

Staff Report 2018-80

Meeting Date: Tuesday, June 26, 2018

Subject: McLaren Wayside Pit Update regarding Rehabilitation

Submitted By: Fuwing Wong, Chief Financial Officer / General Manager, Finance and Infrastructure Services

RECOMMENDATION

That By-law 2014-029 be repealed and replaced with the draft by-law attached as Schedule D to Staff Report 2018-80; and

That staff be authorized to negotiate an agreement with the Credit Valley Conservation Authority to transfer Town's Second Line Right-of-Way, from Charleston Sideroad to Beechgrove Sideroad, for the purposes of a pedestrian and cycling trail based on the concepts outlined in Table 1 of Staff Report 2018-80.

DISCUSSION

At the 29-May-2018 General Committee meeting, a notice of motion related to the rehabilitation of the Town's former Wayside Pit, along a previously unopened road allowance along McLaren (North of Charleston Sideroad), was discussed. The Notice of Motion is attached as Schedule A to this report. At the 29-May-2018 meeting, the notice of motion was ultimately referred back to staff for a 26-June-2018 report after the following items were raised:

- Details of the rehabilitation plan approved by the Ministry of Natural Resources and Forestry (MNRF);
- Concerns about topsoil at the site;
- Clarification of the McLaren unopened road allowance site prior to the wayside pit operation;
- Clarification of the Town's commitment to formalize agreements with the Bruce Trail Conservancy to reinstate this property as part of the Bruce Trail as noted in the 2013 report PW-2013-015; and
- Concerns that By-law BL-2014-029 noting that this property has been declared surplus may result in the lands being sold for development.

Site Plan

On 12-August-2014, Council approved staff report PW-2014-059 which authorized the Director of Public Works, at the time, to complete the required applications and acquire the permits required to extract aggregate from the McLaren unopened road allowance. As part of the permit process, the Town filed a "site plan" along with the Town's Wayside Pit application to the Ministry of Natural Resources and Forestry (MNRF). A copy of the site plan is attached to this report as Schedule B.

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The concept plan/site plan included in Schedule B was not required to be circulated to Planning or Council for review and approval, as it is not subject to site plan control under the Site Plan Control Bylaw.

Schedule B outlines the site prior to the wayside pit operations including:

1. Existing vegetation and a significant woodlot towards the northern end of the former unopened McLaren road allowance;
2. Existing vegetation in different spots throughout the former unopened road allowance.

Rehabilitation Plan

Schedule B, which was part of the Town's wayside pit application approved by the MNRF, also includes details of rehabilitation:

1. Overburden and topsoil from extraction area shall be used in the creation of rehabilitation site slopes at the pit floor. This area that has been extracted shall be vegetated with grass/legume mixture to control erosion. The North and South sideslopes shall be a minimum of 3:1;
2. The Northwest side slope, adjacent to the significant woodland, should be reforested using suitable native tree species that are well represented on-site and within the local landscape including, but not limited to Eastern White Cedar, White Birch and Trembling Aspen; and
3. A visual berm will be constructed at the southern end (near Charleston Side Road) to provide visual mitigation into the site. This berm may be removed as part of final rehabilitation of the site.

The 12-August-2014 report, Report PW-2014-059, also awarded the contract to extract aggregate from the Town's McLaren wayside pit to Lafarge Canada Inc. (Lafarge). Lafarge confirms that the rehabilitation was completed in accordance with the MNRF-approved rehabilitation plan and that the topsoil from the former McLaren wayside pit was scraped and set aside on-site. Lafarge further confirms that, as part of the rehabilitation, the topsoil was spread on-site in accordance with the rehabilitation plan.

The MNRF has inspected the site and approved the closure of the McLaren Wayside Pit permit application. Therefore, should Council require enhanced rehabilitation (above what has already been completed), then staff should be provided direction on what to include for Council's consideration in the 2019 budget.

