legal non-conforming use since it would have already permitted within the Sandhill settlement boundary via By-law 2011-042 prior to the enactment of By-law 2013-072.

- OPA 233 and Zoning by-law 2013-072 were appealed to the Ontario Municipal Board (OMB) by a number of property owners including Dhillion, whose appeal was based on their request for a transportation depot to remain as a permitted use on the portion of the property within the settlement area. Through resolving these appeals, the transportation depot use, as well as a suite of other dry industrial uses, were added as permitted uses for the lands within the Sandhill settlement boundary. Final Official Plan Amendment and Zoning By-law amendments were approved by the OMB order dated May 13, 2015.
- The Temporary Use By-law (RZ 10-06) for the portion of the property outside the Sandhill Settlement Area expired on April 5, 2014. Therefore, an application to renew and extend the Temporary Use By-law to allow the parking and storing of trucks and trailers on these lands to continue was submitted to the Town and deemed complete on June 6, 2014.

Planning Review

Documents that have been considered by the Town in its review of the subject application include the 2014 Provincial Policy Statement, the Region of Peel Official Plan, the Town of Caledon Official Plan and Zoning By-law 2006-50, as amended. Supporting studies as well as comments and recommendations provided by internal departments and external review agencies also informed the review of this application.

Provincial Policy Statement (PPS), 2014

The lands are designated as Prime Agricultural in the Region of Peel and Town of Caledon Official Plans. The 2014 Provincial Policy Statement (PPS) contains policies for Agriculture under Section 2.3 which states Prime Agricultural Areas shall be protected for long-term use for agriculture. The Agriculture policies of the PPS permit agricultural uses, agricultural-related uses and on-farm diversified uses within prime agricultural areas. The transportation depot use consisting of transport truck and trailer storage/parking is not considered an agricultural use or an agriculture-related use and is therefore not a permitted use in prime agricultural areas.

The Agriculture policies also state limited non-agricultural uses may be permitted in prime agricultural areas, provided that certain criteria are met, including a demonstrated need for additional land to accommodate the proposed use and an assessment of alternative locations has been undertaken which determines there are no reasonable alternative locations that either avoid prime agricultural areas or are situated on lower priority agricultural lands.

Previous Town-initiated Official Plan Amendment exercises with respect to the Growth Plan Conformity (OPA 226), as well as the Sandhill Land Use Study (OPA 233) did not identify a need for additional land outside the Sandhill settlement area to accommodate the proposed transportation depot use. In addition, the application submission has not

adequately demonstrated that there are no alternative locations for the proposed use to either avoid prime agricultural lands or be located on lower priority agricultural lands.

Staff is of the opinion that the proposed Temporary Use By-law for the storage and parking of trucks and trailers is not consistent with the Agricultural policies of the PPS.

Region of Peel Official Plan

The subject lands are located within the Rural System in the Region of Peel Official Plan and are designated as Prime Agricultural Area. One of the objectives of the Prime Agricultural Area policies is to protect these lands for long-term use for agriculture as a natural resource of major importance to the Region. The policies therefore *“protect agricultural uses in prime agricultural areas from incompatible activities and land uses which would limit agricultural productivity or efficiency or result in the loss and fragmentation of the agricultural land base”* (Section 3.2.1.2).

The Region of Peel Official Plan directs the Town of Caledon, in its Official Plan, to only permit non-residential uses within the Prime Agricultural area subject to an area municipal official plan amendment and provided that specific criteria are met, particularly that there are no reasonable alternative locations which avoid the Prime Agricultural Area and impacts on surrounding lands are minimal or will be satisfactorily mitigated.

The application proposes to allow the continued use of the subject lands for a transportation depot which, because of its long-presiding presence on the subject lands, may have already diminished the agricultural productivity of the lands. This is not in keeping with the Prime Agricultural Area policies of the Region's Official Plan and the proposed application to allow for the continuation of this use would allow for the continued contravention of such policies.

The Region of Peel has reviewed the application and advised that the proposed Temporary Use By-law is not consistent with the provisions of the Planning Act, Provincial Policy Statement and the Region of Peel Official Plan and therefore recommend that the Town not approve the application.

Staff is of the opinion that the proposed Temporary Use By-law does not conform to the general purpose and intent of the Region of Peel Official Plan.

Town of Caledon Official Plan

Agricultural Policies

The subject lands are designated Prime Agricultural Area and are situated outside of the Sandhill settlement area boundary on Schedule 'A' (Land Use Plan) to the Town of Caledon Official Plan. The rear portion of the property is designated Environmental Policy Area which is reflective of the watercourse that traverses the property and is outside of the lands subject to this application.

Similar to Provincial and Regional policies, the Prime Agricultural Area policies of the Town's Official Plan protect and promote normal farm practices and ensure all land uses are compatible with surrounding agricultural uses (Section 5.1.1.1). Permitted Uses within the prime agricultural area designation are primarily for agricultural uses as well as other uses such as on-farm diversified uses, agriculturally-related commercial/industrial uses and agri-tourism uses (Section 5.1.1.4). The storage and parking of transport trailers and trucks is not a permitted use within the prime agricultural area designation.

Temporary Use Policies

The Official Plan contains policies for considering temporary uses and allows Council to pass a Temporary Use By-law to permit a specific use on a site for a renewable period of up to three (3) years in accordance with the provisions of the Planning Act. The policies give specific direction on when a Temporary Use By-law should be considered, stating that *"they 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 for the short term. For example, a parking lot to be permitted for two (2) years on a future office site, or on an event basis, a fair on a shopping centre parking lot for the month of July for a three (3) year period."* (Section 6.2.13.1)

In addition to the above, the policies provide criteria that the temporary use must meet to the satisfaction of Council before passing a Temporary Use By-law:

- 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; and,*
- f) That adverse environmental impacts will be avoided, minimized or mitigated."*

The intent of the Temporary Use policies is to permit those uses that are legitimately temporary in nature, where it has been demonstrated that such uses will be compatible with surrounding lands without adverse traffic or environmental impacts. Staff is of the opinion that the proposed Temporary Use By-law fails to meet the above-noted criteria and overall intent of the Temporary Use policies. A previous Temporary Use By-law was passed in 2011 which has since expired in April of 2014 and the use has consistently presided uninterrupted on the lands since 2007. The application to renew/extend this expired Temporary Use By-law has expressed no intention for this use to be temporary in nature and has provided no information regarding a future removal of the transportation depot use.

The application initially was proposed as a means to allow the use to continue on an interim basis until the Sandhill Land Use Study and corresponding policy implementation was completed. That exercise concluded in 2015 which did not result in permanent permissions for the current use on the subject lands.

The applicant has since requested that the Temporary Use By-law be approved to allow the use to remain on an interim basis while the Town's upcoming Official Plan review exercise commences. The applicant presumes that this review may determine a revised settlement area boundary and policy framework for Sandhill that will yield permissive policies for the use on a permanent basis. However a Temporary Use By-law is not intended to serve as a placeholder to permit a use on an interim basis to allow an Official Plan review to proceed.

The application has not established in a satisfactory way, that the use will not be difficult to terminate and has also not demonstrated that no adverse traffic impacts will occur. The Agricultural Impact Assessment stated that the lands could revert to an agricultural use should permanent approvals not materialize. The assessment did not elaborate on how the subject lands would be restored to an agriculturally-productive condition, which is important to understand considering the long-presiding use on the property.

An application for Site Plan Approval (SPA 2011-056) was submitted to the Town concurrently with the original Temporary Use By-law application in 2011. The Site Plan application has not been approved because of technical comments that have not been addressed by the applicant. The Region of Peel has reviewed Traffic Impact Study documents prepared in 2009 and 2014 in support of both the original Temporary Use By-law and the Site Plan Application. As a requirement of the original applications, the Region required the development of a left-turn lane to support a full-moves access onto Airport Road. The required site entrance improvements have not been implemented and there is no timeframe for their completion. It is therefore staff's opinion that the applicant has not adequately confirmed that no adverse traffic impacts will be created as a result of this application to renew and extend the Temporary Use By-law in the absence of all required access improvements.

Staff is of the opinion that the proposed Temporary Use By-law does not conform to the policies of the Town's Official Plan.

Zoning By-Law 2006-50, as amended

Comprehensive Zoning By-law 2006-50, as amended, zones the subject lands as Agricultural (A1). A rear portion of the property is zoned Environmental Policy Area 2 (EPA2) reflective of a watercourse that traverses the rear portion of the property and is outside of the area subject to this application. The parking and storage of trucks, trailers and transportation containers is defined as a "Transportation Depot" use in the Zoning By-law. A Transportation Depot use is not permitted in the Agricultural (A1) zone and the proposed Temporary Use By-law intends to rezone the area of the property occupied by the existing transportation depot use to an Agricultural Temporary Use zone (A1-TX) to specifically permit this use for a three-year period from the date of passing.

Agency/Department Consultation

The proposed Temporary Use By-law application has been circulated to external agencies and internal departments for review and comment. Technical comments

regarding the existing development on the site as well as general policy concerns have been received. Refer to the Comment Sheet attached to this report as Schedule B.

Public Meeting

A public meeting was held on the proposed Temporary Use By-law application at the Town of Caledon, Town Hall on Wednesday September 17, 2014. Notice of the Public Meeting was posted on the Town's website and advertised in the Caledon Enterprise on August 19, 2014. Property owners within 120m (400 ft) of the subject lands were advised of the meeting by direct mail, as required by the Planning Act. No public comments were expressed at the meeting and no written comments have been received from the public with respect to this application.

FINANCIAL IMPLICATIONS

This property is currently assessed as commercial (occupied) (\$720,200 CVA); farmland (\$337,725 CVA); and residential (\$213,075 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$4,259. The property tax account is not current, as at May 29, 2017. Finance recommends that the tax accounts be brought current prior to the Town's endorsement of this application.

If the development were to proceed as proposed the taxable assessment value of the subject property would change to reflect the change in usage and the development that occurs.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-054, currently \$37.75/m² non-residential.

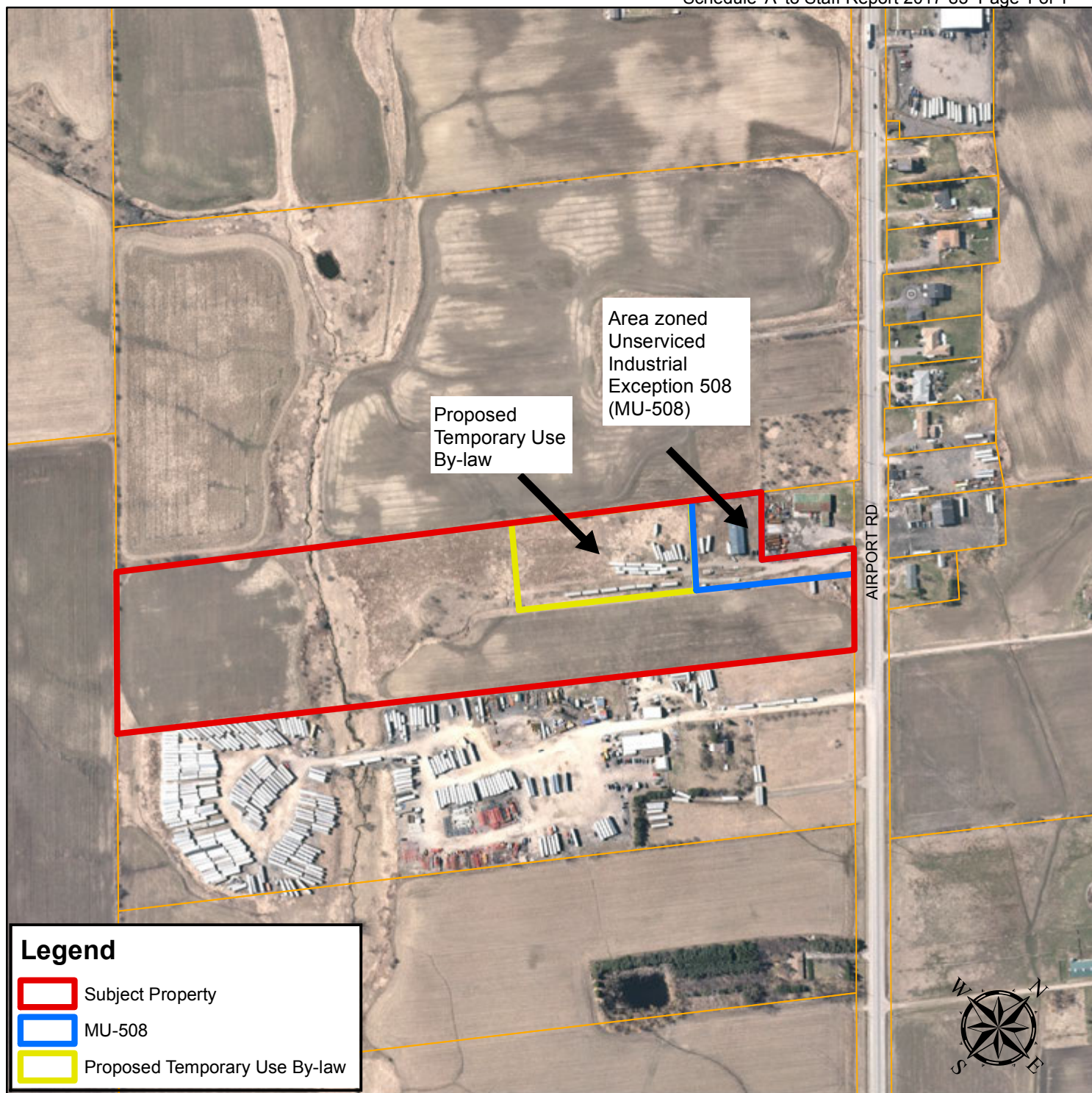
Region of Peel development charges, currently \$/205.51/m² non-residential-other and \$137.89/m² non-residential - industrial; and Education development charges currently \$10.87/m² would also be applicable should any future development occur. All development charges are payable prior to issuance of a building permit. Please note that the development charge rates are scheduled to change on August 1, 2017.

COUNCIL WORK PLAN

Growth – To plan for complete communities as required under the Growth Plan
Protection of Rural Environment – To enhance and protect our rural environment and to enable a viable rural economy

ATTACHMENTS

Schedule A – Location Map
Schedule B – Meeting Comment Sheet



Proposed Temporary Use By-law

RZ 14-05

Dhillon Business Centre Inc.

13790 Airport Road

Part Lot 26, Concession 6 EHS

LOCATION MAP



Date: May 26, 2017

File No.: RZ 14-05

MEETING COMMENT SHEET

Committee of the Whole (PD) Date: June 6, 2017
Public Meeting Date: September 17, 2014
Prepared: May 18, 2017
Lead Planner: Brandon Ward
Ext. 4283

**Zoning By-law Amendment – Temporary Use
Dhillon Business Centre Inc.: Proposed Transportation Depot
Part Lot 26, Concession 6 EHS (Chinguacousy)
13790 Airport Road
West side of Airport Road, south of King Street
File Number: RZ 14-05**

The following comments were received regarding the above-noted files.

EXTERNAL AGENCY COMMENTS

Canada Post – July 25, 2014

Comments: Since this project requires no modification to our existing level of service in the area, Canada Post does not wish to impose any conditions on the applicant at this time.

Dufferin-Peel Catholic District School Board – July 25, 2014

Comments: No concerns.

Enbridge Gas – July 10, 2014

Comments: No concerns.

Hydro One Networks – July 18, 2014

Comments: No concerns.

Municipal Property Assessment Corp.

Comments: No comments received.

Ontario Power Generation – July 23, 2014

Comments: No concerns.

Ontario Provincial Police

Comments: No comments received.

Peel District School Board – August 12, 2014

Comments: No concerns.

Region of Peel – October 28, 2014

Comments: The lands that are being proposed for development are designated Rural Area - Prime Agricultural Area in accordance with Schedule B in the Regional Official Plan. Further, the lands are designated Prime Agricultural Area through the Provincial Policy Statement and Prime Agricultural within the Town of Caledon Official Plan.

The Provincial Policy Statement (PPS)

- Section 2.3.3.1 - Agriculture in the PPS states: *"In the prime agricultural area, permitted uses and activities are: agricultural uses, secondary uses and agricultural related uses."* The proposed storage of transport trailers in the prime agricultural area is not a permitted use
- Section 4.1 of the PPS states that *"this Provincial Policy Statement applies to all applications, matters or proceedings commenced on or after March 1, 2005."* Planning staff are of the opinion that the PPS must be taken into account for a temporary use by-law.

Region of Peel Official Plan (ROP)

- Section 3.2.2.8 of ROP states it is the policy of Regional Council to: *"Direct the area municipalities in their official plans to allow in Prime Agricultural Area, primary agricultural uses, and where deemed appropriate by the area municipality, secondary uses and agricultural-related uses"*. At this time, the applicant has not clearly demonstrated how the storage of transport trailers in the Prime Agricultural area is a permitted use.
- Section 3.2.2.9 states that non-residential uses may be permitted within the *Prime Agricultural Area* subject to an area municipal official plan amendment and provided that certain criteria is met. It is the opinion of planning staff that the applicant should proceed with a local official plan amendment if they choose to develop in the Prime Agricultural Area.

The Planning Act

- Section 24. (1) of the *Planning Act* states *"Despite any other general or special Act, where an official plan is in effect...no by-law shall be passed for any purpose that does not conform therewith"*. It is the opinion of planning staff that the application does not conform to the Region of Peel Official Plan as stated above.

Further, planning staff have reviewed the Town of Caledon Official Plan policies regarding Temporary Use By-laws under Section 6.2.13 and have concerns that the proposed temporary use by-law does not conform to the intent of the Town of Caledon Official Plan.

Traffic Development

Through the Site Plan application SP-11-056 the applicant was required to construct a northbound left turn lane in order to utilize the access as interim full moves. To date the construction of the left turn lane as well as other traffic requirements have not been completed. If the Town of Caledon Council decides to renew the temporary use by-law for this property the Region requests that the applicant be required to complete their site plan application so that the proper access design can be put in place as a condition of the by-law.

Conclusion

The Region is not satisfied that the proposed 'temporary use by-law' for a portion of the subject lands is consistent with the provisions of the Planning Act, Provincial Policy Statement and the Region of Peel Official Plan. We recommend that the Town of Caledon not approve of such request.

Rogers Communications – August 1, 2014

Comments: No concerns. Rogers Communications Partnership has no buried plant within the proposed area.

Toronto Region Conservation Authority – October 17, 2014

Comments: Toronto and Region Conservation Authority (TRCA) staff has reviewed the application as part of TRCA's commenting role under the Planning Act, the Authority's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2014; TRCA's Regulatory Authority under Ontario Regulation 166/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; and our Memorandum of Understanding (MOU) with the Region of Peel and Town of Caledon, wherein we provide technical environmental advice.

It is our understanding the purpose of the above noted applications is to permit the storage of truck on a portion of the property. The area used for truck storage is accessory to an established truck depot on the subject property.

Based upon the comments noted below, TRCA staff provides conditional approval to the above noted application, provided that the applicant submits the application review fee of \$315.00, payable to the Toronto and Regional Conservation Authority.

A portion of the subject lands are regulated by TRCA under Ontario Regulation 166/06 and are subject to policies within TRCA's Valley and Stream Corridor Management Program (VSCMP). It appears that a portion of the subject property is located within the Regional Storm Floodplain and will be inundated by flood waters during a Regional Storm event. Please note that both Provincial Policy (Provincial Policy Statement, 2014) and TRCA policy does not support new development within the Regional Floodplain. However, based on our review it appears that the area to which this application applies is located outside the Regional Storm Floodplain and outside of TRCA's Regulated Area.

Additionally, it appears that no new structures or site alteration is being proposed with this application. On this basis, a TRCA permit pursuant to Ontario Regulation 166/06 is not required. However, please be advised that TRCA staff has an interest in any future works on the subject property and which may be subject to TRCA permits pursuant to Ontario Regulation 166/06.

Additionally, it appears the area to which this application applies is void of any significant natural features and/or natural hazards. As such, the program and/or policy interests of this Authority do not appear to be impacted.

TOWN OF CALEDON – DEPARTMENT COMMENTS

Community Services, Building Services – July 24, 2014

Comments: No concerns.

Finance and Infrastructure Services, Finance – May 18, 2017

Comments: This property is currently assessed as commercial (occupied) (\$720,200 CVA); farmland (\$337,725 CVA); and residential (\$213,075 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$4,259. The property tax account is not current, as at May 18, 2017. Finance recommends that the tax accounts be brought current prior to the Town's endorsement of this application.

If the development were to proceed as proposed the taxable assessment value of the subject property would change to reflect the change in usage and the development that occurs.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-054, currently \$37.75/m² non-residential.

Region of Peel development charges, currently \$/205.51/m² non-residential-other and \$137.89/m² non-residential - industrial; and Education development charges currently \$10.87/m² would also be applicable should any future development occur. All development charges are payable prior to issuance of a building permit. Please note that the development charge rates are scheduled to change on August 1, 2017.

Community Services, Planning and Development - Engineering – August 14, 2014

Comments: No concerns.

Community Services, Open Space Design – August 1, 2014

Comments: Where the proposed zoning permits the use of truck/trailer parking or storage, the Temporary Use By-law shall include provisions for four-season screening of the use as seen from Airport Road. To accommodate the buffering, the zoning By-law shall include the provision for a 3 meter planting strip along all interior side yards. No swales or infrastructure shall be permitted within the planting strip.

