



PUBLIC COMMENT AND RESPONSE DOCUMENT

Prepared: November 25, 2021

Lead Planner: Toula Theocharidis, Meridian Planning

Proposed Zoning By-law Amendment (Temporary Use)

Glen Schnarr and Associates Inc. on behalf of 2203315 Ontario Corp.

10819 Highway 9

Part of Lot 26, Concession 10 (ALB)

File Number: RZ 2020-0003

The following public comments were received regarding the above-noted Zoning By-law Amendment application.

Hydrogeological:	
1. Potential contamination of groundwater	<p>The Hydrogeologic Impact Assessment Report submitted in support of the application was the same report that was submitted for the temporary use application for the property to the west (10795 Highway 9, File: RZ 20-01). The report did not provide an analysis for the Subject Lands, however, addressed the investigation and soil testing for both 10795 & 10819 Highway 9 properties. Furthermore, Caledon staff is of the opinion that the ESA 1 and ESA 2 prepared by Safetech Environmental requires peer review as the findings indicate that the groundwater tested exceeds the MECP limits for petroleum hydrocarbon compounds (PHC) and chloroform.</p> <p>Town of Caledon, Region of Peel, and MECP have been notified and are undertaking further investigations into the groundwater contamination matter.</p>
2. Community members support the protection and preservation of the Oak Ridges Moraine	Comment is acknowledged.
3. Hydrological Impact Assessment findings are inconsistent	As noted in response #1, the Hydrogeologic Impact Assessment Report did not provide an analysis for the Subject Lands, however, addressed the investigation and soil testing for both 10795 & 10819 Highway 9 properties. Town of Caledon, Region of Peel, and MECP have been notified and are undertaking further investigations into the groundwater contamination matter.
4. Impacts to high aquifer vulnerability area	The Subject Lands are within the ORM and within an area designated as High Aquifer Vulnerability. The proposed temporary uses are prohibited. The submitted studies noted identify groundwater contamination. There is an ongoing investigation.



Environmental:	
5. 4 areas of potential environmental concerns as highlighted in the report prepared by Safetech Environmental Limited	Please refer to response #1 & #3.
6. Illegal fill has been brought and dumped on the property and debris (bricks, mufflers and clay) can be seen in the soil	This comment applies to the abutting property, located at 10795 Highway 9.
7. Grading has occurred without proper engineering standards	This comment applies to the abutting property, located at 10795 Highway 9.
8. Smell of fuel	This proposed temporary use zoning by-law amendment would involve the development of substantial works proposed including excavations for underground fuel storage tanks, building foundations, site services, septic tanks, septic bed, and a new well. As indicated in response #1, there is an ongoing investigation involving the MECP, Town and the Region to further address matters of contamination in conjunction with the adjacent lands located at 10795 Highway 9.
9. Outdoor storage of derelict equipment/machinery, miscellaneous scrap metals, vehicles, used oil drums (some unlabeled drums), batteries, used fuel and/or propane storage tanks, tires, broken truck trailers	This comment applies to the abutting property, located at 10795 Highway 9.
10. Excessive amounts of PCBs, PHC, hydrocarbons and chloroforms	As indicated under the Hydrological heading of this table, the Town of Caledon, Region of Peel, and MECP have been notified and are undertaking further investigations into the groundwater contamination matter.
11. Potential hazardous materials are stored outdoors	This comment applies to the abutting property, located at 10795 Highway 9.
12. ESA Phase 1 and 2 findings are inconsistent	As indicated in response #1, findings of the ESA2 indicate that the groundwater at the site exceeds the MECP limits for petroleum hydrocarbon compounds (PHC) and chloroform. Town staff understands that the report was inadequate and did not address the significance of the environmental land-use policy framework that protects and preserves the ecological integrity of the ORM.



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Land Use:	
13. Site is used as a waste disposal facility which presents compatibility issues with existing agricultural, estate rural residential and environmental designations	See staff report.
14. The current use of the site is not permitted under the ORMCP	See staff report.
15. Open pit aggregate groundwater source is adjacent to the subject property	The extractive industrial use abutting the subject lands to the west is a licenced gravel pit and has specific policies that designate and govern its use.
16. ORM Conservation Act (Section 24) deals with offences and policies that can be awarded to people who fail to comply with the restrictions imposed by the Plan	Comment is acknowledged.
17. How does the zoning by-law amendment application meet the objectives of the ORMCP?	See staff report.
Public Safety:	
18. Request consultation with Technical Safety and Standards Authority relating to above ground fuel storage tanks	Town staff understands that the Town of Caledon, Region of Peel, and MECP have been notified and are currently undertaking further investigations into the groundwater contamination matter.
19. Extensive spills and stains are identified throughout the property	Please refer to above response.
20. Fuel smell reported to MOE spill line with reference number	Please refer to response #8.
21. Public request that site be cleaned up and remediated	Please refer to response #18.



22. What is known about past environmental violations against the property owner/related companies?	As part of this application review, the MECP were circulated for review and comment. The MECP are responsible for enforcing the requirements of the Environmental Protection Act and other applicable environmental legislation. Matters under this review of the application dealing with environmental violations are with the MECP.
Property Standards:	
23. Concern with type of business operating at the subject property and large display signs are located along the frontage	Any signage, permanent or temporary on property is regulated through the Town's Signs By-law.
24. Paying residential taxes when site appears to be used for different purpose	Matters related to taxes are not within the realm of the planning review.
25. Property standard issues and violations withheld at Hearing Tribunal	The property subject to a hearing tribunal relates to the abutting property, located at 10795 Highway 9.
Public Participation:	
26. Objection to the electronic meeting process and the options for members to participate	Town Hall continues to be closed to the public to attend Public Meetings due to COVID-19 protocols, public meetings are held electronically. Information outlining the different options to participate is available on the Town's website.
27. Concerns with lack of open house prior to public meeting	A formal Public Meeting was held on September 8, 2020, in accordance with the requirements of the Planning Act. An Open House was not required under the Planning Act.
28. Concerns with application supporting materials unavailable prior to public meeting	The materials which have been submitted by the applicant are available on the Town's website for examination.
29. Property standards issues have been filed numerous times with the Town and active investigations are underway	Comment is acknowledged.
30. Similar application request came forward in 2017	In 2015, an application for a Legal Non-Conforming Use was submitted to the Town's Planning Department, which was refused by the Town, as staff determined that the motor vehicle gas bar use was interrupted, losing its legal non-conforming status.



31. Request for an additional public meeting to further discuss and address public concerns	A second public meeting is not being held. Through the review of this temporary use application, staff has determined that the proposal cannot be supported and is recommending refusal.
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