Repeal and Replacement of By-law BL-2014-029

On 1-April-2014, Council approved by-law BL-2014-029 (attached as Schedule C) which declared the original unopened McLaren road allowance, (i.e. Part 1 on Plan 43R-35720 being part of the unopened road allowance) between Charleston and Beechgrove side roads be stopped-up, closed and declared surplus to the Town's needs. Following this by-law, the lands should be referred to as the Second Line Right-of-Way (Second Line ROW).

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At the 29-May-2018 Committee meeting, there was concern expressed delegates and members of Council that the surplus declaration of the land could mean that the former unopened McLaren road allowance used for the McLaren wayside pit may potentially be sold for private development purposes.

As outlined at the 29-May-2018 meeting and in the 14-May-2013 staff report (report PW-2013-015), following the completion of the wayside pit operations, the land would be used as a trail again.

However, to address concerns expressed at the 29-May-2018 meeting, it is recommended that By-law BL-2014-029 be repealed and replaced by the draft By-law attached as Schedule D to this report. As noted in Schedule D, the reference to the former McLaren wayside pit land being declared surplus has been removed.

Recommended Next Steps for the Second Line Right-of-Way (Formerly the unopened McLaren Road Allowance and Formerly the McLaren Wayside Pit), from Charleston to Beechgrove Side Roads

The Credit Valley Conservation Authority (CVC) expressed an interest in acquiring the Second Line ROW, (formerly the McLaren unopened road allowance and formerly the McLaren wayside pit) from Charleston to Beechgrove Sideroads be developed as the optimum route of the Credit Valley Trail. The ROW would be added to Charles Sauriol Conservation Area.

As shown in Schedule E, this connection will allow for the trail to start at Charleston, proceed through the Alton Grange property (owned by the Ministry of Natural Resources and Forestry), and finally connect with CVC's Upper Credit Conservation Area (UCCA). The CVC notes that trails throughout the Alton Grange property will remain single use foot paths as cycling is not a permitted use. However, any cycling routes could easily deviate around the Alton Grange property on Porterfield Road. Trails within UCCA could accommodate cycling from the main entrance on Porterfield Road to the trail intersection with the Orangeville-Brampton Railway.

The CVC notes that currently there are a number of CVC parks along the escarpment that accommodate the optimum route and side trails for the Bruce Trail and allow Bruce Trail users access for trail related activities. The CVC has indicated that they are willing to follow-up with the Bruce Trail Conservancy (BTC) and the local club to determine if there is interest to formally recognize the Second Line ROW as a Side Trail to be maintained by local club members and is willing to negotiate an agreement with the Bruce Trail Conservancy. Even if the BTC and local club decline to co-brand this section of trail as a side trail, Bruce Trail users will still be permitted to access the trail system like other users.

Further, in an effort to expand cycling trails/infrastructure, Town of Caledon staff also requested that the CVC invest in infrastructure on this property to promote cycling. The CVC's response is that they are willing to commit to always allowing the trail to be used by both pedestrians and cyclists. However, the CVC does not have approved budgets to immediately implement surface improvements (e.g. boardwalks and/or crushed

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limestone path) for cyclists along the trail but they are open to planning, fundraising, and implementing cycling infrastructure on this property within the next 10 years. The CVC has indicated that future Town funding/assistance may be required to fully realize the trail improvements. Although boardwalks may not be the ideal surface treatment for cycling routes, they may be necessary to avoid wet areas along the trail. The CVC would also retain the right, in consultation with Town staff, to deem cycling as an unsanctioned use on this section of trail should users proceed off-trail cause long-term damage/impact to adjacent significant environmental areas and/or neighbouring properties.

Town staff will review Schedule E in the context of the overall cycling network for the Town at the next Cycling Task Force meeting to obtain comments from the citizen members, staff from across the Town, Region of Peel, and the Ontario Provincial Police.