Community Services, Planning and Development - Urban Design – July 23, 2014

Comments: Full screening of the trailers is required from Airport Road. For details related to landscape buffering requirements, please refer to Landscape comments.

Community Services, Fire and Emergency Services Department

Comments: No comments received.

Corporate Services, Legislative Services (Accessibility)

Comments: No comments received.

Corporate Services, Legal Services (Planning Law) – August 18, 2014

Comments: No concerns.

Community Services, Policy and Sustainability Section, Heritage – July 15, 2014

Comments: An archaeological assessment was required as a condition of temporary use by-law application RZ 10-06. To date, the Town has not received the archaeological assessment report. Accordingly, a Stage 1 and 2 archaeological assessment of the subject lands will be required prior to rezoning approval.

Community Services, Policy and Sustainability Section, Policy – July 18, 2014

Comments: 13790 Airport Road (the “subject lands”) is comprised of lands that are within the Sandhill settlement area and lands that are outside the Sandhill settlement area.

The subject lands total approximately 23.7 acres, and are generally comprised as follows. On the lands within the Sandhill settlement area (approximately 1.5 acres), Dhillon Business Centre (Dhillon) operates a transportation depot. Of the total land area outside the Sandhill settlement area, Dhillon uses approximately 3.2 acres to store trucks, truck trailers, and containers which are associated with the transportation depot. The balance of Dhillon's lands (approximately 19 acres) are vacant.

RZ 14-05 (Dhillon Business Centre Inc.)

Of the total land area outside the Sandhill settlement area, approximately 3.2 acres are the subject of a proposed Zoning By-law Amendment (Temporary Use) application – our file no. RZ 14-05. A prior temporary use approval granted by Caledon Council for these lands expired in April 2014.

OPA 233 & ZBA BL-2013-072.

Based on the findings and recommendations of the Sandhill Land Use Study, the above noted planning instruments were enacted by Caledon Council on July 9th, 2013.

Under the Council-adopted OPA 233, a transportation depot is NOT a permitted use within the Sandhill settlement area. Under ZBA BL-2013-072, the portion of the Dhillon property within the Sandhill settlement area was zoned Dry Industrial – Exception 526 (MU-526). A transportation depot was NOT a permitted use under MU-526.

Because Dhillon's transportation depot was in operation prior to the enactment by Council of the aforementioned planning instruments, Dhillon's transportation depot (on the lands within the Sandhill settlement area) would have continued as a legal non-conforming use.

Appeal by Dhillon Business Centre Inc.

Dhillon appealed OPA 233 and ZBA BL-2013-072, seeking a return to the permitted uses on their property within the Sandhill settlement area prior to the enactment by Council of the aforementioned planning instruments – i.e. a transportation depot. The outcome of the appeal was yet to be determined at the time of preparing these comments.

Finance and Infrastructure Services, Engineering Services – August 14, 2014

Comments: No concerns.

Staff Report 2017-82

Meeting Date: Tuesday, June 6, 2017

Subject: Zoning By-law Amendment - Access Property Development

Submitted By: Cristina Di Benedetto, Community Planner, Development,
Community Services

RECOMMENDATION

That the By-law attached as Schedule “B” to Staff Report 82/2017 be enacted to amend Zoning By-law 2006-50, as amended to rezone a portion of the subject lands from Rural Residential (RR), Bolton Highway Commercial Exception 185 (CHB-185) and Commercial 6 Exception 803 (C-6-E(803)) to Bolton Highway Commercial Exception 594 (CHB-594) to permit a Public Self-Storage Warehouse.

That no further notice or public meeting be required for the above referenced Zoning By-law, pursuant to Section 34(17) of the *Planning Act*, R.S.O. C.P. 13, as amended.

REPORT HIGHLIGHTS

- The applicant submitted an application for a Zoning By-law Amendment on June 20, 2016 which was then deemed complete on June 27, 2016 to permit the development of lands for a Public Self-Storage Warehouse, in keeping with the Town’s Official Plan policies.
- The By-law proposes to rezone the lands to a site specific Bolton Highway Commercial zone to permit commercial uses and create site specific zone standards.
- A formal Public Meeting was held on February 21, 2017 in accordance with the requirements of the *Planning Act* and the comments derived from the circulation and Public Meeting has been considered.
- Planning staff is of the opinion that the proposal is consistent with provincial documents, and meets the general purpose and intent of the Region of Peel Official Plan and the Town of Caledon Official Plan.

DISCUSSION

The purpose of this Report is to provide planning rationale in support of staff’s recommendation to seek Council enactment of the proposed Zoning By-law Amendment and permit the proposed development.

Subject Lands

The subject property is municipally known as 12131 Regional Road 50 and is located on the east side of Regional Road 50 north of Mayfield Road in Bolton. Refer to Schedule “A” – Location Map, attached. The entire property is approximately 0.63 ha (1.57 ac) in size. The property is currently vacant. The surrounding land uses are primarily residential to the north, commercial to the south and industrial to the east and west.

Background

The applicant submitted a Zoning By-law Amendment application in June, 2016 in support of the proposed development. In response to internal staff and agency review comments, the applicant made various revisions to support their proposal to permit a Public Self-Storage Warehouse and site specific zone provisions.

The applicant has a Site Plan Application which is under review concurrently with the Zoning By-law Amendment application and is required to be approved prior to development occurring on site.

Proposed Zoning By-law Amendment

The applicant is proposing to rezone a portion of the lands from Rural Residential (RR), Bolton Highway Commercial Exception 185 (CHB-185) and Commercial 6 Exception 803 (C-6-(803)) to Bolton Highway Commercial Exception 594 (CHB-594). Schedule "B" – Draft Zoning By-law Amendment, attached.

The proposed Zoning By-law Amendment permits a wide variety of highway commercial uses in keeping with the Town's Official Plan policies. These uses include, but are not limited to:

- Business Office
- Restaurant
- Fitness Centre
- Warehouse, Public Self-Storage
- Retail Store, Accessory

The proposed Zoning By-law Amendment also identifies site specific standards relating to:

- Reduced setbacks from lot lines
- Restrictions on loading space locations (facing a street and not residential zones)
- Enhanced landscaping requirements along Regional Road 50 and along the north property line abutting a residential zone
- Restrictions on the maximum height provisions to be in keeping with the surrounding area and land uses

Planning Review

Documents that have been considered by the Town in its review of the subject application include the Provincial Policy Statement 2014, Places to Grow: Growth Plan for the Greater Golden Horseshoe (incorporated into the Town's Official Plan), Region of Peel Official Plan and the Town's Official Plan, in addition to comments and recommendations provided by internal departments and external agencies.

Provincial Policy Statement, 2014

The Provincial Policy Statement ("PPS") contains policies with respect to promoting efficient development and land use patterns to accommodate a range and mix of

employment needs (including industrial and commercial). The PPS directs the Town to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses as well as opportunities for a diversified economic base through maintaining sites which support a wide range of economic activities and ancillary uses to meet the needs of existing and future businesses. The PPS also speaks to optimizing the use of land and resource by making effective use of existing public infrastructure and services. Staff is of the opinion that the proposed development is consistent with the Provincial Policy Statement, 2014.

Growth Plan ("Growth Plan") for the Greater Golden Horseshoe (2013 Consolidation)

The Growth Plan contains policies with respect to managing growth, build complete communities and fostering employment growth in appropriate locations within the Built-up Area. Section 2.2.2 outlines that population and employment growth will be accommodated by directing a significant portion of new growth to the Built-up areas of the community through intensification. All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to achieve and encourage intensification generally throughout the build-up area. Staff is of the opinion that the proposed development is consistent with the Growth Plan for the Greater Golden Horseshoe 2013.

Region of Peel Official Plan

The proposed development is located within the Rural Service Centre of Bolton as shown on Schedule "D" of the Region of Peel Official Plan. Staff is of the opinion that the proposed development is consistent with the goals and objectives for Rural Service Centres as set out in the Regional Plan.

Town of Caledon Official Plan

The subject lands are designated Bolton Highway 50 Commercial Area on Schedule "C", Bolton Land Use Plan within the Town's Official Plan.

Pursuant to Section 5.4.5.1, Highway Commercial applies to those commercial areas within the Rural Service Centres and Industrial/Commercial Centres that provide for a wide range of service opportunities for the travelling public. Such areas shall be located at key points along major highways/arterials for accessibility and visibility.

Pursuant to Section 5.10.4.5.6, the Bolton Highway 50 Commercial Area generally shall function as the principal centre for automotive-related uses and commercially-related recreational uses in the Bolton trade area. Notwithstanding Section 5.4.5, large-scale business and professional office uses and high quality prestige industrial type uses, in accordance with the provisions of Section 5.5 shall be permitted in this designation. Further to this, high-quality prestige industrial type uses include, among others, warehousing and wholesale operations, corporate offices, offices related to permitted industrial uses and commercial uses in accordance with this Plan.

All new development shall provide high quality landscape and streetscape features adjacent to all abutting roads, including Highway 50. The proposed By-law is in keeping with the uses permitted in the Official Plan.

Consultation

The subject application was circulated to external agencies and internal departments for review and comment. As per Schedule "C" – Comment Sheet, attached, comments from agencies and departments have been addressed and there is support for the proposed zoning of the lands. Detailed site design is currently being addressed through the processing of the current Site Plan Application (SPA 16-27).

In accordance with the *Planning Act*, a Notice of Application and Public Meeting was mailed to all landowners within 120 m (393.7 ft). In addition, the Notice was posted on the Town's website and placed in the Caledon Citizen and Caledon Enterprise on January 26, 2017. A sign was posted on the property on February 1, 2017.

The applicant proposed a lot line adjustment to the property to the south and filed consent applications with the Committee of Adjustment on March 17, 2017. These applications ('B' 008-17 & 'B' 009-17) were subsequently conditionally approved by the Committee on April 19, 2017. This proposed lot line adjustment formed part of the applicant's Public Meeting materials and documents at the Open House and formal presentation. Although the Access Property development proposal was discussed at the February 21, 2017 Public meeting, formal changes to the draft By-law amendment were provided by the applicant after this Public Meeting to reflect this proposal which now forms the amending By-law under consideration. Accordingly, in light of the changes made to the application following the public meeting, together with the related discussions that took place at that meeting, staff are recommending that no further notice or public meetings be required for this application.

A statutory Public Meeting was held in accordance with the requirements of the *Planning Act* on Tuesday, February 21, 2017. The following questions and comments were raised at the Public Meeting:

Comment: A planning consultant for the owners for the lands to the north spoke explaining that the proposal closely abuts potential future residential (there is not currently an application for these lands).

Response: The applicant for this Zoning By-law Amendment has held meetings with the property owner's to the north along with their planning consultant to undertake mitigation measures between the two neighbouring parcels. This includes an increase in the plant material along the north landscape area (larger and taller trees); a berm is to be constructed along the north property line with a noise attenuation wall which will also raise the proposed plantings and screening effect. The applicant and the property owners to the north, signed an undertaking agreeing to the above mitigation measures.

Comment: Residents expressed landscape measures are acceptable as proposed on the available drawings and materials at the Open House. There was a question regarding employment density targets and Greenfield or Infill Development.

Response: The subject lands are within the Built-up Area in the Region of Peel's Official Plan, Schedule 'D4' – The Growth Plan Policy Areas in Peel and designated Bolton Highway Commercial Area in the Town's Official Plan. The Growth Plan stipulates density targets for employment designated lands and therefore do not apply to the subject lands. The proposal does meet the general intensification policies of the Growth Plan for Built-up Areas.

Comment: there was a question regarding if a Traffic Impact Study was provided and how this impacted movement along Regional Road 50. regarding the proposed height and it abutting potential future residential, parking and reciprocal easements.

Response: There is an existing access from Regional Road 50 which is supported by the Region of Peel for this applicant to continue utilizing this access. The applicant is also proposing access from Albion Vaughan Road where the loading spaces are to be located. The applicant has received conditional approval from the Committee of Adjustment for cross access easements to the property to the south, in which shared access between the two properties will be permitted; as such there are multiple entry points to access the subject lands to ensure proper vehicular movement throughout the site. Both Town staff and Region staff have reviewed accepted the Traffic Impact Study provided by the applicant. The applicant will be required to provide land dedication and a reserve along Regional Road 50 as part of the Site Plan Application.

There is a proposed berm, enhanced landscaping and a noise attenuation structure along the north property line. This will provide ample screening between the two parcels and mitigate the requested height standard. A shadow study has also been provided. The purpose of the shadow impact study is to illustrate the impact of development in terms of sun and daylight on surrounding properties. The study has been and accepted by staff as it demonstrates that there will be no substantial impact on the abutting lands.

In addition, staff through the Site Plan Application will review the location of lighting and ensure no negative impacts to neighbouring properties. Should it be deemed necessary, staff may request clauses in the Site Plan Agreement through the Site Plan Application process for these mitigation measures.

FINANCIAL IMPLICATIONS

This property is currently assessed as commercial land (\$890,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$2,330. The property tax account as at May 16, 2017 is current.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-0 54, currently \$37.75/m². Any development would also be subject to Region of Peel development charges, currently \$205.51/m² and Education

Staff Report 2017-82

development charges, currently \$10.87/m² as per the respective development charge by-laws. The next development charge indexing will be August 1, 2017. All development charges are payable prior to issuance of a building permit.

COUNCIL WORK PLAN

The recommendation included in this Report is related to the following goals identified in the 2015-2018 Council Work Plan:

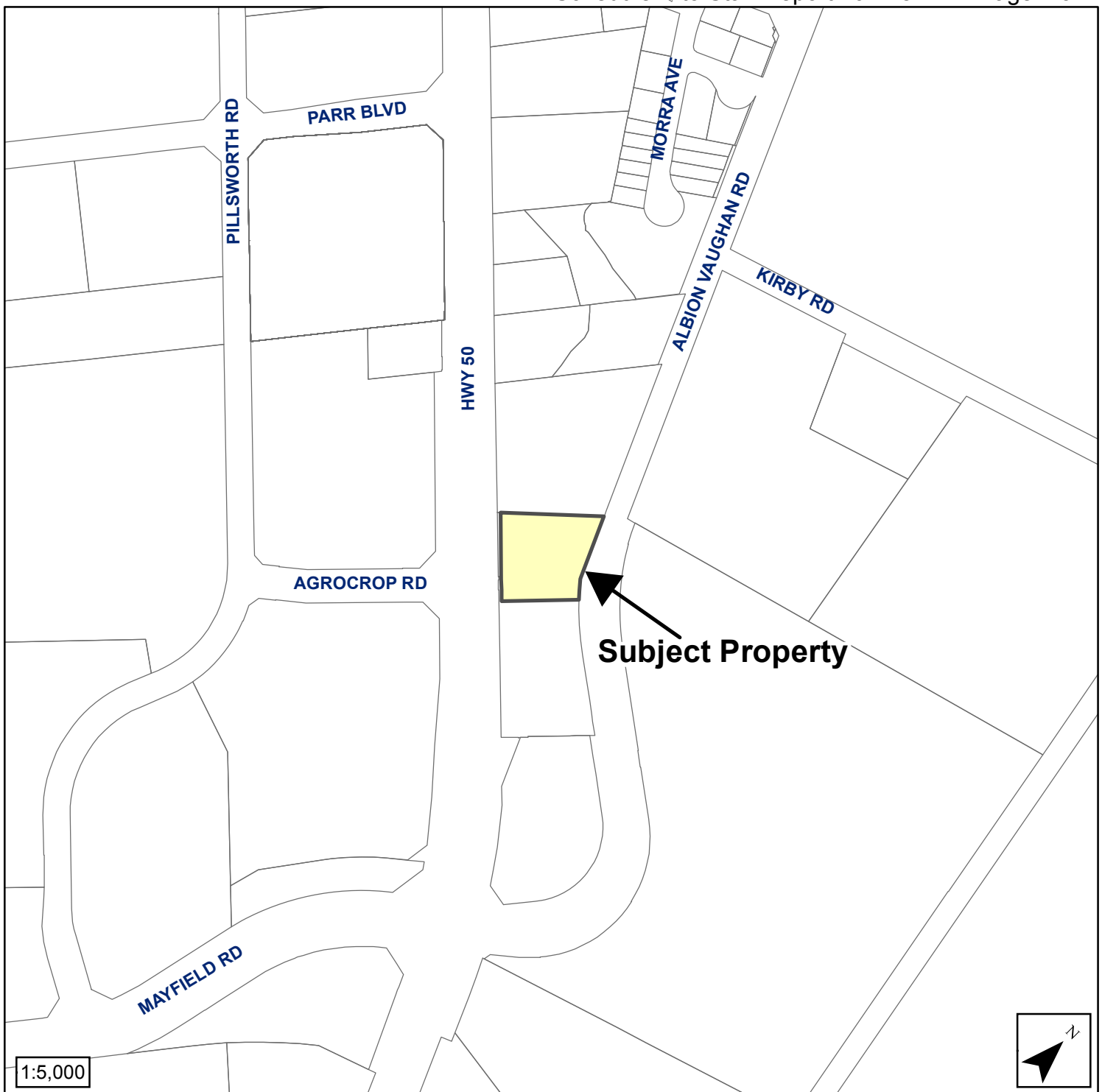
- Customer Service: To adopt an innovative approach that adapts to the changing needs and expectations of our community while supporting best practices.
- Growth: To plan for complete communities under the growth plan.

ATTACHMENTS

Schedule A – Location Map

Schedule B – Draft By-law & Schedule 'A'

Schedule C – Comment Sheet

**Proposed Zoning By-law Amendment Application****RZ 16-05****2033665 Ontario Limited**

12131 Regional Road 50

LOCATION MAP

Date: May 19, 2017

File No.: RZ 16-05

THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NO. 2017-xxx

Being a by-law to amend Comprehensive Zoning By-law 2006-50, as amended, with respect to Part Lot 1, Concession 7 (Albion), being Parts 1 and 3 on 43R-33446, Part of Part Lot 1, Concession 7 (Albion) and Part Lots 29 and 30, Concession 11 (Vaughan), being Part 3 on 65R-18771, except Parts 3 to 6 inclusive and Part 11 on 65R-28262, Part 4 on 65R-32548 and Part of the Road Allowance between the Township of Albion and the Township of Vaughan (closed by By-law R675362), being Parts 4 and 5 on 65R-18771, except Parts 1 and 2 on 65R-28262 and Parts 2, 3, 5, 6, 7, 8 and 9 on 65R-33660 as in YR1967811, Town of Caledon, Regional Municipality of Peel.

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 the Council of The Corporation of the Town of Caledon considers it desirable to pass a zoning by-law to permit the use Part Lot 1, Concession 7 (Albion), being Parts 1 and 3 on 43R-33446, Part of Part Lot 1, Concession 7 (Albion) and Part Lots 29 and 30, Concession 11 (Vaughan), being Part 3 on 65R-18771, except Parts 3 to 6 inclusive and Part 11 on 65R-28262, Part 4 on 65R-32548 and Part of the Road Allowance between the Township of Albion and the Township of Vaughan (closed by By-law R675362), being Parts 4 and 5 on 65R-18771, except Parts 1 and 2 on 65R-28262 and Parts 2, 3, 5, 6, 7, 8 and 9 on 65R-33660 as in YR1967811, Town of Caledon, Regional Municipality of Peel for commercial uses.

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 13.1:

Zone Prefix	Exception Number	Permitted Uses	Special Standards
CHB	594	<div>-Animal Hospital</div> <div>-Business Office</div> <div>-Drive-Through Service Facility⁽¹³⁾</div> <div>-Factory Outlet</div> <div>-Farmers' Market</div> <div>-Fitness Centre</div> <div>-Hotel</div> <div>-Industrial Use</div> <div>-Merchandise Service Shop</div> <div>-Motel</div> <div>-Motor Vehicle Gas Bar</div> <div>-Motor Vehicle Rental Establishment</div> <div>-Motor Vehicle Repair Facility</div> <div>-Motor Vehicle Sales Establishment</div> <div>-Motor Vehicle Service Centre</div> <div>-Motor Vehicle Used Sales Establishment</div> <div>-Open Storage Area, Accessory</div> <div>-Outside Display or Sales Area, Accessory</div> <div>-Parking Lot, Commercial</div> <div>-Place of Assembly</div> <div>-Place of Entertainment</div> <div>-Private Club</div>	<div>Front Lot Line Definition</div> <div>For the purpose of this zone, the <i>Front Lot Line</i> shall be any <i>lot line</i> abutting Regional Road 50.</div> <div>Interior Side Yard (minimum)</div> <div><div>a) Abutting a residential zone or lot containing a residential use</div><div>7.5 m</div><div>b) Any other interior side lot line</div><div>0.0 m</div></div> <div>Exterior Side Yard (minimum)</div> <div>12.0 m</div> <div>Building Height (maximum)</div> <div>14.5 m</div> <div>Building Area (maximum)</div> <div>37%</div> <div>Planting Strip Widths (minimum)</div> <div><div>a) Along a front lot line</div><div>8.5 m</div><div>b) Along an exterior side lot line</div><div>6.0 m</div><div>c) Along an interior side lot line abutting a residential zone or a lot containing a residential use</div><div>3.0 m</div><div>d) Along any other interior side lot line</div><div>0.0 m</div></div> <div>Driveway Setbacks (minimum)</div> <div><div>a) From an exterior side lot line</div><div>6.0 m</div><div>b) From an interior lot line abutting a residential zone or a lot containing a residential use</div><div>3.0 m</div><div>c) From any other interior side lot line</div><div>0.0 m</div></div>

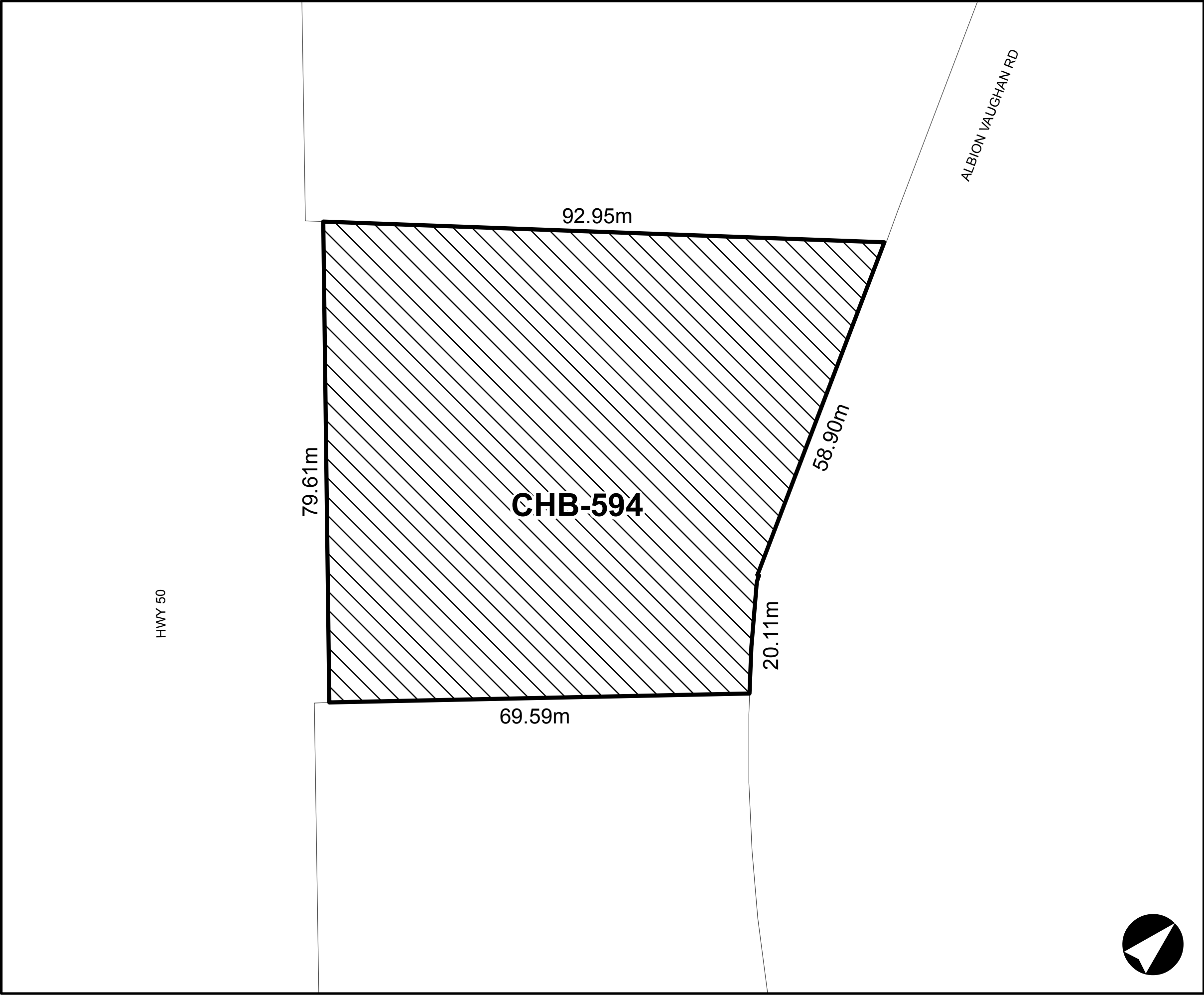
Zone Prefix	Exception Number	Permitted Uses	Special Standards
		<div>-Restaurant</div> <div>-Retail Store, Accessory⁽²⁾</div> <div>-Warehouse, Public Self-Storage</div> <div>-Warehouse</div>	<div>Parking Space (minimum)</div> <div>For the purpose of this zone, the minimum off-street parking requirements for a <i>Public Self Storage Warehouse</i> shall be 1 parking space per 30 m² of gross floor area or portion thereof within the office; plus 1 parking space per 900 m² of gross floor area or portion thereof of the <i>Public Self Storage Warehouse</i>.</div> <div>Loading Spaces (minimum)</div> <div>For the purpose of this zone, the minimum loading space requirements for a <i>Public Self Storage Warehouse</i> shall be 1 loading space per 3,645 m² of gross floor area or portion thereof.</div> <div>Loading Space Size (minimum)</div> <div>For the purpose of this zone, each loading space shall be a minimum of 9 m in length, 3.5 m in width and have a vertical clearance of at least 3.35 m.</div> <div>Loading Space Location (minimum)</div> <div>For the purpose of this zone, loading spaces are permitted in the exterior side yard with a minimum setback of 10 m from an exterior side lot line.</div> <div>Delivery Space (minimum)</div> <div>For the purpose of this zone, the provisions of Section 5.4 shall not apply to a <i>Public Self Storage Warehouse</i>.</div> <div>Planting Strip Definition</div> <div>For the purposes of this zone, a planting strip may also include noise attenuation structures, berms, and sidewalks as identified on an approved site plan.</div>

2. Schedule “A”, Zone Map 1a of By-law 2006-50, as amended is further amended for Part Lot 1, Concession 7 (Albion), being Parts 1 and 3 on 43R-33446, Part of Part Lot 1, Concession 7 (Albion) and Part Lots 29 and 30, Concession 11 (Vaughan), being Part 3 on 65R-18771, except Parts 3 to 6 inclusive and Part 11 on 65R-28262, Part 4 on 65R-32548 and Part of the Road Allowance between the Township of Albion and the Township of Vaughan (closed by By-law R675362), being Parts 4 and 5 on 65R-18771, except Parts 1 and 2 on 65R-28262 and Parts 2, 3, 5, 6, 7, 8 and 9 on 65R-33660 as in YR1967811, Town of Caledon, Regional Municipality of Peel, from Rural Residential (RR), Bolton Highway Commercial Exception 185 – (CHB-185) and Commercial 6 Exception 803 (C-6-E(803)) to Bolton Highway Commercial Exception 594 (CHB-594) in accordance with Schedule “A” attached hereto and forming part of this By-law.

Read three times and finally passed in open Council on the 20th day of June, 2017.

Allan Thompson, Mayor

Carey deGorter, Clerk



Schedule A

By-law 2017-XXXX

12131 Regional Road 50

Part Lot 1, Concession 7 (Albion), being Parts 1 and 3 on 43R-33446, part of Part Lot 1, Concession 7 (Albion) and Part Lots 29 and 30, Concession 11 (Vaughan), being Part 3 on 65R-18771, except Parts 3 to 6 inclusive and Part 11 on 65R-28262, Part 4 on 65R-32548 and Part of the Road Allowance between the Township of Albion and the Township of Vaughan (closed by By-law R675362), being Parts 4 and 5 on 65R-18771, except Parts 1 and 2 on 65R-28262 and Parts 2, 3, 5, 6, 7, 8 and 9 on 65R-33660 as in YR1967811, Town of Caledon, Regional Municipality of Peel

Legend

Subject lands to be Rezoned from Rural Residential (RR), Bolton Highway Commercial Exception 185 (CHB-185) and Commercial 6 Exception 803 (C-6-E(803)) to Bolton Highway Commercial Exception 594 (CHB-594)

Key Map

Subject Lands

Date: May 23, 2017

File: RZ 16-05 (SPA 16-27)



MEETING COMMENT SHEET

Committee of the Whole (PD) Date: June 6, 2017

PIM Date: February 18, 2017

Prepared: May 10, 2017

Lead Planner: Cristina Di Benedetto

Ext. 4064

**Proposed Zoning By-law Amendment
Access Property Development**

12130 Albion Vaughan Road, Part Lot 1, Concession 7 (Albion), being Parts 1 and 3 on 43R-33446, part of Part Lot 1, Concession 7 (Albion) and Part Lots 29 and 30, Concession 11 (Vaughan), being Part 3 on 65R-18771, except Parts 3 to 6 inclusive and Part 11 on 65R-28262, Part 4 on 65R-32548 and Part of the Road Allowance between the Township of Albion and the Township of Vaughan (closed by By-law R675362), being Parts 4 and 5 on 65R-18771, except Parts 1 and 2 on 65R-28262 and Parts 2, 3, 5, 6, 7, 8 and 9 on 65R-33660 as in YR1967811, Town of Caledon, Regional Municipality of Peel

**North of Mayfield Road, East of Regional Road 50
File Number: RZ 16-05**

The following comments were received regarding the above-noted file.

EXTERNAL AGENCY COMMENTS

Bell Canada – July 4, 2016

Comments: In the event that Bell Canada may require a blanket easement for communication/telecommunication infrastructure the applicant is responsible for all required works. The developer is advised that prior to commencing any work, they are to confirm that sufficient wire-line communication/telecommunication infrastructure is available. Should the infrastructure be unavailable, the developer shall be required to pay for the connection to and/or extension of the infrastructure.

Enbridge Gas – July 5, 2016

Comments: Enbridge Gas Distribution does not object to the proposed application and reserves the right to obtain any blanket easements as required, should any changes occur in the alignment of grade of the future road allowances or for temporary gas pipe installations pertaining to construction, all associated costs are the responsibility of the applicant.

Hydro One – July 8, 2016

Comments: Hydro One has no objections at this point. Please ensure that all private electrical infrastructure on the property have owner agreements/easements placed on them when impacted by property severances/easements to ensure all land owners/tenants legal rights are maintained. Ensure all industry standard utility separation minimums are maintained. Please call for locates for exact location of Hydro One underground equipment prior to digging.

Peel District School Board – July 11, 2016

Comments: The Board has no comments or concerns regarding this Zoning By-law Amendment.

York Region – July 12, 2016

Comments: Sign off provided from York Region staff for this application. There is a joint capital road improvement project between Peel Region and York Region for Regional Road 50 scheduled for 2019/2020. The north limit of the project is Regional Road 50 and Albion Vaughan Road. The consultants for the private project and the capital project should exchange design drawings and coordinate to eliminate potential conflicts and limit throw away costs.

Dufferin Peel Catholic District School Board – July 4, 2016

Comments: No objection, comments or issues with this application.

Rogers Communication – July 28, 2016

Comments: No comments or concerns at this time. Rogers Communications is interested in servicing this site, as such they are included on site plan correspondence.

Canada Post – January 17, 2017

Comments: No objection to the Zoning By-law amendment. The proposed changes will have no impact on mail delivery. The business will receive mail from a community mailbox in the general area and as such, Canada Post does not wish to impose any conditions.

Region of Peel – March 1, 2017

Comments: Regional Staff have no concerns with the Zoning By-law Amendment. All other comments pertaining to traffic, engineering, servicing etc. will be addressed through the Site Plan Application.

Toronto and Region Conservation Authority – May 17, 2017

Comments: No concerns with the Zoning By-law Amendment. The TRCA provided conditional approval for the site plan subject to the applicant addressing comments and obtaining a permit. These comments are in regards to Erosion and Sediment Control and are minor in nature.

City of Vaughan – April 10, 2017

Comments: No concerns with the amendment of the Zoning By-law. The applicant is working with the City of Vaughan through the Site Plan Application process as it pertains to the access along Albion Vaughan Road.

Ontario Power Generation

Comments: No comments received

Municipal Property Assessment Corp.

Comments: No comments received.

Ontario Provincial Police (Caledon Detachment)

Comments: No comments received.

GO Transit

Comments: No comments received.

TOWN OF CALEDON – DEPARTMENT COMMENTS

Community Services, Development Section, Urban Design – April 28, 2017

Comments: Urban Design staff has no further concerns with the proposed Zoning By-law Amendment and Site Plan Application. The revised Planning Justification Report addresses previous concerns regarding the shadow study.

Community Services, Open Space Design, Landscape – May 16, 2017

Comments: Open Space Design staff has no concerns with the proposed Zoning by-law Amendment. Revised plans are required illustrating sidewalk details as per Council Resolution, along Highway 50. The applicant is required to pay Cash-in-lieu of parkland dedication ('CIL') is a requirement of the site plan process. Staff are satisfied with the landscape cost estimate.

Corporate Services, Legislative Section, Accessibility – December 20, 2016

Comments: No concerns.

Corporate Services, Legal Services – April 25, 2017

Comments: No concerns.

Community Services, Building Services Section, Building – May 17, 2017

Comments: No concern with the proposed Zoning By-law Amendment. The proposed development will be reviewed under the Ontario Building Code through the review of the Building Permit application.

Community Services, Building Services Section, Signage – January 26, 2017

Comments: No concern with the proposed Zoning By-law Amendment. All signage requirements will be reviewed through the building permit application.

Community Services, Development Section, Engineering – May 12, 2017

Comments: Engineering staff has no concerns with the Zoning By-law Amendment. All other comments pertaining to the sidewalk details, revised cost estimates, site plan and grading plan are to be addressed through the site plan application.

Community Services, Fire and Emergency Services – May 18, 2017

Comments: No concern with the proposed Zoning By-law Amendment. The applicant is required to obtain a Municipal Number on Regional Road 50.

Finance and Infrastructure Services, Finance – May 16, 2017

Comments: This property is currently assessed as commercial land (\$890,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$2330. The property tax account as at May 16, 2017 is current.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-0 54, currently \$37.75/m². Any development would also be subject to Region of Peel development charges, currently \$205.51/m² and Education development charges, currently \$10.87/m² as per the respective development charge by-laws. The next development charge indexing will be August 1, 2017.

All development charges are payable prior to issuance of a building permit.

Finance and Infrastructure Services, Engineering Services – January 23, 2017

Comments: No concern with the proposed Zoning By-law Amendment.

Finance and Infrastructure Services, Transportation – January 18, 2017

Comments: No concerns.

Community Services, Policy and Sustainability Section, Heritage – May 12, 2017

Comments: The subject property has been removed from the Town's Heritage Register. The Town has received a letter from the Ministry of Tourism, Culture and Sport confirming that the Stage 2 Archaeological Re-assessment had been reviewed and is in compliance with provincial standards and guidelines. The Stage 3 work is to commence shortly and is required prior to soil disturbance and final Site Plan Approval and must be completed to the satisfaction of the Town and the Ministry of Tourism, Culture and Sport.

Community Services, Policy and Sustainability, Policy – July 13, 2016

Comments: No concerns.

Development Section, Zoning – May 16, 2017

Comments: No concerns.

Staff Report 2017-85

Meeting Date: Tuesday June 6, 2017

Subject: Proposed Official Plan and Zoning By-law Amendments, White Sova Holdings Inc., Part of Lot 25, Concession 1 EHS (Caledon), 20383 Hurontario Street (Ward 1), File No's.: POPA 16-01 & RZ 16-10

Submitted By: Brandon Ward, Senior Planner, Development, Community Services

RECOMMENDATION

That the By-law attached as Schedule 'C' to Staff Report 2017-85 be enacted to adopt Official Plan Amendment Number 248 to add a site-specific policy to the Rural Lands designation to permit a medical marijuana production facility on the subject lands; and

That the By-law attached as Schedule "D" to Staff Report 2017-85 be enacted to rezone the subject lands from Rural (A2) to Rural Exception 595 (A2-595) to permit a medical marijuana production facility in addition to the range of permitted uses in the Rural (A2) zone on the subject lands.

REPORT HIGHLIGHTS

- Applications to amend the Town's Official Plan (POPA 16-01) and Zoning By-law 2006-50 (RZ 16-10) were filed in 2016 by Glen Schnarr & Associates Inc. on behalf of White Sova Holdings Inc. (White Sova). The purpose of these applications is to permit the use of existing buildings on the property for a licensed medical marijuana production facility. The subject lands are located on the east side of Hurontario Street (Highway 10), south of Highpoint Sideroad.
- Production and distribution of medical marijuana is federally-regulated. Health Canada has created a new regulatory framework that has evolved from individualized production towards a licensing regime for larger-scale, commercial production subject to stringent requirements for production and security. The regulations do not elaborate on locational criteria beyond specific requirements for exclusive indoor production and outright prohibition on licensed production facilities from occurring within residential dwellings.
- Health Canada has noted that municipal laws and by-laws must be adhered-to through the licensing process for new medical marijuana production facilities (MMPF). Federal regulations require municipal authorities to be notified of any prospective new license applications or changes to existing licenses. This prompted the Town to review prospective MMPF's according to the new regulations and determine where such facilities would be best situated in the Town.
- The Town-wide review exercise concluded with an overall amendment to Zoning By-law 2006-50 to permit newly-defined MMPF's in Prestige Industrial and Serviced Industrial zone areas, subject to specific zone criteria. This was based

on a general understanding of how prospective facilities would operate pursuant to the federal regulations (i.e. exclusive requirements for indoor growth, production and distribution with associated security requirements) and resulting concerns for potential impacts associated with site security, air quality (i.e. emission odours), distribution traffic, noise and servicing requirements (i.e. water and electricity). This Town-wide review also recognized that there may be certain facility proposals in rural locations that could be feasible. This should be subject to a site-specific planning review process to best determine their appropriateness.

- The site-specific applications filed by White Sova were supported by a Hydrogeological Assessment and preliminary sewage system design which demonstrated that the proposed facility can be adequately serviced on the subject lands without adverse impacts to surrounding lands. These reports were reviewed by the Town's peer review consultant and found to be acceptable.
- The applications were circulated to internal departments and public agencies for review and comment and a public meeting was held on December 13, 2016. Revised submission documents were received on January 27, 2017 in response to the agency and department review comments as well as concerns expressed at the public meeting, all of which have been taken into consideration in reviewing these applications.
- The Official Plan Amendment proposes to add site-specific policies to the Rural Lands designation to permit the proposed use as an addition to the range of rural uses presently permitted for the subject lands. Similarly, the proposed Zoning By-law amendment proposes to rezone the subject lands to a Rural Exception 595 (A2-595) zone to permit an MMPF also in addition to the range of uses permitted within the Rural (A2) zone. The A2-595 zone also proposes a maximum floor area provision that reflects the current cumulative building footprint area on the site in order to restrict any future expansions. Detailed site design requirements, including site access, landscaping and exterior lighting will be reviewed and approved by the Town through the Site Plan Approval process.
- Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment attached as Schedules "C" and "D" respectively to this report conform to the Greenbelt Plan, are consistent with the 2014 Provincial Policy Statement and meet the general purpose and intent of the Region of Peel Official Plan and the Town of Caledon Official Plan.

DISCUSSION

The purpose of this report is to recommend enactment of the proposed Official Plan and Zoning By-law Amendments which will add site specific policies and provisions to the Official Plan and Zoning By-law respectively, to permit a medical marijuana production facility in addition to the range of rural uses currently permitted on the subject lands.

Subject Lands

The subject lands are municipally addressed as 20383 Hurontario Street and are legally described as Part of Lot 25, Concession 1 E.H.S. (Caledon). They are located on the

east side of Hurontario Street and south of Highpoint Sideroad. The lands are approximately 6.07 hectares (15) acres in area and are currently used for a horticultural nursery operation, including a 303 square-metre (3,260 square-foot) detached office building and a 1,486 square-metre (16,000 square-foot) storage building. A portion of the site surrounding the existing buildings is a gravel-surface area for staff parking as well as storage and equipment maneuvering associated with the operation. Outside of the parking and building areas, the site is heavily vegetated.

The lands surrounding the subject property consist of predominantly rural and agricultural land uses. The lands to the north are currently vacant with a woodlot as well as rural residential uses on Highpoint Sideroad. Lands to the east, west and south are currently used for agricultural purposes (see Schedule “A” – Location Map, attached).

Background

The production and distribution of medical marijuana is federally regulated under the *Controlled Drugs and Substances Act*. The federal government recently overhauled its medical marijuana regulations and introduced the “Marihuana for Medical Purposes Regulations” (MMPR) in July of 2013. Prior to that time, individuals with appropriate authorization from Health Canada could cultivate their own supply of medical marijuana or designate someone else to do the same on their behalf under the former “Medical Marihuana Access Regulations” (MMAR). The new MMPR were enacted to address challenges with the former regulations and represented a shift to a more heavily-regulated licensing regime intended for larger-scale commercial production. Key to the MMPR were new requirements to notify local authorities regarding new license applications as well as additional restrictions for indoor production, security requirements and an outright prohibition of production within a dwelling unit.

The MMPR were silent on additional location criteria and Health Canada gave clear direction that all provincial and municipal regulations, laws and by-laws must be adhered-to through this new licensing process. This prompted the Town to examine how federally-licensed medical marijuana production facilities would fit within its current land use planning documents and where such prospective new facilities would be best situated. The review consisted of three (3) staff reports to Council on the subject matter, beginning in September of 2013 with an initial report (DP-2013-110) that provided a background review of the federal regulatory regime and the recent changes. This was followed by subsequent recommendation reports in April (DP-2014-034) and August (DP-2014-082) of 2014 which recommended that based on the collective nature of MMPF operations requiring cultivation, processing, testing, packaging and distribution activities to occur strictly indoors and under stringent security and production requirements, prospective licensed production facilities would be best situated within industrial areas of the Town, where adequate services (i.e. water, sanitary, road infrastructure, emergency services, etc.) would be available and compatibility matters would be most appropriately addressed. Staff recommended that Zoning By-law 2006-50 be amended on a Town-wide basis to permit newly-defined medical marijuana production facilities within Prestige Industrial and Serviced Industrial zones, subject to specific criteria outlined in the By-law.