Based on preliminary discussions with CVC staff, the CVC is willing to consider the following in exchange for the Second Line ROW, from Charleston to Beechgrove Sideroads, being transferred to the CVC at no cost:

Table 1 to Report 2018-80:

a. Work with the Bruce Trail Conservancy to co-brand the trail as a CVC/Bruce Trail that allows for both pedestrian and cyclists;
b. Brand and develop the trail as an official CVC trail should the Bruce Trail Conservancy decline recognizing the trail as part of the Bruce Trail/Side Trail
c. Within the next ten (10) years, commit to planning, fundraising, and implementing additional restoration, including tree planting, as required, and appropriate surface treatment to encourage pedestrian and cycling access;
d. Investigate and implement parking, if appropriate, at the trail head, i.e. North-side of Charleston & McLaren;
e. Installing kiosks along the trail and providing the Town space for cycling maps and other Town information;
f. Provide the Town the first right of refusal should the CVC deem the lands as surplus in the future.

A land transfer to the CVC along with draft conditions, noted above, will ensure that the Second Line ROW will be kept in the public realm, landscaped to CVC standards, and be used as a pedestrian and cycling trail. Accordingly, it is recommended that staff be authorized to negotiate a draft agreement with the Credit Valley Conservation Authority to transfer Town's Second Line ROW, from Charleston Sideroad to Beechgrove Sideroad, for the purposes of a pedestrian and cycling trail based on the preliminary concepts outlined in Table 1 (above).

Subject to Council approval of this report, staff will begin formal negotiations with the CVC to develop a draft agreement for Council review, consideration and approval prior to execution. A future by-law to declare Second Line ROW, from Charleston to Beechgrove Sideroads, surplus would also be required prior to execution of such an agreement.

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FINANCIAL IMPLICATIONS

There are no immediate financial implications related to the staff recommendations. Should Council wish to rehabilitate the former McLaren Wayside Pit beyond the current condition of the property, this should be included in the 2019 budget discussions with funding allocated to the design and further rehabilitation.

Subject to Council approval of the report and finalization of an agreement with the CVC, the CVC may require financial or in-kind assistance from the Town in the future to fully realize the trail improvements (e.g. walking and cycling trail).

COUNCIL WORK PLAN

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

ATTACHMENTS

Schedule A – 29-May-2018 Notice of Motion regarding Rehabilitation of the McLaren Wayside Pit;

Schedule B – Site Plan / Concept Plan

Schedule C – By-law BL-2014-029

Schedule D – Draft By-law

Schedule E – Potential Second Line ROW trail connection to CVC Lands

Schedule A to Staff Report 2018-80**Councillor Shaughnessy re: McLaren Wayside Pit Update on Rehabilitation**

Whereas the Town of Caledon Report 2013-05-14 stopped up and closed the 2nd Line West [Caledon] road allowance north of Charleston to facilitate a wayside pit; and

Whereas the agreement between Lafarge and the Town of Caledon required the wayside pit to be rehabilitated to the same condition the road allowance was prior to mining with topsoil and heavily treed as a trial way; and

Whereas the 2nd Line West Wayside pit has been left by Lafarge with no topsoil, no trees and the new page wire fence posts tops not cut evenly; and

Whereas minimal rehabilitation of gravel pits has been a topic of concern wherever gravel strip mines occur in Caledon; and

Whereas gravel companies rehabilitation of pits have been to a minimum standard with sloping the sides steeply, providing no topsoil, allowing weeds to grow in without reforestation, and with no productive after use; and

Whereas the Town of Caledon should not accept this unsatisfactory standard of rehabilitation for any of its Town of Caledon wayside pits or any other Caledon property where gravel is extracted;