As part of the review, staff acknowledged that this recommendation was based on a general understanding of how prospective facilities would operate in conjunction with the new federal regulatory regime. It was recognized that there may be certain locations

outside of industrial areas where a specific facility, depending on its characteristics, may be appropriate. The appropriateness of such circumstances would be best determined through a planning application process that allows the Town to review the servicing requirements and land use compatibility of a prospective facility, in conjunction with public consultation.

Proposed Development

The applicant, White Sova Holdings Inc. (“White Sova”) submitted Official Plan and Zoning By-law Amendment applications in August of 2016 in support of the proposed use. The applications were deemed complete on September 1, 2016.

White Sova is proposing redevelop the subject lands to operate a licensed Medical Marijuana Production Facility (MMPF). This proposal involves a conversion of the existing storage building for the production facility which would consist of the growing, processing, packaging, storage and distribution components of the operation. The existing detached portable office building would be maintained and retrofitted for administrative and security office facilities.

The purpose of the Official Plan and Zoning By-law amendment applications are to facilitate the proposed use on the property. The Official Plan Amendment proposes to redesignate the property to a site-specific Rural Lands designation with specific policies that would permit a licensed MMPF on the property as an addition to the range of rural land uses currently permitted by this designation. Similarly, the Zoning By-law amendment proposes to rezone the subject property to a site-specific Rural Exception 595 (A2-595) zone to permit the proposed MMPF in addition to the range of uses already permitted by the current Rural (A2) zoning of the property. The proposed A2-595 zone also includes site-specific standards to limit the extent of the use to the existing buildings on-site in order to restrict any future expansion of the facility.

An application for Site Plan Approval will also be required to permit the proposed development. This application will regulate the exterior site elements, including perimeter fencing and site lighting in conjunction with the Federal requirements discussed in the following sections, as well as landscaping, site-servicing and access requirements.

Town Review

The proposed facility would be licensed and regulated by Health Canada pursuant to the Access to Cannabis for Medical Purposes Regulations (ACMPR), which have very recently been introduced by Health Canada to repeal the recently-enacted Marihuana for Medical Purposes Regulations (MMPR).

As part of staff’s review of Medical Marijuana Production Facilities with respect to the Town-initiated Zoning By-law amendment, matters with respect to water usage and treatment, traffic and air quality impacts associated with prospective facilities were carefully considered as part of this exercise. These matters have been specifically addressed for this proposed facility and are discussed as follows:

Security and Visual Impacts

The AMCPR prescribe detailed security requirements for licensed facility operations. Because of these measures, as well as requirements for indoor production within larger buildings, visual impacts associated with an MMPF proposing to locate in a rural area needs to be considered.

As noted previously, the proposed use involves a retrofit of existing buildings to accommodate the operation. No new buildings or substantial exterior site alteration is proposed. Many of the required security features involve surveillance, intrusion detection systems and barriers to prevent physical access internally within the facility. The application has demonstrated that exterior security features will consist of a perimeter fence and exterior lighting, much of which is already present with the existing buildings. The Site Plan Application process will provide further opportunity to ensure exterior features are visually appropriate for the site while recognizing their security purpose.

Traffic and Site Access

Due to the requirements for shipping and distribution of medical marijuana to occur only by secure courier, traffic activity anticipated for the proposed facility needs to be understood. The ACMPR require the facility to be staffed on a 24-hour basis to ensure facility security and to monitor production. The proposed facility will employ approximately 10 to 15 full-time staff members on the premises at any time. Courier activities for product distribution would be limited to typical daytime business delivery periods and there would be occasional deliveries of horticultural materials such as growing mediums, fertilizers, etc. The applicant has demonstrated that the anticipated traffic activity for the proposed facility will be comparable to what exists with the current horticultural nursery operation on the property.

The subject lands utilize an existing entrance onto Hurontario Street (Highway 10) and the proposed use is subject to review and approval by the Ministry of Transportation (MTO). MTO has reviewed the applications and advised that they have no objections to the proposed use, provided that the use is recognized under a rural zone category in order to preserve the permitted rural land uses on the property as opposed to a commercial or industrial zoning of the property. MTO has also advised of their permit requirements and entrance standards that are to be implemented through the required site plan approval process.

Air Quality and Noise Impacts

Because MMPF's have the potential to generate emissions, the ACMPR require production facilities to be equipped with ventilation systems that eliminate odour and/or pollen emissions. Furthermore, any destruction of waste by-product must not result in smoke or other emissions. The proposed facility will not include a waste destruction component but instead, waste will be temporarily stored in a secured compactor and periodically removed for off-site disposal.

The proposed facility is also to be furnished with individual HVAC systems equipped with certified HEPA filtration components to meet ACMPR requirements. The applicant

proposes that all HVAC systems will be installed at ground level adjacent to the north and south sides of the building as opposed to typical rooftop installation in an effort to minimize noise impacts on neighboring lands. The site plan approval process will provide an opportunity to ensure such required mechanical units are located on the site in this manner without adverse noise impacts.

Water Usage and Disposal

The requirements for indoor growth and production of medical marijuana require a reliable water supply and adequate means of wastewater disposal. An MMPF location in a rural location where municipal water and wastewater services are not available must therefore be evaluated for appropriate means of private water servicing.

To ensure that the proposal can be appropriately serviced without adverse impacts to domestic wells, groundwater and surface water features, the applicant conducted a hydrogeological assessment and a preliminary sewage treatment system design. A pumping test was conducted for the existing well on-site to determine its maximum output capability without adverse impacts to surrounding lands. The assessment also established an anticipated water demand of the facility, based on water requirements for greenhouse crop production as published by OMAFRA's Guide to Greenhouse Floriculture Production. The OMAFRA guidelines for crop water requirements can vary substantially depending on the plant species, size, humidity, temperature, ventilation, etc. For the purpose of the hydrogeological assessment, the highest demand was used as a conservative basis for predicting water demand for the facility. The anticipated water usage requirements for the facility also factored employee water usage pursuant to Ontario Building Code (OBC) requirements. The combined water demand was determined to fall well below the maximum output capability of the existing well on-site.

With respect to waste water treatment, the preliminary sewage system design recommended a new treatment system with capacity to accommodate the maximum water usage anticipated for the facility. The preliminary design concluded that the required treatment system can be implemented without adverse impacts to neighbouring domestic water wells. The detailed design of this facility is to be determined through the site plan and building permit application processes.

The above-noted documents were reviewed by the Region of Peel as well as a peer review consultant retained on behalf of the Town. The peer review consultant concurred with the methodology and recommendations provided in these documents and recommended additional monitoring and system design requirements to be implemented through the site plan approval process. The Region expressed no concerns with the approval of the Official Plan and Zoning By-law amendment applications and requires a monitoring and contingency plan also to be implemented through the site plan approval process.

Based on the foregoing, staff is of the opinion that potential impacts associated with water usage and disposal, traffic, air quality and visual impacts are satisfactorily mitigated by this proposal, or will be addressed through the Site Plan Approval process as appropriate.

Planning Review

Documents that have been considered by the Town in its review of the subject applications include the 2014 Provincial Policy Statement, 2005 Greenbelt Plan, Region of Peel Official Plan, the Town of Caledon Official Plan and Zoning By-law 2006-50, as amended. Supporting technical studies and reports as well as comments and recommendations provided by internal departments, external review agencies and the public also informed the review of these applications.

Provincial Policy Statement (PPS), 2014

The PPS states that rural areas will generally be the focus of resource activity, resource-based recreational activity and other rural land uses. The PPS also states that recreational, tourism and other economic opportunities should be promoted. Development that is compatible with the rural landscape and can be sustained by rural service levels should also be promoted (Policy 1.1.5.4).

Rural land uses are not defined in the PPS, but are interpreted to include uses that are compatible with the rural environment and can be supported by rural service levels pursuant to the above policy. The applications have demonstrated that the proposed facility will be compatible with the rural landscape as it involves an internal conversion of existing buildings on-site to facilitate the MMPF. Exterior site alteration to provide required security and access will consist of perimeter fencing and lighting which will be controlled through the site plan approval process. In addition, the applications have been supported by a Hydrogeological Assessment and a preliminary sewage treatment system design which have demonstrated that the facility can be adequately serviced by independent water supply and a new wastewater treatment system without negative impacts. This has been reviewed and found to be acceptable by the Town's peer review consultant.

PPS policies aim to promote opportunities that support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses (Policy 1.1.5.7). In particular, opportunities should be retained to locate new or expanding land uses that require separation from other uses (policy 1.1.5.5).

The applications indicate that the proposed facility will contribute to the diversification of the rural economy by introducing a new business enterprise that will employ up to a total of up to 15 staff members. The subject property location provides a degree of separation between the proposed facility and surrounding land uses which the applicant notes is a benefit for mitigating potential nuisances (i.e. security features, noise impacts from upgraded HVAC equipment, etc.) as well as providing a remote location that is beneficial from a security and seclusion standpoint.

After reviewing the material submitted with the application, staff is of the opinion that the Official Plan and Zoning By-law amendment applications are consistent with the 2014 PPS.

Greenbelt Plan

The subject lands are located within the Rural Area designation of the Protected Countryside Area of the Greenbelt Plan. Rural Areas are defined as *"lands outside of the settlement areas which are not prime agricultural areas and which are generally*

designated as rural and open space within municipal official plans". Rural areas of the Protected Countryside are intended to continue to accommodate a range of commercial, industrial and institutional uses serving the rural resource and agricultural sectors. They support and provide the primary locations for a range of recreational, tourism, institutional and resource-based commercial / industrial uses. Other uses may be permitted subject to additional evaluative criteria (Policy 3.1.4.4). Proposals for non-agricultural uses must demonstrate that:

- a) The use is appropriate for location in a rural area;
- b) The type of water and sewer servicing is appropriate for the type of use;
- c) There are no negative impacts on key natural heritage features and/or key hydrologic features or their functions; and
- d) There are no negative impacts on the biodiversity or connectivity of the Natural Heritage System.

The subject property is also subject to the Natural Heritage System overlay within the Greenbelt Plan. The Natural System policies are intended to protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively support biodiversity and overall ecological integrity (Policy 3.2). New development or site alteration with the Natural Heritage System must demonstrate specified criteria have been met (policy 3.2.2.3). For non-agricultural uses contemplated within the Natural Heritage System, applicants shall particularly demonstrate that no negative effects on key natural or hydrologic features will result, the disturbed area of the site does not exceed 25% of the total developable area and at least 30% of the total developable area of the site will remain or be returned to natural self-sustaining vegetation (policy 3.2.2.4).

Despite the extensive production activities associated with MMPF's and all of which must be conducted indoors, the core component of such facilities is the growing of cannabis plants which, in of itself, has been verified by OMAFRA to be an agricultural activity. This therefore merits further consideration for a prospective facility seeking a location in a rural area on a site-specific basis, which was acknowledged as part of the Town-wide review exercise for future MMPF's. Because the proposed facility involves a conversion of existing buildings with no new construction and minimal exterior site alteration, coupled with its separation from surrounding uses which assists in mitigating possible nuisance impacts, the proposal is appropriate for this rural location. The hydrologic features and functions of the lands have been analyzed in the Hydrogeological Assessment which determined that no negative impacts to these features will result from the proposal.

Approximately 50% of the subject property is comprised of natural vegetation and the current site configuration includes a large gravel-surface parking and maneuvering area. The proposed redevelopment of the site intends to restore a large portion of this gravel-surface area to self-sustaining natural vegetation which will account for approximately 20% of the total site area. Based on the foregoing analysis, staff is of the opinion that the Official Plan and Zoning By-law amendment applications conform to the Greenbelt Plan.

Region of Peel Official Plan

The subject lands are located within the Rural System designation and Natural Heritage System in the Region of Peel Official Plan.

The Region's Official Plan directs the Town to implement policies requiring applicants proposing non-agricultural uses within the natural heritage system to demonstrate certain criteria have been met, particularly that no negative impacts to such features will result, connectivity between key natural/hydrologic features will be maintained or enhanced and building area/site alteration is kept to a minimum. Rural System policies direct the Town to review development proposals in the rural area based on (among other criteria):

- The need and demand for the type and scale of the development proposed;
- The protection of the natural environment and resources;
- The impact on the existing rural character and landscape of the rural area;
- The potential impact on the character and heritage of the rural area;

As noted previously, the proposal consists of an internal conversion of existing buildings for the MMPF use. No new buildings are proposed which may compromise the existing rural character and landscape of the area. The Region has reviewed the applications with consideration to the above policies and advised that they have no concerns with approval of the proposed amendments.

Town of Caledon Official Plan

The subject lands are designated Rural Lands on the Land Use Plan Schedule 'A' to the Town of Caledon Official Plan and are also subject to the Natural Heritage System overlay on Schedule 'S'. Among the goals and objectives for Rural Lands are to protect the unique open rural character and viewsheds of the countryside landscape, to protect the unique rural lifestyle found in Caledon's countryside for the quality of life of the residents and to protect existing agricultural uses and encourage appropriate new agricultural uses (policy 5.2.3).

Permitted uses in the Rural Lands designation include those permitted in the Prime Agricultural Area and General Agricultural Area designations, being agricultural uses, on-farm diversified uses, agri-tourism uses, agricultural-related commercial or agricultural-related industrial uses and accessory residential uses to a farm operation (policy 5.2.4). The proposed Medical Marijuana Production Facility is not a permitted use within the Rural Lands designation. The Official Plan Amendment therefore proposes to add a site-specific policy to the permitted uses policies within the Rural Lands designation to permit the MMPF use on the subject property. The draft Official Plan Amendment (OPA 248) is attached to this report as Schedule "C".

Based on the analysis of the proposed facility provided in the foregoing sections of this report, staff is of the opinion that the proposed Official Plan and Zoning By-law amendments conform to the purpose and intent of the Rural Lands policies of the Official Plan.

Zoning By-Law 2006-50, as amended

Comprehensive Zoning By-law 2006-50, as amended, zones the subject property as Rural (A2) which permits agriculture, on-farm diversified uses, farm-based alcohol production, horticultural nursery, agriculturally-related commercial and agriculturally-related industrial uses, among others.

Medical Marijuana Production Facilities are subject to General Provisions found under Section 4 of the Zoning By-law which permit MMPF's within Prestige Industrial and Serviced Industrial zones, subject to additional criteria that:

- prohibits an MMPF from locating within 150m from a lot in a residential or institutional zone; a lot containing a school, day nursery, etc.;
- prohibits outdoor signage or advertising;
- prohibits accessory open storage
- restricts loading/delivery areas to the rear-yard or within the building; and
- requires site plan approval.

The proposed MMPF complies with all of the above noted General Provisions of Zoning By-law 2006-50, as amended. The proposed site-specific Zoning By-law amendment intends to rezone the subject lands to a Rural Exception 595 (A2-595) zone which permits a Medical Marijuana Production Facility in addition to the range of uses already permitted by the Rural (A2) zone. To restrict any future expansion of the existing facility, the A2-595 zone contains a site-specific provision that limits the total floor area for the MMPF to the combined floor area of all existing buildings on-site. Any future expansion proposal for this facility would require either a variance or amendment to the Zoning By-law and would involve a detailed review to consider possible resulting impacts.

The draft amending By-law is attached to this report as Schedule "D".

Agency/Department Consultation

The applications have been circulated to external agencies and internal departments for review and comment. All agencies and departments have expressed no concerns with the approval of the proposed amendments while some technical comments have been identified to be addressed through the Site Plan Approval process.

Public Meeting

A public meeting was held on the proposed Official Plan and Zoning By-law amendment applications at the Town of Caledon, Town Hall on Tuesday December 13, 2016. Notice of the Public Meeting was posted on the Town's website and advertised in the Caledon Enterprise on November 23, 2016. Pursuant to Council Resolution No. 2016-152, property owners within 750m (2,460 ft) of the subject lands were advised of the meeting by direct mail which extends beyond the 120 metre (400 ft.) notification area required by the *Planning Act*.

The purpose of the Public Meeting was to provide an opportunity for the applicant to present the proposed development to the public and members of Council and to respond to questions on the proposal. All matters raised at the meeting were addressed at the meeting and through the recent submission, which can be summarized in the following table:

Public Comment	Response
1. <i>Questions regarding the current use of the property and conformity with current zoning and whether the current use will continue if the proposed amendments are approved.</i>	The existing operation on the property is considered a Horticultural Nursery as per Zoning By-law 2006-50. An application for Site Plan Approval was submitted for this current use on the subject lands and approved in 2012.

Staff Report 2017-85

Public Comment	Response
	The applicant has advised that should the Official Plan and Zoning By-law amendments be approved, the current use will be relocated.
2. <i>Concerns with possible impacts to groundwater, domestic wells and farming operations in the area.</i>	As noted previously in this report, the applications were supported by a Hydrogeological Assessment and a preliminary sewage system design report. These documents concluded that the proposed facility can be serviced by the existing well and a new wastewater treatment system without negative impacts to groundwater or domestic wells in the area. These documents have been reviewed by the Town's peer review consultant as well as the Region of Peel and found to be acceptable.
3. <i>Concerns regarding emergency response capabilities to the proposed facility.</i>	The applications have been circulated to Fire and Emergency Services as well as the OPP Caledon Detachment, neither of which expressed any concerns with the proposal regarding emergency response.
4. <i>Concerns regarding potential odour generated by the production facility and questions about how waste product will be handled</i>	<p>As noted previously in this report, the federal ACMPR require licenced production facilities to be equipped with ventilation and filtration systems that prevent odour and pollen emissions. In addition, the regulations require that any destruction activities do not result in smoke emissions.</p> <p>The applicant has indicated that the proposed facility will include HVAC systems equipped with advanced HEPA filtration components that meet federal requirements. In addition, the applicant has advised that the proposed operation will not contain waste destruction facilities and waste will be temporarily stored and shipped off-site for disposal.</p>
5. <i>Questions regarding the applicant's concurrent licence application status with Health Canada.</i>	<p>The applicant has filed their application for a licence to Health Canada pursuant to the regulatory requirements on December 16, 2013. The Town has also been notified of this application in accordance with these requirements. In response to this notice, the Town advised the applicant that their proposed is not a permitted use on the property in accordance with the Zoning By-law.</p> <p>Health Canada requires that a potential facility be constructed and inspected for ACMPR compliance in order for the licence to be issued. The applicant must obtain all required building permits from the Town to retrofit the existing buildings for the proposed use. Building Permit issuance requires zoning approval to be in full force and effect.</p>

Public Comment	Response
6. <i>Concerns regarding traffic impacts and activity of the proposed facility</i>	<p>Information provided in support of the applications notes that medical marijuana produced at the proposed facility will be distributed via secured courier pursuant to Federal regulations. Courier activity is anticipated to occur during normal business hours and the extent of shipping activity will be limited by the relatively small size of the production facility, in comparison to other licensed facilities reviewed by the Town. In addition, the application notes that occasional deliveries of materials for the growing and production process may occur monthly.</p> <p>The MTO has reviewed the applications with respect to traffic impacts and access considerations and has advised that they have no concerns with the proposed use, provided that the implementing By-law permits only the proposed use, in addition to other permitted rural land uses.</p>

FINANCIAL IMPLICATIONS

The subject property is currently assessed as commercial land (\$1,884,150 CVA) and residential land (\$2,600 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$6,637. The property tax account as at May 24, 2017 is current.

If the development were to proceed as proposed the taxable assessment value of the property would change to reflect the development that occurs. Municipal Property Assessment Corporation (MPAC) classifies Marijuana production facilities as industrial.

Any future development would be subject to Town of Caledon development charges, at non-residential – industrial rates, currently 37.75/m², as per By-law No. 2014-054. Any development would also be subject to Region of Peel development charges, currently \$137.89/m², and Education development charges, currently \$10.87/m² as per the respective development charge by-laws.

Development charges will be indexed next on August 1, 2017.

All development charges are payable prior to issuance of a building permit.

COUNCIL WORK PLAN

The recommendation included in this Report is related to the following goals identified in the 2015-2018 Council Work Plan:

- Growth – To plan for complete communities as required under growth plan.
- Protection of Rural Environment – To enhance and protect the rural environment.

ATTACHMENTS

Schedule A – Location Map

Schedule B – Comment Sheet

Schedule C – Draft Official Plan Amendment No. 248

Schedule D – Draft Zoning By-law Amendment



Location Map & Notification Area
 Official Plan Amendment &
 Zoning By-law Amendment Application
 POPA 16-01 & RZ 16-10
White Sova Holdings Inc.

20383 Hurontario Street

Part Lot 23, Concession 1 EHS
 RP 43R1177 PARTS 8 and 9

NOTIFICATION MAP



Date: May 30, 2017

File No.: POPA 16-01 & RZ 16-10

MEETING COMMENT SHEET

Committee of the Whole (PD) Date: June 6, 2017

Public Meeting Date: December 13, 2016

Prepared: May 30, 2017

Lead Planner: Brandon Ward

Ext. 4283

**Official Plan and Zoning By-law Amendment Applications
White Sova Holdings Inc.: Proposed Medical Marijuana Production Facility
Part Lot 26, Concession 6 EHS (Chinguacousy)
20383 Hurontario Street
East side of Hurontario Street, south of Highpoint Sideroad
File Numbers: POPA 16-01 & RZ 16-10**

The following comments were received regarding the above-noted files.

EXTERNAL AGENCY COMMENTS

Credit Valley Conservation (CVC) – November 17, 2016

Comments: CVC has no comment on these applications and is deferring review to the Town as the subject lands are outside of CVC's Regulated Area.

Dufferin-Peel Catholic District School Board – September 12, 2016

Comments: The Dufferin-Peel Catholic District School Board has reviewed the above-noted application and since the proposed development is for a licensed Medical Marijuana Production Facility and no students are anticipated from this development.

The proposed site also exceeds the minimum 150m distance to a school site and therefore the Board has no comments or objection to the further processing of this application.

Enbridge Gas Distribution – September 12, 2016

Comments: No objection to the proposed applications.

Hydro One Networks

Comments: No comments received.

Ministry of Transportation (MTO) – September 19, 2016 and May 15, 2017

Comments: The MTO has no objection to the proposed use (growing facility) provided that this use can be recognized as an agricultural use and be recognized under an agricultural zoning. The MTO will not permit a commercial or industrial zoning (mixed use zoning) of this property.

The existing entrance to the site does not comply with the current standard. MTO is working with the property owner to bring this entrance into compliance.

In general, the Ministry has no objection to the proposed amendments. However it should be noted that the existing entrance will require review and approval to the satisfaction of the Ministry.

The subject land is adjacent to the Ministry's Highway 10 corridor, which therefore falls within the Ministry's permit control area:

- MTO Building and Land Use permits are required prior to any grading/construction activity within 45m of the Highway 10 right-of-way (ROW) limits, or within 395m radius of the intersection centrepont of Highway 10 and Highpoint Sideroad.
- All above and below-ground structures (including but not limited to, fire routes, stormwater management facilities and servicing/utilities and required parking areas) must be setback a minimum of 14m from all MTO right-of-way limits. However for the proposed septic tank, the minimum setback requirement is 8m and the septic bed could be placed a minimum 3m from the ministry's ROW.
- Any proposed exterior lighting will be subject to MTO review to verify the amount of acceptable light trespass on the Highway ROW

Should the OPA and ZBL Amendment be approved, the subsequent application for Site Plan Approval with all supporting documents required by the MTO shall be circulated to the Ministry for review and approval.

Ontario Provincial Police

Comments: No comments received.

Peel District School Board

Comments: No comments received.

Region of Peel – May 29, 2017

Comments: Region of Peel staff have received comments from the Risk Management Official for Source Water Protection in Orangeville and therefore have no objection to the Official Plan and Zoning By-law amendment applications.

Please be advised that prior to recommending site plan approval, an updated Hydrogeological Report must be prepared which will include a monitoring plan and a contingency plan for the proposed project. Regional staff are reviewing Ministry of Environment and Climate Change (MOECC) Water Well Record (WWRs) information for all domestic wells within 500 meters surrounding the subject property, and comments will be provided under separate cover prior to site plan approval.

Rogers Communications

Comments: No comments received.

Town of Orangeville – Source Protection Office, Risk Management Official – May 26, 2017

Comments: Based on the information provided, it appears the subject property is outside the source protection vulnerable areas associated with Orangeville's municipal wells. As such, we do not have any concerns with the proposed use in terms of compliance with the Clean Water Act.

TOWN OF CALEDON – DEPARTMENT COMMENTS

Hydrogeology Peer Review Consultant - May 15, 2017 and May 30, 2017

Comments: Azimuth Environmental Consulting, Inc. (Azimuth) has been retained by the Town of Caledon to conduct a peer review of the hydrogeological assessment and the

preliminary sewage design concepts completed for the property located at 20383 Hurontario Street in Caledon, Ontario (the "Site"). These reports were prepared on behalf of White Sova Holdings Inc. for the purposes for re-developing the existing buildings into a medical marijuana production facility.

The scope of work included a review of the following documents as it pertains to water supply and wastewater and the potential for ground water impacts from the proposed development concepts.

- R.J. Burnside & Associated Limited, Hydrogeological Assessment Proposed Medujuana Facility, White Sova Holdings Inc., 20383 Hurontario Street, Caledon ON, L7K 1X6. July 2016; and
- Letter Report, Preliminary Sewage System Sizing for 20383 Hurontario Street Caledon Ontario, White Sova Holdings. July 2016.

Additional information regarding water and sewage demand was provided by Burnside in addendum letters dated January 19, 2017. Additional response letters dated May 25th and May 29th, 2017 were also provided to outline subsequent water pump-testing performed on-site and to respond to previous review comments.

In general, the methodology used for the hydrogeological assessment and the preliminary sewage evaluation demonstrates feasibility of the proposed development. Previous comments have been addressed by the additional work and/or supplementary information provided and any remaining items will be addressed through the detailed design stage of the development.

The additional information provided to evaluate water and sewage demand is sufficient. Azimuth agrees with Burnside's approach to monitoring water demand and sewage flows to confirm their assumptions. Azimuth also agrees with Burnside's approach to implementing a contingency plan for additional water supply and/ or treatment.

Azimuth agrees that tertiary treatment is a recommended requirement under the current development plan. The disposal bed sizing information is appropriate to demonstrate general feasibility however more detailed design information should be provided on the selection of the treatment technology, effluent limits, and sizing of the treatment unit components. Azimuth suggests this be completed as part of the site approval process.

The use of advanced treatment is sufficient to protect ground water resources and meets the applicable MOECC Guidelines for small sewage systems (<10,000Lpd). Impacts to the nearby coldwater tributary to the north with respect to phosphorus loadings should be evaluated to confirm the need for phosphorus treatment. Azimuth suggests this be completed as part of the site approval process.

Community Services, Building Services – October 27, 2016

Comments: No concerns.

Finance and Infrastructure Services, Finance – May 24, 2017

Comments: The subject property is currently assessed as commercial land (\$1,884,150 CVA) and residential land (\$2,600 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$6,637. The property tax account as at May 24, 2017 is current.

If the development were to proceed as proposed the taxable assessment value of the property would change to reflect the development that occurs.

Any future development would be subject to Town of Caledon development charges, at non-residential – industrial, currently 37.75/m², as per By-law No. 2014-054. Any development would also be subject to Region of Peel development charges, currently \$137.89/m², and Education development charges, currently \$10.87/m² as per the respective development charge by-laws.

Development charges will be indexed next on August 1, 2017.

All development charges are payable prior to issuance of a building permit.

Community Services, Planning and Development – Engineering – October 17, 2016

Comments: Development Engineering has reviewed the applications and has no further comments. As most renovations being proposed to accommodate the new use will occur within the existing buildings and there are no new buildings proposed with no expansion to the existing parking areas, minimal impact is expected for both quantity and quality stormwater control. All access issues will need to be reviewed and approved by the MTO.

Community Services, Open Space Design – September 29, 2016

Comments: No concerns.

Community Services, Planning and Development - Urban Design – September 27, 2016

Comments: No concerns.

Community Services, Fire and Emergency Services Department – September 29, 2016

Comments: As part of the Site Plan Application, adequate water supply shall be provided in accordance with the Ontario Building Code section 3.2.5.7 and shall be located within 90 m of a non sprinkler-protected building or 45m from the fire department connection.

The Fire Department access route must be provided in accordance with the Ontario Building Code section 3.2.5.6.

Corporate Services, Legislative Services (Accessibility) – September 27, 2016

Comments: Technical comments have been provided which are to be addressed at the future Site Plan Application stage. These include requirements for barrier-free entrance provisions, exterior lighting and accessible parking spaces.

Corporate Services, Legal Services (Planning Law) – September 8, 2016

Comments: No concerns.

Community Services, Policy and Sustainability Section, Heritage

Comments: No comments received.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2017- ____

A By-law to adopt Amendment No. 248 to the Official Plan for the Town of Caledon

WHEREAS the Council of the Corporation of the Town of Caledon, in accordance with the provisions of the *Planning Act*, R.S.O. 1990, as amended, HEREBY ENACTS AS FOLLOWS:

- 1. Amendment No. 248 to the Official Plan for the Town of Caledon Planning Area shall be and is hereby adopted.

Enacted by the Town of Caledon Council this 20th day of June, 2017

Allan Thompson, Mayor

Carey deGorter, Clerk

DRAFT

AMENDMENT NO. 248
TO THE OFFICIAL PLAN FOR
THE TOWN OF CALEDON PLANNING AREA

DRAFT

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. 248 of the Town of Caledon Official Plan.

DRAFT

AMENDMENT NO. 248

OF THE TOWN OF CALEDON OFFICIAL PLAN

PART A - THE PREAMBLE

Purpose of the Amendment:

The purpose of this Amendment is to add a site-specific policy to the Permitted Uses policies within the Rural Lands designation to permit a medical marijuana production facility.

Location:

The lands subject to this Amendment, are indicated on the attached Schedule "A", and are located on Part of Lot 25, Concession 1, EHS, (Caledon), designated as Parts 8 and 9 on Plan 43R-21177, Town of Caledon, Regional Municipality of Peel. The property is municipally known as 20383 Hurontario Street and is located on the east side of Hurontario Street, south of Highpoint Sideroad.

Basis:

The basis for this Amendment is contained in Staff Report 2017-85, as adopted by Council on June 20, 2017. The applicant, Glen Schnarr & Associates Inc. on behalf of White Sova Holdings Inc. has submitted an application to amend the Town of Caledon Official Plan to permit a medical marijuana production facility on the subject property.

The subject lands are designated Rural Lands on Schedule "A" Town of Caledon Land Use Plan within the Town of Caledon Official Plan. The Rural Lands designation permits agricultural uses, on-farm diversified uses, agri-tourism uses, agricultural-related commercial or agricultural-related industrial uses and accessory residential uses to a farm operation as well as limited institutional uses. Rural economic development uses and intensive recreation uses may also be permitted in the Rural Lands designation subject to an amendment to the Plan. The applicant is proposing to amend the Official Plan to add a site specific policy to the Rural Lands designation to permit a medical marijuana production facility on the subject property, in addition to the range of uses permitted by the Rural Lands designation.

Planning staff has reviewed this application and is of the opinion that the amendment is consistent with the Provincial Policy Statement, 2014 and meets the policies of the Greenbelt Plan, the Region of Peel Official Plan and Town of Caledon Official Plan.

PART B - THE AMENDMENT

This part of the document, entitled "Part B - The Amendment", and consisting of the following text and Schedule 'A' constitutes Amendment No. 248 of the Town of Caledon Official Plan.

Details of the Amendment

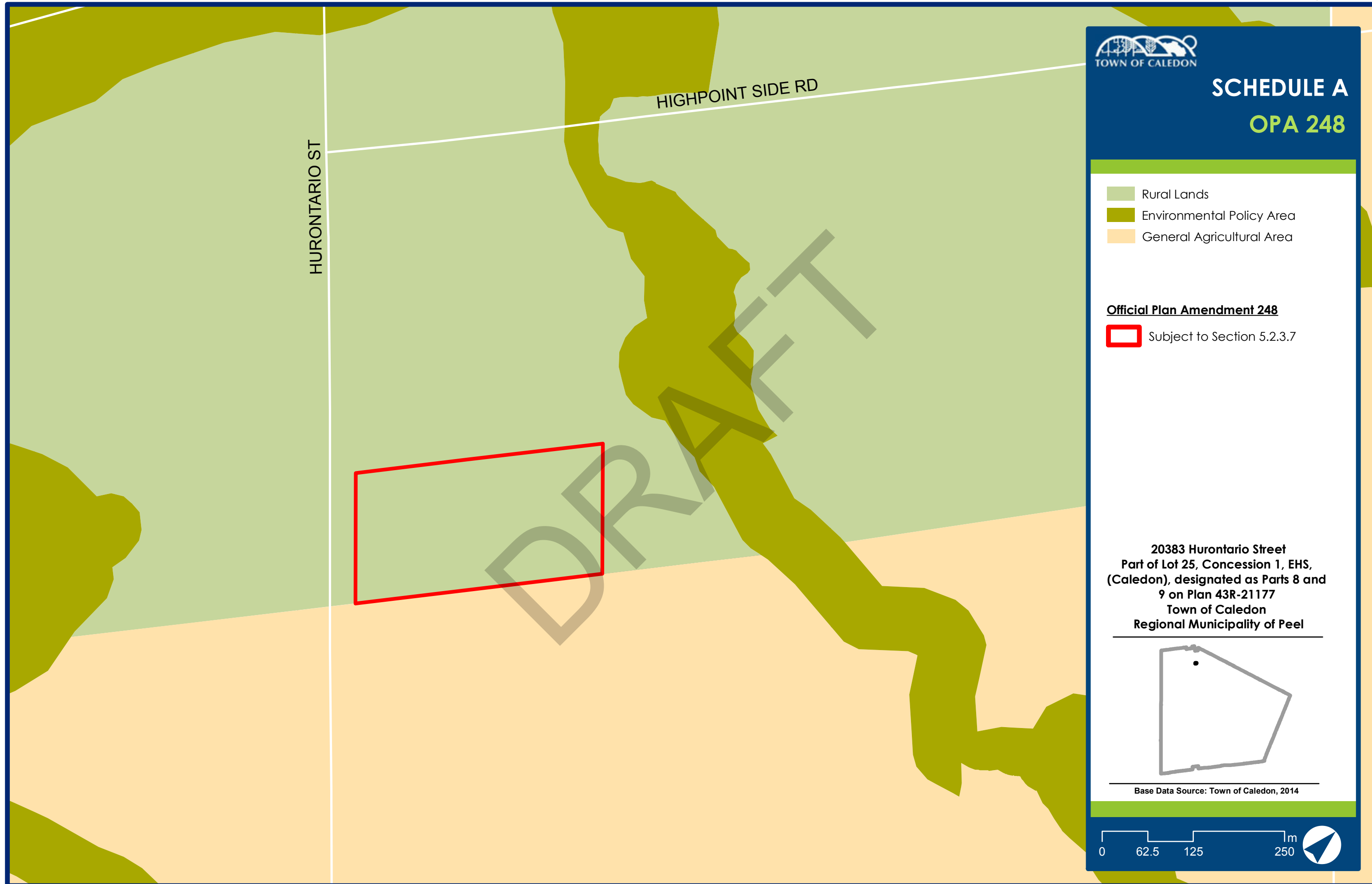
The Town of Caledon Official Plan is amended as follows:

1. Section 5.2.3 is amended by adding the following subsection 5.2.3.7:

5.2.3.7: Notwithstanding the permitted uses in the Rural Lands designation, a medical marijuana production facility shall be an additional use permitted on the lands legally described as Part of Lot 25, Concession 1, EHS, (Caledon), designated as Parts 8 and 9 on Plan 43R-21177, Town of Caledon, Regional Municipality of Peel.
2. "Schedule A" Town of Caledon Land Use Plan of the Town of Caledon Official Plan shall be amended for the lands described as Part of Lot 25, Concession 1, EHS, (Caledon), designated as Parts 8 and 9 on Plan 43R-21177, Town of Caledon, Regional Municipality of Peel, in accordance with Schedule "A" attached hereto.

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

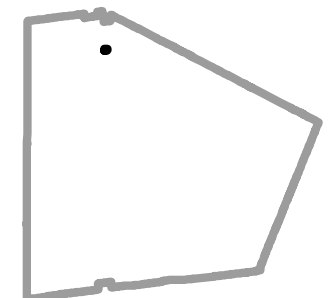
OPA 248

-  Rural Lands
-  Environmental Policy Area
-  General Agricultural Area

Official Plan Amendment 248

-  Subject to Section 5.2.3.7

20383 Hurontario Street
Part of Lot 25, Concession 1, EHS,
(Caledon), designated as Parts 8 and
9 on Plan 43R-21177
Town of Caledon
Regional Municipality of Peel



Base Data Source: Town of Caledon, 2014



THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2017-_____

A by-law to amend Comprehensive Zoning By-law 2006-50, as amended, with respect to Part of Lot 25, Concession 1, EHS, (Caledon), designated as Parts 8 and 9 on Plan 43R-21177, Town of Caledon, Regional Municipality of Peel, municipally known as 20383 Hurontario Street

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 the Council of The Corporation of the Town of Caledon deems it expedient to pass a zoning by-law to amend the permitted uses and standards that apply to Part of Lot 25, Concession 1, EHS, (Caledon), designated as Parts 8 and 9 on Plan 43R-21177, Town of Caledon, Regional Municipality of Peel, to permit a Medical Marihuana Production Facility;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

General

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 13.1 - Exceptions:

Zone Prefix	Exception Number	Permitted Uses	Special Standards
A2	595 (By-law 2017-XXX)	<div><div></div><div><div>- Agriculture-related Commercial Use</div><div>- Agriculture-related Industrial Use</div><div>- Agri-Tourism Use</div><div>- Apartment, Accessory</div><div>- Dwelling, Detached</div><div>- Farm</div><div>- Farm-based Alcohol Production Facility</div><div>- Farm Equipment Storage Building</div><div>- Farm Produce Outlet, Accessory</div><div>- Gasoline Pump Island, Accessory</div><div>- Home Occupation</div><div>- Livestock Facility</div><div>- Medical Marihuana Production Facility</div><div>- Nursery, Horticultural</div><div>- On Farm Diversified Use</div><div>- Open Storage, Accessory</div><div>- Produce Storage Building</div></div></div>	<div><div>Gross Floor Area (maximum)</div><div>Medical Marihuana Production Facility1,715m²</div><div>Landscaping Area (minimum)50%</div></div>

2. Schedule “A”, Zone Map No. 80 of By-law 2006-50, as amended, is further amended for Part of Lot 25, Concession 1, EHS, (Caledon), designated as Parts 8 and 9 on Plan 43R-21177, Town of Caledon, Regional Municipality of Peel, from Rural (A2) to Rural Exception 595 (A2-595) in accordance with Schedule “A” attached hereto.

Enacted by the Town of Caledon Council this 20th day of June, 2017

Allan Thompson, Mayor


Carey deGorter, Clerk

DRAFT

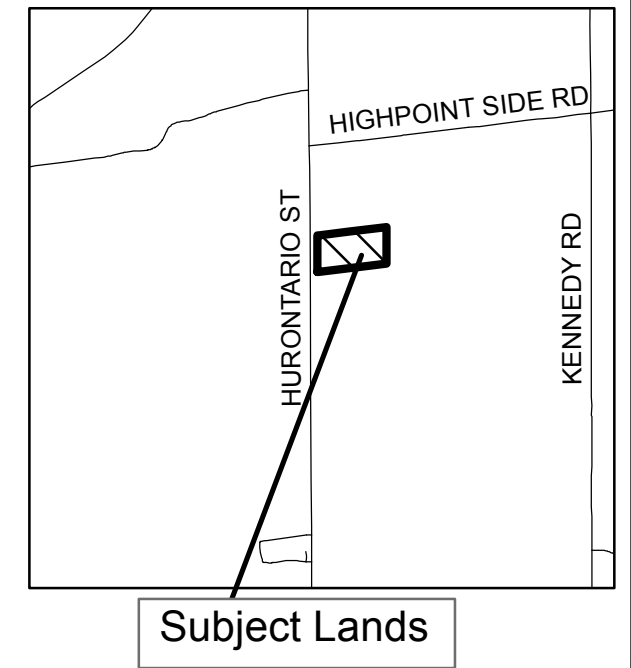
Schedule A By-law 2017-XXX

20383 Hurontario Street
Part of Lot 25, Concession 1, EHS,
(Caledon), designated as Parts 8
and 9 on Plan 43R-21177
Town of Caledon,
Regional Municipality of Peel

Legend

 Subject lands to be rezoned to
Rural Exception 595 (A2-595)

Key Map



Date: May 29, 2017

File: RZ 16-10

HURONTARIO ST

A2-595



Staff Report 2017- 48

Meeting Date: Tuesday, June 6, 2017

Subject: Proposed Temporary Use By-law, Tarpa Construction, Part of Lot 1, Concession 4 (ALB), as in RO474921 described as 7904 Mayfield Road (Ward 4)

Submitted By: Melissa Mohr, Community Planner, Development, Community Services

RECOMMENDATION

That the By-law attached as Schedule 'B' to Staff Report 2017-48 be enacted to rezone the lands from the Agricultural (A1) and Environmental Policy Area (EPA2) Zone to the Agricultural-Temporary X (A1-TX) Zone, Environmental Policy Area 2 (EPA2) Zone and (EPA1) zone to permit a commercial nursery on site for a temporary time period of three (3) years.

REPORT HIGHLIGHTS

- Zoning By-law Amendment Application RZ 12-08 for a Temporary Use By-law was received and deemed complete on June 18, 2012.
- The applicant has proposed a zoning by-law amendment to temporarily permit a horticultural nursey with the commercial sale of items grown on site and associated products for a three (3) year time period.
- Public meetings were held on August 8, 2012 and February 25, 2015. No members of the public raised concerns or objections during the public meetings.
- The applicant submitted the required site plan application in 2015 in response to technical comments related to the application.
- Revised submissions of the application were made between 2015-2017 in response to agency and department comments related to both the Temporary Use By-law and Site Plan.
- The proposed Temporary Use By-law permits a commercial nursery subject to site specific restrictions and permissions.
- Staff is of the opinion that the proposed Temporary Use By-law attached as schedule 'B' to this report is consistent with the 2014 Provincial Policy Statement and Places to Grow Growth Plan for the Greater Golden Horseshoe and meets the general purpose and intent of the Regional Official Plan and the Town of Caledon Official Plan.

DISCUSSION

The purpose of this report is to provide a planning rationale in support of staff's recommendation for the enactment of proposed Temporary Use By-law which will permit a commercial nursery to permit the sale of products grown on site and accessory products related to the nursery on the property for a period of three years.

Subject Lands

The subject lands are described as Part of Lot 1, Concession 4 (ALB) and are known locally as 7904 Mayfield Road. The subject lands are located on the north side of Mayfield Road, west of Humber Station Road. (See Schedule A – Location map, attached).