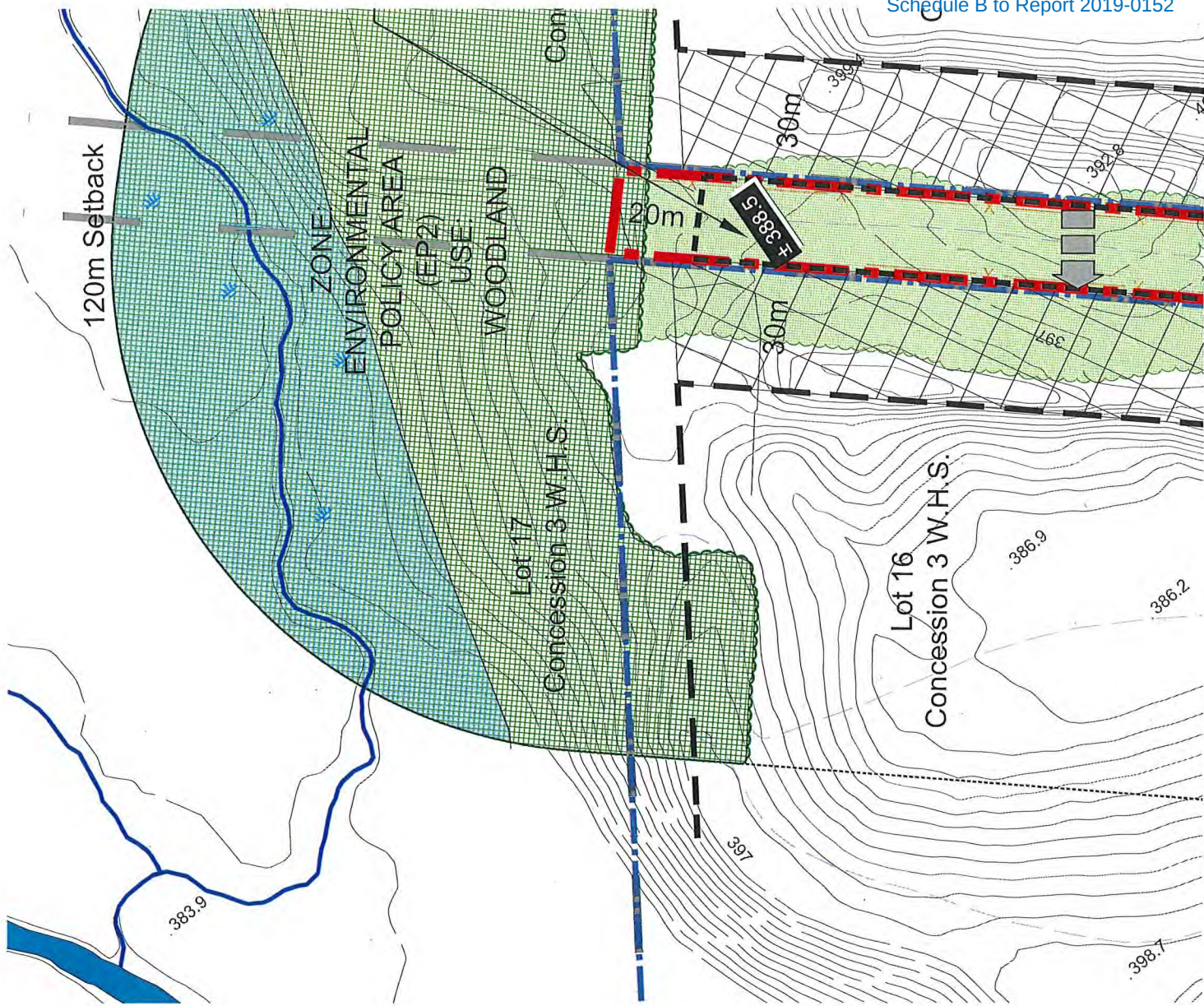
Now therefore be it resolved that the Town of Caledon must set a high standard of rehabilitation generally:

- ensuring that topsoil and over burden be stockpiled for reuse
- ensuring new, clean topsoil be imported where insufficient topsoil exists on site,
- ensuring side slopes be set to enable forestry equipment to be operated safely,
- ensuring strip mine side slopes be reforested,
- ensuring that viable land uses be capable of establishment post extraction,

That the 2nd Line West Wayside pit be rehabilitated properly to this standard;

That the 2nd Line West legal status be returned to that of a public right of way;

That the 2nd Line West right of way between Charleston and Beechgrove be designated part of the Caledon Trails System.



THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. BL-2014-029

A by-law to stop up and close and declare surplus to the needs of the Town of Caledon part of unopened road allowance between Charleston Sideroad and Beechgrove Sideroad for the purpose of wayside pit

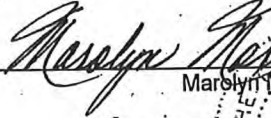
WHEREAS pursuant to the *Municipal Act, 2001*, as amended, Council may pass by-laws for closing and transferring highways and may set policies for disposing of surplus lands, including providing notice;

AND WHEREAS proper notice of the stopping up, closing and declaring surplus to the needs of The Corporation of the Town of Caledon those lands identified as Part 1 on Plan 43R-35720 being part of unopened road allowance between Charleston Sideroad and Beechgrove Sideroad has been provided, pursuant to the Town's Notice Policy and pursuant to the Town's By-Law No. 95-109;

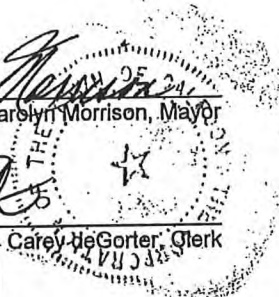
NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. That part of the original road allowance more particularly described as Part 1 on Plan 43R-35720 being part of unopened road allowance between Charleston Sideroad and Beechgrove Sideroad shall be and is hereby declared to be stopped up and closed and declared surplus to the needs of The Corporation of the Town of Caledon.
2. That the Mayor and Clerk are hereby authorized to execute any and all documents necessary to complete the wayside pit application.

READ THREE TIMES AND FINALLY
PASSED IN OPEN COUNCIL
THIS 1ST DAY OF APRIL, 2014.


Marilyn Morrison, Mayor


Carey HeGorter, Clerk



THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. BL-2018-XX

A by-law to stop up and close the part of unopened
road allowance between Charleston Sideroad and
Beechgrove Sideroad

WHEREAS pursuant to the *Municipal Act*, S.O. 2001, c. 25, as amended, Council may pass by-law for closing and transferring highways and may set policies for disposing of surplus lands; including providing notice;

AND WHEREAS proper notice of the stopping up, closing and declaring surplus to the needs of the Corporation of the Town of Caledon those lands identified as Part 1 on Plan 43R-35720 being part of unopened road allowance between Charleston Sideroad and Beechgrove Sideroad has been provided, pursuant to the Town's Notice Policy and pursuant to the Town's By-Law No. 95-109;

AND WHEREAS By-Law No. 2014-029 was passed and registered on April 16, 2016, which stopped up, closed and declared surplus those lands identified as Part 1 on Plan 43R-35720 being part of unopened road allowance between Charleston Sideroad and Beechgrove Sideroad;

AND WHEREAS Council no longer wishes to declare those lands identified as Part 1 on Plan 43R-35720 being part of unopened road allowance between Charleston Sideroad and Beechgrove Sideroad as surplus pursuant to the above By-Law, passed on April 1, 2014 as By-Law No. 2014-029;

AND WHEREAS By-Law No. BL-2018-XX is repealing and replacing By-Law No. 2014-029

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

1. That By-Law No. 2014-029 and all amendments thereto are hereby repealed.
2. That part of the original road allowance more particularly described as Part 1 on Plan 43R-35720 being part of unopened road allowance between Charleston Sideroad and Beechgrove Sideroad shall be and is hereby stopped up and closed.

ENACTED by the Town of Caledon Council this day of , 2018

Allan Thompson, Mayor