The property currently has one dwelling and three barns and an accessory shed on site and currently rented to a farmer who lives in the dwelling and uses the barns for the boarding of horses and storage of hay. The remainder of the land comprises of tall grasses and brush.

Background

The applicant submitted the Temporary Use By-law on June 18, 2012 to permit a commercial nursery (e.g. trees, shrubs, soil, seeds etc.) on the property for a period of three (3) years.

Proposed Development

The purpose of the proposed Temporary Use By-law is to permit a commercial nursery on a portion of the property for a three (3) year period. The subject property contains an agricultural operation that contains barns and an associated detached dwelling and residential amenity area. The applicant has proposed to dedicate 6465 square metres in addition to the existing agricultural use onsite to the growing of horticultural crops. The crops include but are not limited to flowers, shrubs etc. The applicant has proposed to sell these materials and associated materials (e.g. soils, garden tools, etc.) and has proposed 7252 square metres for the accessory open storage/accessory sales and display area. The applicant has proposed a 1043 square metres delivery and pick up area in order for customers to pick up products. In addition a 42.4 square metre removable sales trailer has been proposed onsite for the sale of products and as the business' office. The total area is shown in the table below:

<u>Item:</u>	<u>Percentage of land dedicated to use:</u>
Agricultural uses (existing uses onsite and horticultural nursery)	40.26%
Commercial and Industrial Component	23.94%
Remaining Parking Areas and Landscaping	35.80%
<u>Total:</u>	100%

MDS

The applicant has provided MDS 1 calculations in support of the proposed Type A land use for the Temporary Use By-law application. Through the review of MDS 1 there are four or more residential properties that are in proximity to the subject lands than the existing livestock and manure storage facilities. Therefore MDS 1 is not applicable and the development proposal complies with MDS 1 formula. In addition, there are farms to

the south (City of Brampton) however these farms are located within a settlement boundary.

GTA West

The subject lands are located in the GTA West study corridor area. The Ministry of Transportation has been circulated this application and they state that due to the temporary nature of the proposal, they have no concerns with the application.

Planning Review

Documents that have been considered by the Town in its review of the subject application include the 2014 Provincial Policy Statement, 2006 Places to Grow Growth Plan for the Greater Golden Horseshoe, Region of Peel Official Plan, Town of Caledon Official Plan and Zoning By-law 2006-50, as amended. Supporting technical studies and reports as well as comments and recommendations from internal staff, external agencies and the general public have also informed the review of the application.

Provincial Policy Statement (PPS), 2014

The Provincial Policy Statement, 2014 is a policy document that directs municipalities to protect and support natural features including prime agricultural areas for the long term. Uses permitted within the Prime Agricultural Area are agricultural uses, agricultural related uses and on-farm diversified uses. A horticultural nursery and the growing of horticultural crops are permitted within the Prime Agricultural Area. The sale of the horticultural crops from the site is permitted as an agricultural related use. Staff is of the opinion that the proposed Temporary Use By-law is consistent with Provincial Policy Statement, 2014.

Places to Grow Growth Plan for the Greater Golden Horseshoe

The Places to Grow Growth Plan for the Greater Golden Horseshoe directs municipalities within the Greater Golden Horseshoe where and how development and intensification should occur. In addition the Plan establishes policies for the protection of prime agricultural lands and directs municipalities to work with the agricultural community to develop opportunities for growth and enhancement of the agricultural area. Through the addition of the sale of horticultural crops on site, the added use creates an opportunity for the agricultural operation to grow.

It is staff's opinion that the proposed Temporary Use By-law is consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Region of Peel Official Plan

The subject property is located in the Prime Agricultural Area designated Rural System on Schedule 'D' Regional Structure in the Region of Peel Official Plan. Key policies within the Region of Peel Official Plan include the protection of the prime agricultural area for agricultural land uses. Uses permitted in the Prime Agricultural Area of the Rural System include agricultural uses, secondary uses and agricultural-related uses.

Agricultural-related uses include farm related commercial and industrial uses that are small scale and directly related to the farm operation. The Region of Peel has reviewed the development proposal and has no concerns with the application. It is staff's opinion that the sale of the horticultural products onsite is directly related to the horticultural nursery operation and the proposed Temporary Use By-law is in conformity with the Region of Peel Official Plan.

Town of Caledon Official Plan

The subject property is designated Prime Agricultural Area on Schedule 'A', Town of Caledon Land Use Plan in the Town of Caledon Official Plan. Uses permitted in the Prime Agricultural Area include agricultural uses, agriculture-related commercial and agriculture-related industrial uses and a single detached dwelling among others.

In order to permit the temporary use, the requirements of Section 6.2.13 must be met. Section 6.2.13 of the Official Plan permits Council to pass Temporary Use By-laws for periods up to three (3) years on a site subject to the proposed use meeting specific conditions. The conditions include consideration as to whether the use is compatible with the neighbouring land use activities; whether adequate parking is provided, that no adverse impacts on traffic will be created, that the use does not facilitate the construction of a permanent building or structure, that the use is not permanent or difficult to terminate and that adverse environmental impacts are avoided, minimized or mitigated.

Compatibility:

The applicant has proposed to grow horticultural products on site. The Temporary Use By-law is required due to the sale of the horticultural crops sold from the site as well as accessory products such as soil and seeds proposed for sale on site. Many properties in the area are used for cash crop farming and the surrounding land uses include agricultural and associated residential properties. Considering the owner intends to continue to rent the existing house and barns to a farmer who will board horses and has also proposed to grow and sell the nursery products from the site, staff is of the opinion that the proposed use is compatible with the surrounding land uses.

Parking:

Through the zoning review, Town staff has reviewed the parking requirements for the development proposal and have determined that the proposed parking complies with the Zoning By-law requirements.

Traffic:

A Traffic Impact Study was prepared in support of the application and determined that the use is supportable from a traffic perspective. The property has frontage and access from Mayfield Road which is a Region of Peel road access. The Region of Peel has requested an access agreement to restrict right in/right out access to the site and to obtain the road dedication associated with the site plan application.

Temporary Nature of the Operation:

The applicant has proposed one building associated with the commercial nursery. The building is a 42.4 square metre sales trailer that is not a permanent building. The applicants have proposed a building and use that can be removed once the use ends.

Environmental Impacts:

Through the application, the owner of the property was required to submit the areas regulated by the Toronto and Region Conservation Authority (TRCA) as well as the 10 metre buffer from the Regional Flood Limit. The applicants have proposed to rezone the area of the subject property located within the Regional Flood Area to Environmental Policy Area 1 (EPA1) Zone which does not permit any development or site alteration through the Temporary Use By-law. The 10 metre buffer from the Regional Flood Limit has been rezoned from the Agricultural (A1) Zone to the Environmental Policy Area 2 (EPA2) Zone to limit uses and development within that area and to recognize the existing dwelling. The proposed Temporary Use By-law application has been circulated to the TRCA who has indicated no concerns with the proposal subject to the applicant obtaining a TRCA permit that must be obtained prior to site plan approval.

Based on the above and the temporary nature of the proposal, staff is of the opinion that the proposed Temporary Use By-law is in conformity with the Town of Caledon Official Plan.

Comprehensive Zoning By-law 2006-50, as amended

The subject lands are zoned Agricultural (A1) Zone and Environmental Policy Area 2 (EPA 2) Zone in accordance with zone map 2 of Comprehensive Zoning By-law 2006-50, as amended. The applicant has proposed to temporarily permit a commercial nursery on the property for a three (3) year period. Should the proposal be approved, the property would be rezoned to the Agricultural – Temporary (A1-TX) with special provisions to permit the commercial horticultural nursery on site and the Environmental Policy Area 1 (EPA 1) Zone and Environmental Policy Area 2 (EPA 2) Zone along the floodplain in order to recognize existing development in the zone and to restrict development in the floodplain.

Agency/Department Consultation

The proposed Temporary Use By-law has been circulated to external agencies and internal departments for review and comment. All agencies and departments have no objections to the approval of the Temporary Use By-law. In addition, internal staff and external agencies have provided technical comments related to a concurrent site plan application. Please see the Comment Sheet attached as Schedule C to this report.

Public Meeting

Public meetings were held on August 8, 2012 and February 25, 2015. Notice of these meetings were posted on the Town's website and advertised in the Caledon Enterprise/Citizen on July 13, 2012 and February 3, 2015 respectively. In addition, property owners within 120 m (400 feet) of the subject lands were advised on the meeting by direct mail as required by the Planning Act.

The purpose of the Public meeting was to provide the Applicant with an opportunity to present the proposed development to the public and members of Council and to respond to questions on the proposal.

The following questions/comments were raised during the public meetings:

Comment/Question: Is the Region of Peel's request for a gratuitous dedication of land normal given the temporary nature of the application and does the piece of land that will be dedicated convert back to the original parcel of land once the by-law expires?

Response: This development proposal is subject to site plan approval. The applicant has submitted a concurrent site plan application and all technical comments have been addressed through the site plan approval application. It is through the Site Plan Approval Process that the Region has requested the gratuitous road dedication. This is permitted through the Ontario Planning Act and is a standard request through the submission of any site plan application. The land dedication does not revert to the original parcel once the By-law expires.

Comment/Question: Is this property subject to site plan approval?

Response: Yes.

Comment/Question: What is the benefit of a Temporary Use By-law to the Town of Caledon as opposed to a Zoning By-law Amendment?

Response: The applicant has applied for the Temporary Use By-law. The Temporary Use By-law expires after a 3 year time period. The applicant can choose to re-apply and Council can re-review the request during that time. The Zoning By-Law Amendment would permit the use with no time limit and no opportunity to re-evaluate the development proposal.

Comment/Question: Will there be conditions in the By-law to ensure that construction equipment is removed from site?

Response: The By-law permits the use for a period of three (3) years. Council can re-examine the use should the applicant choose to extend the use on site at the end of the three (3) year time period.

Comment/Question: What controls will be put in place to restrict the types of materials that can be placed onsite?

Response: The attached Temporary Use By-law limits the size of the accessory sales and display area, the industrial use (soil screening area) and the type of materials that can be grown and stored onsite.

FINANCIAL IMPLICATIONS

This property is currently assessed as residential land (\$557,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$2,006. The property tax account as at May 24, 2017 is current.

If the application were to proceed as proposed the taxable assessment value of the subject property would change to reflect the change in usage and any development that occurs.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-054 currently \$37.75/m² non-residential. With respect to the temporary office structure, the development charge by-law provides for an exemption for temporary buildings or structures, defined as being constructed or erected for not more than eight months, provided its status as a temporary building or structure is maintained in accordance with the provisions of the by-law. The applicant has the option of paying the development charges and requesting a refund no later than one month following the eight month time period; or entering into an agreement with the Town pursuant to section 27 of the *Development Charge Act* and submit security, satisfactory to the Town, to be realized upon in the event that the temporary building or structure becomes protracted and development charges thereby become payable (Section 10 of the by-law).

Region of Peel development charges would be applicable on any future development and are currently \$205.51/m² non-residential-other. The Region of Peel's development charge by-law 46-2015, also includes an exemption for temporary buildings or structures similar to the Town (Section 8 of By-law 46-2015).

Education development charges are currently \$10.87/m² for non-residential and would be applicable with respect to a temporary building or structure as there is no provision within the Education development charge by-laws for temporary buildings.

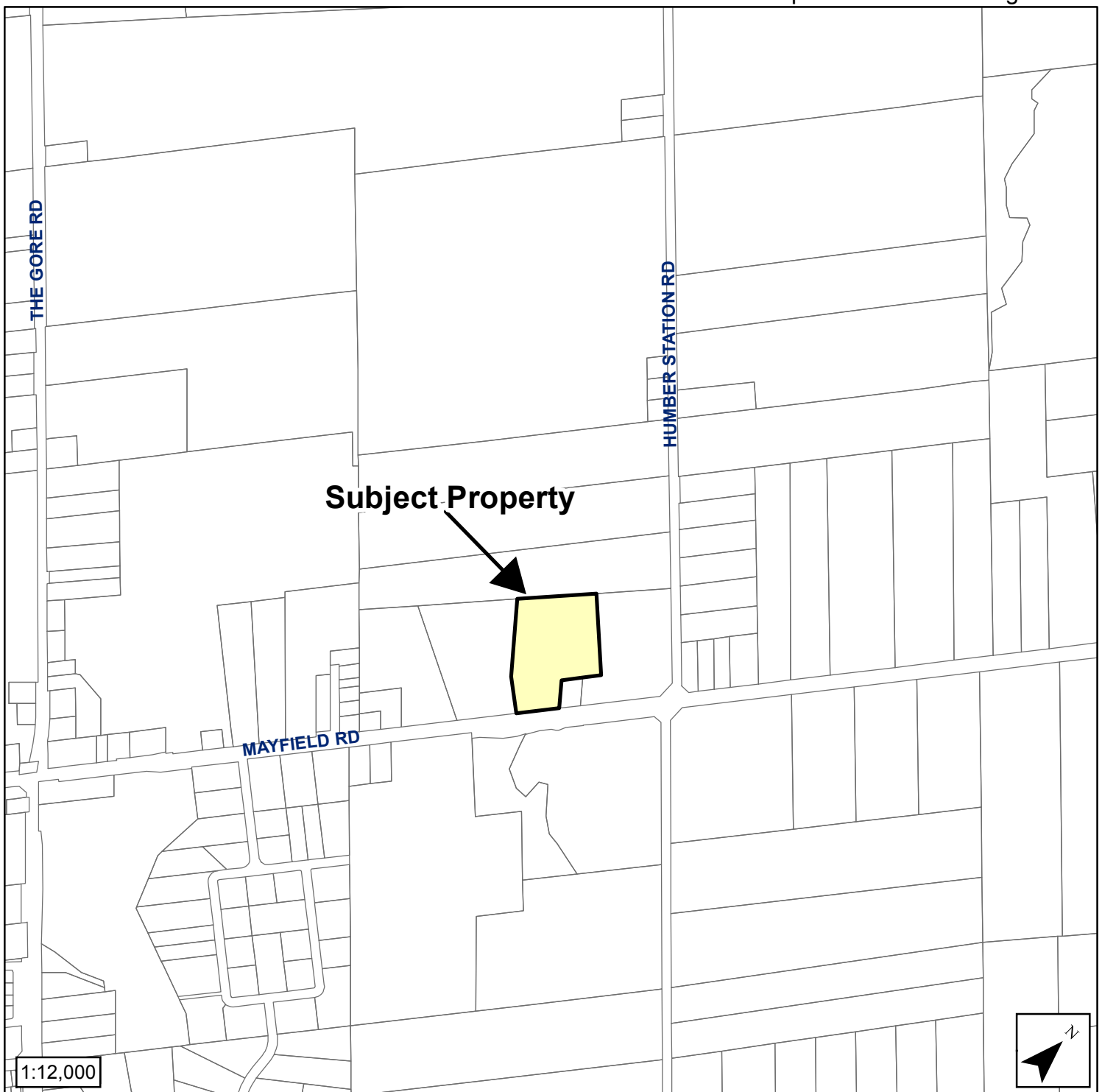
All development charges are payable prior to issuance of a building permit.

COUNCIL WORK PLAN

Protection of Rural Environment – To enhance and protect the rural environment and enable a viable rural economy

ATTACHMENTS

Schedule A – Location Map
Schedule B – Draft Temporary Use By-law
Schedule C – Meeting Comment Sheet



Temporary Use By-law Application

RZ 12-08

Weston Consulting

7908 Mayfield Road

Part of Lot 1, Concession 4 (Albion) as in RO474921

Town of Caledon

Regional Municipality of Peel

LOCATION MAP



Date: May 25, 2017

File No.: RZ 12-08

THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NO. BL-2017-XXX-XXX

A By-law to amend Comprehensive Zoning By-law 2006-50, as amended, with respect to Part of Lot 1, Concession 4 (Albion) as in RO474921, Town of Caledon, Regional Municipality of Peel, municipally known as 7904 Mayfield Road.

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 amendment to permit the temporary use of a commercial nursery with accessory open storage for a three (3) year period for the property legally described as Part of Lot 1, Concession 4 (Albion) as in RO474921, Town of Caledon, Regional Municipality of Peel.

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
A1-T14 (By-law 2017-XXXX)	Existing <i>Dwelling</i> <i>Business Office</i> , <i>Accessory Industrial Use</i> , <i>Accessory Nursery, Commercial Open Storage Area</i> , <i>Accessory Outside Display or Sales Area, Accessory Retail Store, Accessory Farm</i> <i>Farm Equipment Storage Building</i> <i>Gasoline Pump Island</i> <i>Livestock Facility</i> <i>Nursery, Horticultural</i>	June 20, 2020	<i>Lot Area (min)</i> 3.8 ha <i>Lot Frontage (min)</i> 90 m <i>Easternmost Rear Yard (min)</i> 2 m <i>Lot Area dedicated to an Industrial Use, Accessory (max)</i> 1,365 m ² <i>Entrance Width (max)</i> 14.4 m <i>Front Yard Planting Strip Width (min)</i> 9 m <i>Interior Side Yard Planting Strip Width (min)</i> 2 m Privacy Berm along the most northerly rear lot line Minimum Height 2.4m Minimum width 18m Noise Berm For the purpose of this zone a noise berm shall have a 3:1 slope (min) A noise berm shall be constructed along the southern and eastern most rear lot lines. The berm shall meet the following from the easternmost rear lot line in a continuous formation from the easternmost rear lot line

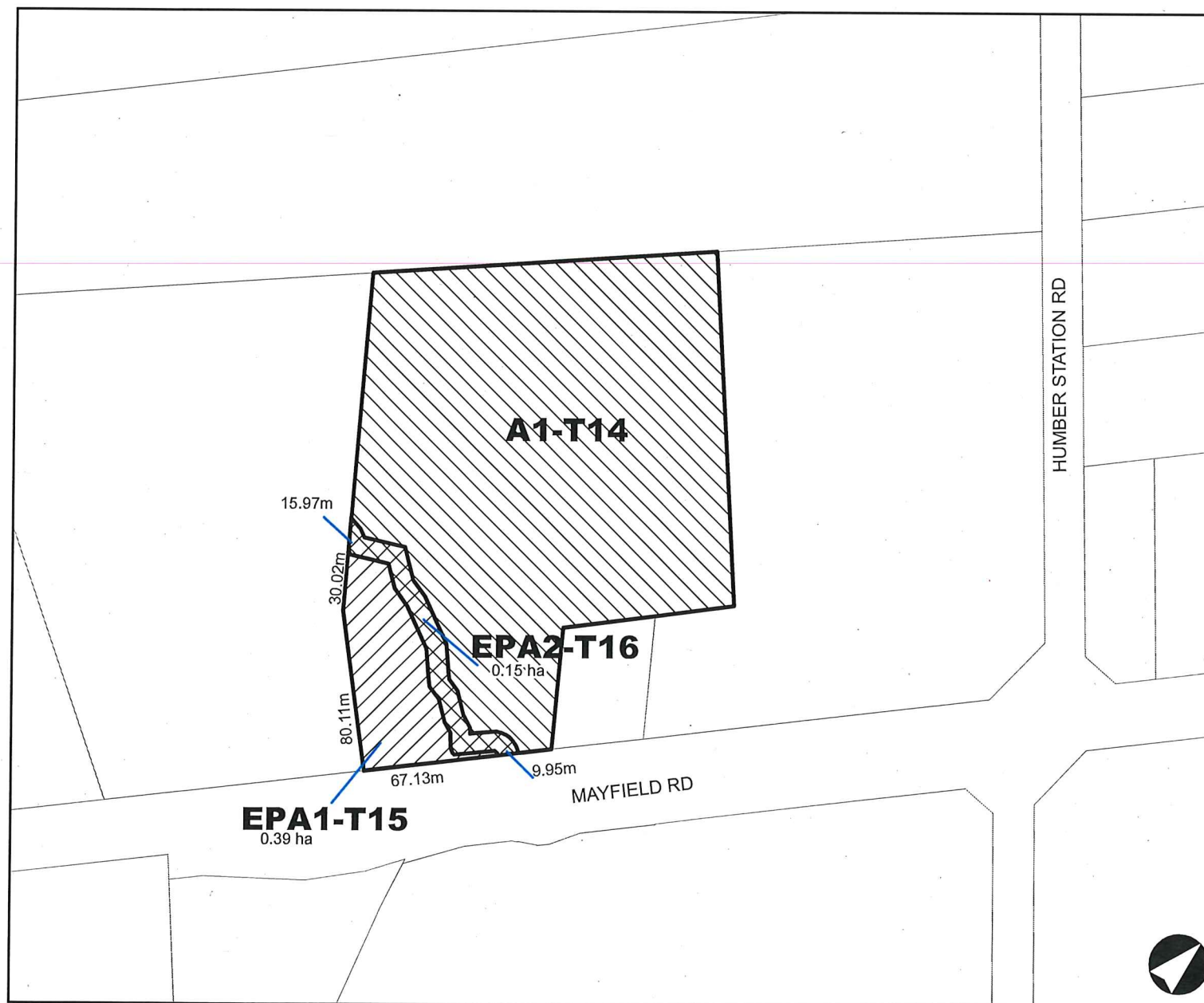
Zone Designation	Temporary Uses Permitted	Expiry	Special Provisions
			<p>adjacent to a residential use or zone:</p> <ul style="list-style-type: none">• 20m in length with a height of 2.4m• 2.5m in length with a height of 3.2m• 58m in length with a height of 4m• 2.5m in length with a height of 3.2m• 19m in length with a height of 2.4m <p>Open Storage Area, Accessory and Outside Display or Sales Area, Accessory</p> <p>Notwithstanding any other provision of this By-law, <i>open storage area, accessory and outside display or sales area, accessory</i> of goods or materials shall be permitted in accordance with the following provisions:</p> <p>(a) The open storage area, accessory and outside display or sales area, accessory shall not exceed 20% of the <i>lot area</i>;</p> <p>(b) No open storage area, accessory and outside display or sales area, accessory shall be located in any <i>front yard</i>;</p> <p>(c) All <i>open storage areas, accessory and Outside Display or Sales Area, Accessory</i> shall be screened with fencing a minimum of 2.0m high with solid opaque materials except for the most northerly rear lot line.</p>
EPA1-T15 (By-law 2017-XXXX)	Environmental Management Farm, Existing Forest Management Recreation, Non-Intensive	June 20, 2020	
EPA2-T16 (By-law 2017-XXXX)	Existing Dwelling, Detached Environmental Management Farm, Existing Forest Management Recreation, Non-Intensive	June 20, 2020	

2.
- Schedule “A”, Zone Map 2 of By-law No. 2006-50, as amended is further amended for Part of Lot 1, Concession 4 (Albion), Town of Caledon, Regional Municipality of Peel, from Agricultural (A1) and Environmental Policy Area 2 (EPA2) to Agricultural – Temporary 14 (A1-T14), Environmental Policy Area 1 –Temporary 15 (EPA1-T15) and Environmental Policy Area 2-Temporary 16 (EPA2-T16) for a period of three (3) years in accordance with Schedule “A” attached hereto.

READ THREE TIMES AND FINALLY
PASSED IN OPEN COUNCIL
THIS X DAY OF X, 201X.

Allan Thompson, Mayor

Carey deGorter, Clerk



Schedule A
By-law 2017-XXX

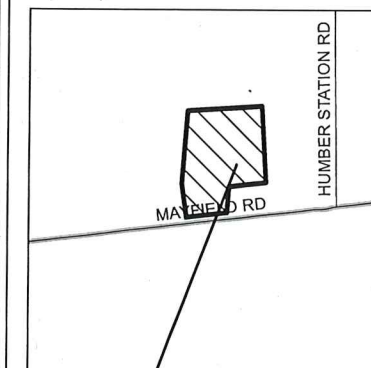
7904 Mayfield Road
Part Lot 1, Concession 4 (Albion)
As In RO47492
Town of Caledon,
Regional Municipality of Peel

Legend



Subject Property to be Rezoned From
Agricultural (A1) Zone and Environmental Policy
Area 2 (EPA2) Zone to Agricultural (A1-T14)
Zone, Environmental Policy Area 1 (EPA1-T15)
Zone, and Environmental Policy Area 2 (EPA2-
T-16) Zone.

Key Map



Subject Lands

Date: May 30, 2017

File: RZ 12-08

MEETING COMMENT SHEET

Committee of the Whole (PD) Date: June 6, 2017

PIM Date: February 25, 2015

Prepared: May 24, 2017

Lead Planner: Melissa Mohr

Ext. 4024

**Proposed Temporary Use By-law
Tarpa Construction
Part of Lot 1, Concession 4 (ALB) as in RO474921
described as 7904 Mayfield Road, Ward 4**

**North of Mayfield Road, West of Humber Station Road
File Number: RZ 12-08**

The following comments were received regarding the above-noted file.

EXTERNAL AGENCY COMMENTS

Bell Canada – June 16, 2016

Comments: No comment or concerns.

Canada Post – April 25, 2016

Comments: No objections.

City of Brampton – July 31, 2012

Comments: No comment.

Dufferin Peel Catholic District School Board – July 16, 2012

Comments: No comment.

Enbridge Gas – October 23, 2012

Comments: No objection.

Hydro One

Comments: No comments received.

Ministry of Transportation (MTO) – August 10, 2012

Comments: The MTO has no concerns with the proposed application due to the temporary nature of the application.

Municipal Property Assessment Corp.

Comments: No comments received.

Ontario Power Generation

Comments: No comments received.

Ontario Provincial Police (Caledon Detachment)

Comments: No comments received.

Peel District School Board – July 17, 2012

Comments: No comment.

Region of Peel – May 19, 2017

Comments: Regional Staff have no concerns with the Zoning By-law Amendment. All other comments pertaining to traffic, engineering, servicing etc. will be addressed through the Site Plan Application.

Rogers Communication – April 19, 2016

Comments: No comments.

Toronto and Region Conservation Authority (TRCA) – December 2, 2016

Comments: No concerns with the Zoning By-law Amendment. The TRCA provided conditional approval for the site plan subject to the applicant receiving a TRCA permit for the proposed development.

TOWN OF CALEDON – DEPARTMENT COMMENTS

Community Services, Building Services Section, Building – August 29, 2012

Comments: No concern with the proposed Zoning By-law Amendment. The proposed development will be reviewed under the Ontario Building Code through the review of the Building Permit application.

Community Services, Building Services Section, Signage – December 7, 2016

Comments: As there is no signage depicted, Building Services Section, Signage has no concern with the proposed Zoning By-law Amendment.

Community Services, Development Section, Engineering – May 12, 2016

Comments: Engineering staff has no concerns with the Zoning By-law Amendment. The cost estimate associated with the site plan application is satisfactory as of March 29, 2017.

Community Services, Development Section, Urban Design – June 15, 2016

Comments: No further comments.

Community Services, Development Section, Zoning – May 25, 2017

Comments: No concerns.

Community Services, Fire and Emergency Services, Fire – July 26, 2012

Comments: No concerns.

Community Services, Open Space Design, Landscape – December 20, 2016

Comments: Open Space Design staff has no concerns with the proposed Zoning by-law Amendment. Staff is satisfied with the landscape cost estimate.

Community Services, Policy & Sustainability, Heritage – August 13, 2015

Comments: No Concerns.

Community Services, Policy and Sustainability, Policy – June 8, 2016

Comments: No concerns.

Corporate Services, Legal Services –July 12, 2012

Comments: No concerns.

Corporate Services, Legislative Section, Accessibility – April 26, 2016

Comments: No comments.

Finance and Infrastructure Services, Engineering Services – August 8, 2012

Comments: No concerns.

Finance and Infrastructure Services, Finance – May 24, 2017

Comments: This property is currently assessed as residential land (\$557,000 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$2,006. The property tax account as at May 24, 2017 is current.

If the application were to proceed as proposed the taxable assessment value of the subject property would change to reflect the change in usage and any development that occurs.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-054 currently \$37.75/m² non-residential. With respect to the temporary office structure, the development charge by-law provides for an exemption for temporary buildings or structures, defined as being constructed or erected for not more than eight months, provided its status as a temporary building or structure is maintained in accordance with the provisions of the by-law. The applicant has the option of paying the development charges and requesting a refund no later than one month following the eight month time period; or entering into an agreement with the Town pursuant to section 27 of the *Development Charge Act* and submit security, satisfactory to the Town, to be realized upon in the event that the temporary building or structure becomes protracted and development charges thereby become payable (Section 10 of the by-law).

Region of Peel development charges would also be applicable on any future development and are currently \$205.51/m² non-residential-other. The Region of Peel's development charge by-law 46-2015, also includes an exemption for temporary buildings or structures similar to the Town (Section 8 of By-law 46-2015).

Education development charges are currently \$10.87/m² for non-residential and would be applicable with respect to a temporary building or structure as there is no provision within the Education development charge by-laws for temporary buildings. All development charges are payable prior to issuance of a building permit.

Finance and Infrastructure Services, Transportation – August 8, 2012

Comments: No concerns.

Staff Report 2017-49

Meeting Date: Tuesday, June 6, 2017

Subject: Proposed Temporary Use By-law Application, Tolias Landscaping, Part of Lot 5, Concession 2 (ALB), 6809 Healey Road (Ward 4)

Submitted By: Melissa Mohr, Community Planner, Development, Community Services

RECOMMENDATION

That the By-law attached as Schedule B to Staff Report 2017-49 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended to rezone the subject lands from the Small Agricultural Holdings (A3) and Environmental Policy Area 2 (EPA2) to the Small Agricultural Holdings-Temporary X (A3-TX) zone and Environmental Policy Area 1 (EPA1) Zone to temporarily permit a landscape contractors facility for a period of three (3) years.

REPORT HIGHLIGHTS

- Application RZ 15-04 to rezone the lands described as 6809 Healey Road to temporarily permit a landscape contractor's facility onsite was filed on June 5, 2015 by Glen Schnarr & Associates Inc.
- The applicant has proposed a Temporary Use By-law to temporarily permit a landscape contractor's facility on a portion of the property located at 6809 Healey Road for a three (3) year time period.
- A public meeting was held on August 12, 2015 and comments and concerns raised with the development proposal are addressed in the report.
- Revised submissions of the application were made between 2015-2017 in response to public concerns and agency and department comments.
- The proposed Temporary Use By-law permits a landscape contractor's facility subject to site specific restrictions and permissions.
- Staff is of the opinion that the proposed Temporary Use By-law attached as Schedule 'B' to this report is consistent with the 2014 Provincial Policy Statement and Places to Grow Growth Plan for the Greater Golden Horseshoe and meets the general purpose and intent of the Regional Official Plan and the Town of Caledon Official Plan.

DISCUSSION

Subject Lands

The property has a legal description of Part of Lot 5, Concession 2 (ALB) and is located on the south side of Healey Road, west of Centreville Creek Road. The property has a municipal address of 6809 Healey Road.

The property has a 386 square metre detached dwelling which is used as a business office, 380.9 square metre detached metal garage used for the storage of vehicles associated with a contractors facility, a 44.03 square metre existing metal building with a garbage enclosure and the outside storage of materials through a material corral located on site. There is an agricultural field at the rear of the property which is rented to farmers for crop farming and a landscaping contractors business being run from the site (see schedule A – Location Map, attached). The property owner was notified that the use of a landscape contractor's facility is not permitted on site and the owner subsequently filed the Temporary Use By-law application to permit the use for a period of three (3) years.

Background

The Temporary Use By-law application was received and deemed complete on June 5, 2015. The applicant has proposed to permit a landscape contractor's facility on approximately half of the lot for a three (3) year time period. The remaining portion of the lot will continue to be farmed for cash crops.

Proposed Development

The purpose of the proposed Temporary Use By-law is to temporarily permit a contractor's landscape facility on the property for a period of three (3) years. The facility would include the use of the entire existing detached dwelling as a business office with the detached metal garage for storage of equipment, vehicles and tools. Behind the dwelling and the detached storage building is the outside storage of landscape materials in a material corral where products such as mulch, stones and soil are stored for pick up and transfer to various customers in and around Caledon.

Minimum Distance Separation

The applicant has provided Minimum Distance Separation 1 calculations for the introduction of the proposed Type 'A' land use onsite. The proposed landscape contractor's facility exceeds the minimum required setbacks from existing livestock facilities and manure storage.

GTA-West

The subject lands are located in the GTA West Study Area. The Ministry of Transportation was circulated the application and has no concerns with the proposal due to the temporary nature of the proposal.

Planning Review

Documents that have been considered by the Town in its review of the subject application include the 2014 Provincial Policy Statement, 2006 Places to Grow Growth Plan for the Greater Golden Horseshoe, Region of Peel Official Plan, the Town of Caledon Official Plan and Comprehensive Zoning 2006-50, as amended. Supporting technical studies and reports as well as comments and recommendations provided by internal staff, external agencies and the general public are incorporated in review of the application.

Provincial Policy Statement, 2014

The Provincial Policy Statement, 2014 (PPS, 2014) requires planning authorities decisions shall be consistent with the PPS, 2014. The PPS, 2014 states that uses permitted in the Prime Agricultural Area include agricultural uses, agricultural-related uses and on-farm diversified uses. It further requires that agricultural-related uses and on-farm diversified uses shall be compatible with and not hinder surrounding agricultural uses. The guidelines are set out by the local municipality through their planning documents. Agricultural-related uses are farm-related commercial or industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being close proximity to farm operations and provide direct products or services to farm operations as a primary activity. It is staff's opinion that the development proposal is consistent with Provincial Policy Statement, 2014.

Places to Grow Growth Plan for the Greater Golden Horseshoe, 2006

The Places to Grow Growth Plan for the Greater Golden Horseshoe directs municipalities within the Greater Golden Horseshoe where and how development and intensification should occur. In addition, the plan establishes policies for the protection of prime agricultural lands and directs municipalities to work with the agricultural community to develop opportunities for growth and enhancement in the agricultural area.

The applicant is proposing a landscape contractors facility that will service the surrounding farming community as well as Caledon. It is staff's opinion that the development proposal conforms to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Region of Peel Official Plan

The Subject lands are located in the Prime Agricultural Area of the Rural System in accordance with schedule 'D' regional structure of the Region of Peel Official Plan. Uses permitted within the Prime Agricultural Designation of the Rural Area include agricultural and agricultural related uses as well as secondary uses. The applicant has proposed a landscape contractors facility where materials such as stone, mulch and top soil will be stored for pick up and transfer to various customers in and around Caledon. The facility is intended to serve the adjacent farming community and Caledon as a whole.

Town of Caledon Official Plan

The subject lands are designated Prime Agricultural Area and Environmental Policy Area in accordance with Schedule 'A' Town of Caledon Land Use Plan in the Town of Caledon Official Plan. The proposed temporary use will be located within the Prime Agricultural Area. Permitted uses within the Prime Agricultural Area include agricultural uses and high impact agricultural uses. In addition, agricultural- related commercial and agricultural-related industrial uses are permitted among other uses.

Agriculture-related Commercial or Agricultural-related Industrial Uses, are uses directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. These include, but are not limited to, the use of land and/or buildings or structures for the manufacturing, processing, storage, wholesale and/or retail sales of such goods as farm machinery, farm equipment, tools, consumables, agricultural by-products and sub-surface drainage materials. The proposed use is a landscape contractor's facility where materials such as stones, mulch and topsoil will be stored on site with these materials being picked up and transferred to local farmers and residents within Caledon and the surrounding area. The Planning Justification Report submitted with the application notes that Tolias Landscaping provides services to the farming community and assists in the winter months by providing plowing services. In order for agriculture-related commercial and industrial land uses to be permitted onsite, a proponent must demonstrate that the use will be supportive of the agricultural community and must be in close proximity to the farm operation and use minimal amount of agriculture land. The applicant has proposed approximately half of the property be devoted to the contractor's facility. The remainder of the property will continue to be Agricultural (A1) and used for crop farming. No additional new buildings are proposed onsite and the area for the storage of materials is small in its scope and size.

In order to permit the temporary use, the requirements of Section 6.2.13 must be met. Section 6.2.13 of the Official Plan permits Council to pass Temporary Use By-laws for periods up to 3 years on a site subject to the proposed use to meet specific conditions. The conditions include consideration as to whether the use is compatible with the neighbouring land use activities; whether adequate parking is provided, that no adverse impacts on traffic will be created, that the use does not facilitate the construction of a permanent building or structure, that the use is not permanent or difficult to terminate and that adverse environmental impacts are avoided, minimized or mitigated.

Compatibility:

Within the surrounding neighbourhood there are nurseries and fruit vegetable stands. The landscape contractor's facility functions as an agricultural related Industrial Use and it is intended that the landscape contractor's facility serve the immediate surrounding agricultural community as well as the broader community within Caledon.

Parking:

Through the zoning review, town staff has reviewed the parking requirements for the development proposal and have determined that the proposed parking complies with the zoning by-law requirements. The applicant has provided sufficient parking onsite for both residents and staffing.

Traffic:

The Town of Caledon Finance & Infrastructure Services Section Public Works and Transportation Sections have been circulated the application for review and have no concerns with the development proposal.

Temporary Nature of the Operation:

The applicant has proposed the Temporary Use By-law to temporarily permit the operation for a period of 3 years. Should Council consider the application, the Temporary Use By-law would expire on June 6, 2020. No new buildings are being proposed on site and the existing buildings and structures could be converted back to agricultural uses and an accessory residential use through a change of use permit. In addition, the applicant is required to enter into a Temporary Use Agreement with the Town to ensure the use is terminated when the by-law expires.

Environmental Impacts:

Through the application, the owner of the property was required to submit the areas regulated by the Toronto and Region Conservation Authority (TRCA) as well as the 10 metre buffer from the Regional Flood Limit. The applicants have proposed to rezone the area of the subject property located within the Regional Flood Area and 10 m buffer to Environmental Policy Area 1 (EPA1) Zone which recognizes the existing driveway in EPA 1 lands but does not permit any development or site alteration within the zone. In addition, the TRCA has reviewed the proposed Temporary Use By-law and has no concerns with the development proposal.

Based on the above and the temporary nature of the proposal, staff is of the opinion that the proposed Temporary Use By-law is in conformity with the Town of Caledon Official Plan.

Comprehensive Zoning By-law 2006-50, as amended

The subject lands are currently zoned Small Agricultural Holdings (A3) Zone and Environmental Policy Area 2 (EPA2) Zone in accordance with Zone map 3 of Comprehensive Zoning By-law 2006-50, as amended. Should the Temporary Use By-law be approved, the property would be rezoned to the Small Agricultural Holdings – Temporary X (A3-TX) Zone to permit the landscaping contractor's facility and Environmental Policy Area 1 (EPA 1) to permit existing development in the existing feature and to further protect the feature from development.

Agency/Department Consultation

The proposed Temporary Use By-law has been circulated to external agencies and internal departments for review and comment. All agencies and departments have no objection to approval of the Temporary Use By-law. All technical comments will be addressed through the approval of a site plan. Please see the Comment Sheet attached as Schedule C to this report.

Public Meeting

A public meeting was held on August 12, 2015 for the proposed Temporary Use By-law. Notice of this meeting was posted on the Town's website and advertised in the Caledon Enterprise and the Caledon Citizen on July 23, 2015. In addition, property owners within 120 metres (400 feet) of the subject lands were advised of the meeting by direct mail as required by the Planning Act.

The purpose of the Public Meeting was to provide the applicant with an opportunity to present the proposed development to the public and members of Council and to respond to questions on the proposal. All matters raised at the meeting were either addressed at the meeting or through recent submissions. Members of the public raised objections and/or concerns during the public meeting which are summarized below:

Comment/Question/Concern: What kinds of provisions have been made to address drainage concerns for adjacent residents and mitigate environmental impacts?

Response: The applicant has provided a grading and drainage plan to the Town for review. Technical staff has reviewed the drainage and grading plan and have no further concerns. As part of the application, the applicant was required to map the regulated area as well as a 10 m buffer from the regulated area. The TRCA has reviewed the proposal and the draft by-law which includes a provision that rezones the area within the 10 m buffer area from the Environmental Policy Area 2 (EPA 2) Zone to the Environmental Policy Area 1 (EPA 1) Zone which does not permit any site alteration of construction of buildings or structures and have no objection to the development subject to the applicant obtaining a permit prior to site plan approval. A portion of the existing driveway is located in the EPA 1 zone. The by-law contains a special provision to recognize the existing driveway. Other than the existing driveway, no development or site alteration is permitted within the EPA 1 zone.

Comment/Question/Concern: Concerns were raised regarding the compatibility of the proposed use with the neighbourhood.

Response: Within the surrounding neighbourhood there are nurseries and fruit vegetable stands. The contractor's facility functions as an agricultural related Industrial Use and it is intended that the landscape contractor's facility serve the immediate surrounding agricultural community as well as the broader community within Caledon.

Comment/Question/Concern: Concerns were raised regarding the materials stored onsite, hours of the operation and environmental impact of the proposed use.

Response: The applicant has proposed to store landscape materials such as mulch and topsoil onsite. The operation runs weekly Monday to Friday in morning and late afternoon shifts.

FINANCIAL IMPLICATIONS

This property is currently assessed as commercial (\$707,000 CVA) and residential (\$151,600 CVA). The Town's share of taxes levied, based on the current value assessment is approximately \$2,589. The property tax account as at May 25, 2017, is current.

If the proposed application were to proceed as proposed the taxable assessment value of the subject property would change to reflect the change in usage and any development that occurs.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-054, currently \$37.75/m² non-residential.

Any future development would also be subject to Region of Peel development charges which are currently \$205.51/m² non-residential-other; and Education development charges currently \$10.87/m² non-residential, would also be applicable.

Development charges are indexed twice a year, next on August 1, 2017

All development charges are payable prior to issuance of a building permit.

COUNCIL WORK PLAN

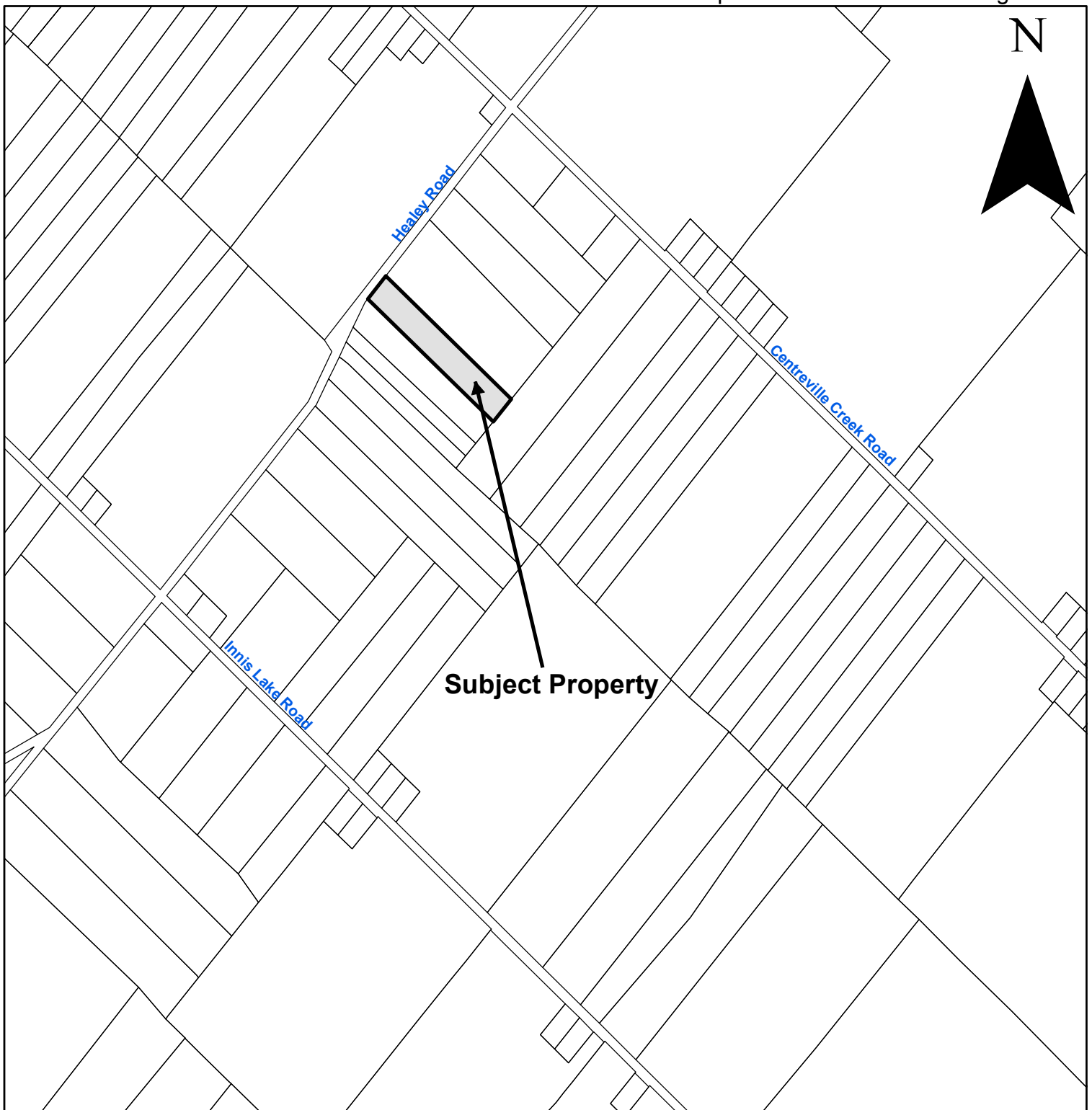
Protection of Rural Environment – To enhance and protect the rural environment and enable a viable rural economy

ATTACHMENTS

Schedule A – Location Map

Schedule B – Draft Temporary Use By-law

Schedule C –Meeting Comment Sheet



Proposed Temporary Use By-law Application

RZ 15-004

Tolias Landscaping and Plowing

6809 Healey Road
Part Lot 2, Con. 5 (ALB)
010.007.10500.0000

LOCATION MAP



Date: June 2015

File No.: RZ 15-004

THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NO. BL-2017-XX

Being a by-law to amend Comprehensive Zoning By-law 2006-50, as amended,
with respect to Part Lot 5, Concession 2 (Albion), as in AL19984,
Town of Caledon, Regional Municipality of Peel,
municipally known as 6809 Healey Road

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 permit the use of Part Lot 5, Concession 2 (Albion), as in AL19984, Town of Caledon, Regional Municipality of Peel, for a contractors facility with accessory open storage.

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 Prefix	Permitted Uses	Expiry	Special Standards
EPA1-T11 (By-law 2017-XX)	Driveway, Existing	June 20, 2020	
A3-T12 (By-law 2017-XXX)	Business Office, Accessory Contractor's Facility Gasoline Pump Island, Accessory Open Storage Area, Accessory	June 20, 2020	Notwithstanding any other standard relating to open storage area, accessory, parking spaces and loading spaces , the below special provisions shall be considered to be additional standards. Open Storage Area, Accessory a) All Open Storage Area, Accessory to a Contractor's Facility shall be set back a minimum of 145m from the Front Lot Line.

Zone Prefix	Permitted Uses	Expiry	Special Standards
			<p>b) <i>Open Storage Areas, Accessory</i> shall be screened with fencing a minimum of 2.0m high with solid opaque materials.</p> <p>c) <i>Open Storage Area, Accessory</i> (maximum) 5%</p> <p>Parking Spaces setback</p> <p>a) <i>Yard Front, Motor Vehicles</i> accessory to the <i>Contractors Facility</i> (minimum) 25m</p> <p>b) <i>Yard Front, Trailer, Vehicular</i> accessory to the Contractor's Facility (minimum) 95m</p> <p>c) from <i>Business Office, Accessory</i> Nil</p> <p>d) <i>Yard, Interior Side</i> (minimum) 2m</p> <p>Loading Space Setback</p> <p><i>Yard, Front</i> (minimum) 145m</p> <p>Delivery Space</p> <p><i>Delivery Space</i> (minimum) Nil</p> <p>Gasoline Pump Island, Accessory</p> <p><i>Yard, Interior Side</i> (minimum) 3.8m</p> <p>Illumination</p> <p>Where <i>parking areas</i> are illuminated, the lighting fixtures shall be provided in accordance with the following provisions:</p> <p>i) No part of the lighting fixture shall be more than 9 metres above grade and no closer than 1.0m to any <i>interior side lot line</i>.</p> <p>Garbage Enclosure</p> <p><i>Yard, Interior side</i> (minimum) 3.8m</p> <p>Accessory Buildings and Structures</p> <p><i>Yard, Interior side</i> (minimum) 1.5m</p>

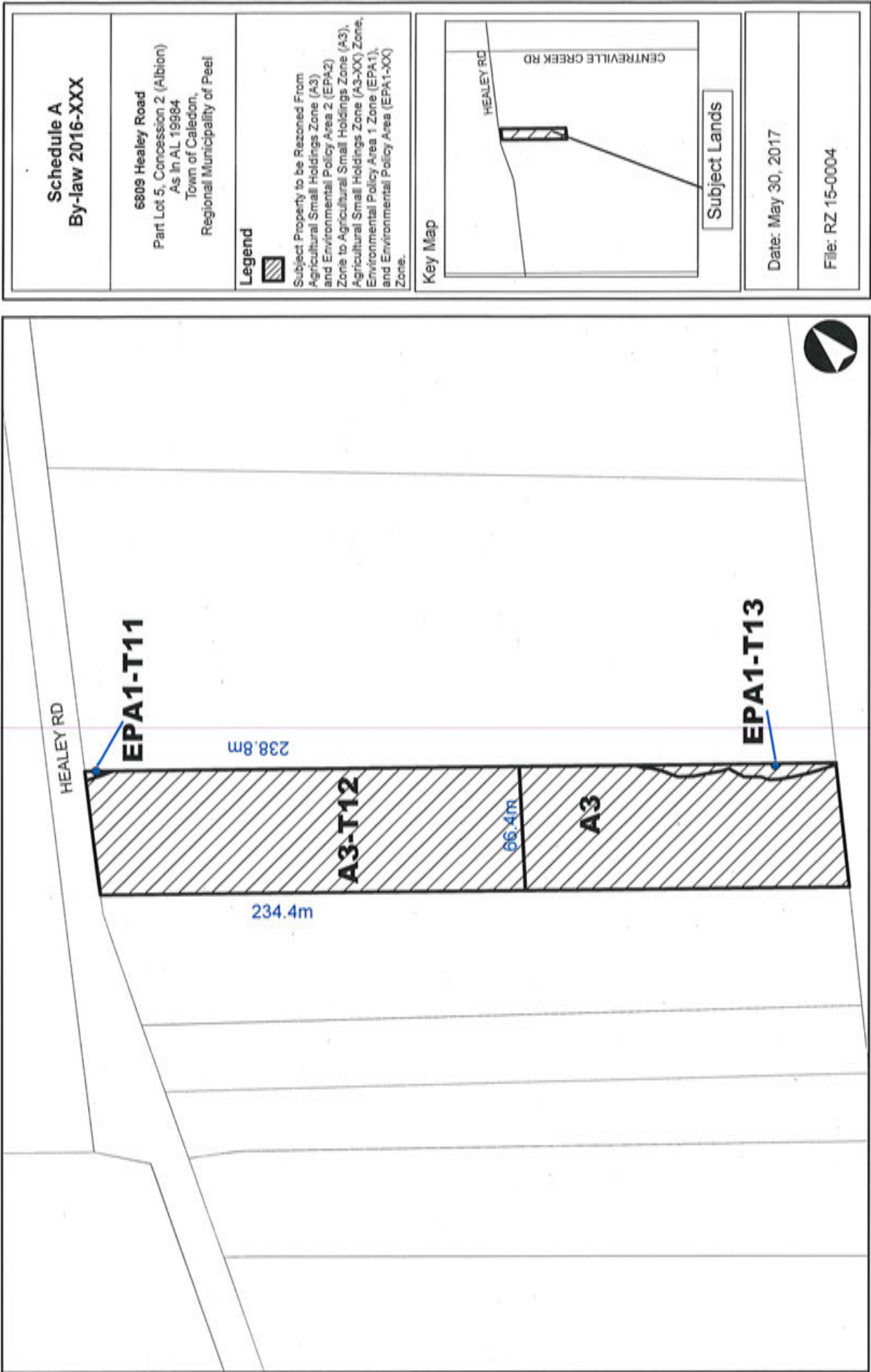
Zone Prefix	Permitted Uses	Expiry	Special Standards
			Business Office, Accessory Gross Floor Area (maximum) 390 sq.m Landscaping Area (minimum) 10% Planting Strip Width <i>Interior side lot line</i> (minimum) 2m <i>Front lot line</i> (minimum) 6m except for the existing two entrances. Entrance Width (maximum) West Entrance 7.5m East Entrance 5.5m
EPA1-T13 (By-law 2017- XXX)	Environmental Management Farm, Existing Forest Management Recreation Non- Intensive	June 20, 2020	

2. Schedule "A", Zone Map 3 of By-law 2006-50, as amended is further amended for Part Lot 5, Concession 2 (Albion), as in AL19984, Town of Caledon, Regional Municipality of Peel, from Small Agricultural Holdings (A3) and Environmental Policy Area 2 (EPA2) to Small Agricultural Holdings – Temporary 12 (A3-T12), Environmental Policy Area 1 Temporary 11 (EPA 1-T11) and Environmental Policy Area 1 Temporary 13 (EPA1-T13) zone in accordance with Schedule "A" attached hereto.

Read three times and finally
passed in open Council on the
XX day of XXXXXX, 2017.

Allan Thompson, Mayor

Carey deGorter, Clerk



MEETING COMMENT SHEET

Committee of the Whole (PD) Date: June 6, 2017
PIM Date: August 12, 2015
Prepared: May 25, 2017
Lead Planner: Melissa Mohr
Ext. 4024

**Proposed Temporary Use By-law
Glen Schnarr Associates on behalf of Tolias Contracting
Part Lot 5, Concession 2 (ALB) as in AL19984
described as 6809 Healey Road, Ward 4**

**South side of Healey Road, West of Centreville Creek Road
File Number: RZ 15-04**

The following comments were received regarding the above-noted file.

EXTERNAL AGENCY COMMENTS

Bell Canada – June 29, 2015

Comments: no comments or concerns.

Dufferin Peel Catholic District School Board – June 15, 2015

Comments: No comments or objection.

Enbridge Gas – June 11, 2015

Comments: Enbridge Gas Distribution does not object to the proposed application.

Hydro One – July 17, 2015

Comments: No objection.

Ministry of Transportation – July 6, 2015

Comments: The MTO has no concerns with the proposed application due to the temporary nature of the application.

Municipal Property Assessment Corp.

Comments: No comments received.

Ontario Power Generation – July 20, 2015

Comments: No comments.

Ontario Provincial Police (Caledon Detachment) – August 4, 2015

Comments: No concerns.

Peel District School Board – June 24, 2015

Comments: no concerns.

Region of Peel – May 19, 2017

Comments: No concerns.

Rogers Communication – July 16, 2015

Comments: No objection.

Toronto and Region Conservation Authority – May 4, 2017

Comments: No concerns.

TOWN OF CALEDON – DEPARTMENT COMMENTS

Community Services, Building Services Section, Building – June 22, 2015

Comments: No concern with the proposed Zoning By-law Amendment. The proposed development will be reviewed under the Ontario Building Code through the review of the Building Permit application.

Community Services, Building Services Section, Signage – December 7, 2016

Comments: As there is no signage depicted, Building Services Section, Signage has no concern with the proposed Zoning By-law Amendment.

Community Services, Development Section, Engineering – April 19, 2017

Comments: Engineering staff has no concerns with the Zoning By-law Amendment. The cost estimate associated with the site plan application is satisfactory as of March 29, 2017.

Community Services, Development Section, Urban Design – July 6, 2015

Comments: No Comment.

Community Services, Development Section, Zoning – May 25, 2017

Comments: No concerns.

Community Services, Fire and Emergency Services, Fire – August 26, 2016

Comments: No Concerns.

Community Services, Open Space Design, Landscape – July 6, 2015

Comments: No Concerns.

Community Services, Policy & Sustainability, Heritage – June 12, 2015

Comments: No Concerns.

Community Services, Policy and Sustainability, Policy April 28, 2016

Comments: No concerns.

Corporate Services, Legal Services – July 14, 2015

Comments: No concerns.

Corporate Services, Legislative Section, Accessibility – April 26, 2017

Comments: No comments.

Finance and Infrastructure Services, Engineering Services – June 24, 2015

Comments: No concerns.

Finance and Infrastructure Services, Finance – May 25, 2017

Comments: This property is currently assessed as commercial (\$707,000 CVA) and residential (\$151,600). The Town's share of taxes levied, based on the current value assessment is approximately \$2,589. The property tax account as at May 25, 2017, is current.

If the proposed application were to proceed as proposed the taxable assessment value of the subject property would change to reflect the change in usage and any development that occurs.

Any future development would be subject to Town of Caledon development charges as per By-law No. 2014-054, currently \$37.75/m² non-residential.

Any future development would also be subject to Region of Peel development charges which are currently \$205.51/m² non-residential-other; and Education development charges currently \$10.87/m² non-residential, would also be applicable. Development charges are indexed twice a year, next on August 1, 2017

All development charges are payable prior to issuance of a building permit.

Finance and Infrastructure Services, Transportation – July 3, 2015

Comments: No comment.



**WESTON
CONSULTING**

planning + urban design

Town of Caledon
6211 Old Church Road
Caledon, Ontario
L7C 1J6

May 30, 2017
File 5360-2

Attn: Mayor Thompson and Members of Council

Dear Sirs and Madames:

**RE: Temporary Use By-law Application / Official Plan Review
Dhillon Business Centre
13790 Airport Road, Part Lot 26, Concession 6 EHS
Town File No. RZ-14-05**

Weston Consulting is the planning consultant for Dhillon Business Centre, the owner of the above-noted property herein referred to as the "subject property." This correspondence is submitted in relation to the active Temporary Use By-law Application for the subject property to permit *'the open storage and parking of transport trucks and transport trailers accessory to a Transportation Depot located on the same lot' (A1-TX)*.

Our interest is in providing a path forward for full resolution of the proposed accessory use through:

1. Council approval of an application for a Temporary Use By-law Application for the subject property to permit *'the open storage and parking of transport trucks and transport trailers accessory to a Transportation Depot located on the same lot' (A1-TX)*; and,
2. Consideration of the proposed use, *"open storage and parking of transport trucks and transport trailers as an accessory to the transportation depot located on the same lot in the Sandhill Settlement Area"*, as part of the planned Official Plan Review commencing August 2017

Weston Consulting requests Council approval of the active Temporary Use By-law Application for the subject property to permit *'the open storage and parking of transport trucks and transport trailers accessory to a Transportation Depot located on the same lot' (A1-TX)*. The Temporary Use By-law meets the requirements as set out in Section 6.2.13.2 of the Town of Caledon Official Plan which 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 constructions of a permanent building or structure is not encouraged;
- e) that the use cannot become permanent and difficult to terminate; and,
- f) that adverse environmental impacts will be avoided, minimized or mitigated."

In our opinion, the above conditions are satisfied as discussed below:

a) That it is compatible with neighboring land use activities

The temporary use by-law relates to the area of land which was previously zoned as A1-T9 (see attached sketch). The proposed outdoor storage use includes the storage of trucks and truck trailers. The Accessory Use is directly related to the transportation depot on the front of the lands and is an extension of that use.

Surrounding uses include a trucking operation to the east and LVG Auctions to the south that includes outdoor storage of farm equipment, trucks, trailers and containers and vacant agricultural lands. The proposed use is compatible with the adjoining land uses.

The Assessment of Agricultural Priority report prepared by Colville Consulting provides the following statement respecting compatibility with adjacent land uses:

"Although the subject lands remain in a prime agricultural area, they are located along Regional Road 7 (Airport Road) and are immediately adjacent to the settlement area of Sandhill. This settlement area is comprised of a mix of residential and commercial/industrial development. It does not appear that there have been any substantial changes to the land uses observed in the area. The subject lands are not being used for agricultural purposes. They are being used to store and repair transport trucks and trailers. The lands immediately adjacent to subject lands are also not used for agricultural purposes."

The Assessment of Agricultural Priority report concluded that the proposed temporary use does not add a new incompatible use to the area.

b) That adequate parking can be provided

The parking area provided within Area MU-508 is used for parking for the building. Adequate storage for and maneuvering around the proposed trucking terminal is provided with Area A1-TX to provide a sufficient land base for operations.

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

A Traffic Impact Study prepared by LMM Engineering Inc. dated June 23, 2009 was submitted to the Town of Caledon on July 13, 2009. The Traffic Study related to a more intensive use that proposed a truck terminal over the entire property. The report concluded that the level of service at the King Road/Airport Drive intersection will not change. Furthermore, it concluded that the unsignalized entrance to the site will operate at adequate levels of service during the peak hours.

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

No buildings will be constructed within Area A1-TX where the temporary zoning by-law has been requested.

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

The intention of the temporary use by-law is to permit the continued use of the lands for an outdoor storage use associated with the existing truck terminal. The temporary use by-law is proposed as an interim solution until the commencement of the Town Official Plan Review which expected to commence in August 2017.

Our client intends to participate in the Official Plan Review in order to address the policy question of open storage and parking of transport trucks and transport trailers accessory to the transportation depot located on the same lot. Following the Official Plan Review, if necessary, the lands could be reverted back to an agricultural use and will not have any additional impacts to the agricultural area.

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

The proposed parking of transport trucks and transport trailers will be well setback from the natural heritage corridor and buffer area, and as such no adverse environmental impacts are anticipated.

In our opinion the proposed Temporary Use By-law meets the approval conditions that are set out in Section 6.2.13.2 of the Official Plan and request Council's support for approval. Our objective is for the Temporary Use By-law approval to act as a bridge to further policy assessment of this question as part of the Official Plan Review commencing in August 2017. It is appropriate to utilize this opportunity to assess land use policy questions relating to the Transportation Depot operations in the Sandhill Settlement Area.

Yours truly,

Weston Consulting

Per:

A handwritten signature in black ink, appearing to read 'Kevin Bechard', written over a horizontal line.

For

Kevin Bechard BES, M.Sc., MCIP, RPP
Senior Associate

Cc. Peggy Tollett, Town of Caledon
Rob Hughes, Town Caledon
Brandon Ward, Town of Caledon



KING ST

AIRPORT RD



**WESTON
CONSULTING**
planning + urban design

File Number: 5360-2
Date Drawn: 30 MAY 17
Drawn By: SD
Planner: KB
Scale: see scale bar
CAD: 5360-2/air photo/FBS.dgn



LEGEND

 SUBJECT LANDS

0 100m
SCALE

Air Photograph from First Base Solutions Inc.
Date of photography: 2016

AIR PHOTOGRAPH

13790 AIRPORT ROAD
TOWN OF CALEDON
REGIONAL MUNICIPALITY OF PEEL

Presentation Request Form



Completed Forms shall be submitted to the Legislative Services Section and can be dropped off or mailed to Town Hall, Attn: Legislative Services Section, 6311 Old Church Road, Caledon, ON L7C 1J6; faxed to 905-584-4325 or emailed to agenda@caledon.ca

Applicant Information

Last Name:

Franks

First Name:

Patricia

Street Number:

Street Name:

Town/City:

Postal Code:

Email Address:

caffi.caledon@gmail.com

Contact Number:

Please state the purpose of the presentation (subject matter to be discussed) and any other relevant information regarding the Presentation Request:

The Caledon Housing Initiative, led by Caledon Area Families For Inclusion (CAFFI) wishes to make a formal presentation to Council during a planning meeting regarding the housing strategy, the pilot project, the work to date and the continued partnerships. This work is on behalf of adults with developmental disabilities, their housing needs and community inclusion.

Personal information contained on this form is collected under the authority of the *Municipal Freedom of Information and Protection of Privacy Act*, and will be used for the purpose of providing correspondence relating to matters before Council.

Please note that all meetings are open to the public except where permitted to be closed under legislated authority. Council meetings are audio recorded and available on the Town's website. Questions about this collection should be forwarded to the Municipal Freedom of Information Coordination at 905.584.2272.