

Niagara Escarpment Commission

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STAFF REPORT

Development Permit Application, APP-2026-00043

Date: June 25, 2026

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Development Permit Application:

APP-2026-00043

Applicant(s):



Property Legal Address:

1363 Forks of The Credit Road,
Caledon, ON, L7K 2J2, CAN
ARN 21240300101670000000

Purpose/ Decision

Staff are seeking the Niagara Escarpment Commission's decision on a Development Permit Application, APP-2026-00043.

Executive Summary

The Development Permit Application proposes to construct a detached second dwelling and a new second septic system on an existing 1.5 ha (3.8 ac) lot. The purpose of the detached second dwelling is to accommodate the property owners, who are aging, and for their daughter and her family to live in the existing primary dwelling.

The proposal does not meet Part 1 of the Niagara Escarpment Plan (NEP) as it does not conform with Part 1.3.3 of the NEP, as secondary dwelling units are not a permitted use on lands designated as Escarpment Natural Areas. Further, it is not consistent with Sections 2.5 and 4.1 of the Provincial Planning Statement, and it does not conform with the Town of Caledon's Official Plan.

Staff Recommendation

That the Development Permit Application be refused because the proposal is not a permitted use under Part 1.3.3 of the Niagara Escarpment Plan, it is not consistent with Sections 2.5 and 4.1 of the Provincial Planning Statement, and it does not conform with the Town of Caledon's Official Plan.

1.0 Proposal

- To construct a ±93 sq m (±1,000 sq ft) detached second dwelling unit and a new second septic system on an existing 1.5 ha (3.8 ac) lot that supports an existing ±186 sq m (±2,000 sq ft) 1.5 storey dwelling, garage and garden shed on private servicing.

2.0 Niagara Escarpment Plan Designation

Escarpment Natural Area

3.0 Site Description

The subject land is approximately 1.5 ha (3.8 ac) lot in size and is located on the east side of Forks of the Credit Road in the Town of Caledon.

Forks of the Credit Road is a winding road that runs through the valley. Except for a few rural residential properties, the area around the subject property is largely publicly accessible natural areas including the Bruce Trail along the Forks of Credit Road and a side trail above the property to the east, the Forks of the Credit Provincial Park and Niagara Escarpment Park and Open Spaces System (NEPOSS). The Caledon Ski Club is less than 1 km to the west of the subject property, and the Village of Belfountain lies approximately 1.5 km to the southwest.

Based on NEC mapping (Appendix 3), the subject lands contain:

- Credit Forks Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI)
- Designated Significant Woodland
- Slopes - topography from 351 masl at rear lot line to 312 masl at street
- 150 m buffer of a provincial park
- Credit Valley Conservation Authority regulated area and portions of the mapped floodplain (Appendix 4).

4.0 Background

In July 2025, NEC planning staff responded to an inquiry/pre-consultation with the owner's daughter, advising that within Escarpment Natural Area only one single dwelling is

permitted per lot and that if an application is submitted for a standalone second detached single dwelling, it could not be supported by NEC staff

On February 12th, 2026, a Development Permit Application was submitted together with a Site Plan and justification letter by the property owner, who advised that the purpose of the detached second dwelling is to accommodate the property owners, who are aging, and for their daughter and her family to live in the existing primary dwelling (Appendix # 1).

The justification letter acknowledged that the proposal does not align with the NEP policies however, requests that it be considered based on: the owner's personal circumstances: that the proposed site will not be impacted by flooding or other natural hazards: and, that the current provincial legislation and housing initiatives support and promote infill to ease the housing shortage (Appendix #2).

5.0 Related Files

- P/F/2008-2009/46 [REDACTED] permit issued March 22, 2010, to relocate an existing 1 storey, 16.7 sq m (180 sq ft) shed and to construct a minor driveway extension, on an existing 1.55 ha (3.83 ac) lot.

6.0 Planning Analysis

6.1 NEP Part 1: Escarpment Natural Area

Part 1.3.3 states, subject to Part 2 Development Criteria, single dwellings may be permitted on lands designated as Escarpment Natural Areas. The subject property contains an existing single dwelling on private servicing. Secondary dwelling unit is not a permitted use on lands designated as Escarpment Natural Areas. Permitted Uses policy under Part 1.3.3 has not been met.

6.2 NEP Part 2: Development Criteria

Given that the application is not a permitted use under Part 1 of the NEP, NEC staff did not undertake a robust analysis of Part 2 Development Criteria policies. However, the following includes a cursory review of relevant NEP Part 2 policies that may require further analysis should this application be supported in principle.

Analysis of Parts 2.2.7 and 2.2.11 (General Development Criteria) is provided below because each relates to secondary dwelling units. Other potentially relevant Part 2 Development Criteria policies have been noted and will need to be addressed if this application is supported in principle.

Part 2.2: General Development Criteria

Part 2.2.7:

Only one *single dwelling* is permitted on each *existing lot of record* in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless a second *single dwelling* is, in the opinion of the *implementing authority*, the only viable way to *conserve the heritage attributes* of an existing *single dwelling*; and

- a) the existing *single dwelling* is a *heritage attribute* and is subject to a *heritage conservation easement agreement*; this existing *single dwelling* is the only *single dwelling* located on the *lot*;
- b) the second *single dwelling* is located on the same *existing lot of record* as the existing *single dwelling* to be preserved;
- c) the second *single dwelling* is not located within the Escarpment Natural Area unless the *implementing authority* has determined that there is no other less restrictive designation within which the new dwelling can be sited; and
- d) municipal *official plan* policies and standards are met (e.g., lot size).

The subject property is not included on the Town of Caledon's Heritage Register, either as a designated or non-designated property, and therefore is not identified as having a recognized cultural heritage value or interest. As such, there are no identified heritage attributes on the property to be conserved.

Given that Part 2.2.7 is intended specifically to allow for the conservation of heritage attributes and applies specifically to heritage properties, this exception would not apply to subject property. Therefore, only one single dwelling is permitted on the property.

The provisions of Part 2.2.7 have not been met.

Part 2.2.11:

The following provisions apply to secondary *dwelling units*:

- a) a single secondary *dwelling unit* may be permitted on an *existing lot of record*;
- b) notwithstanding the above, a secondary *dwelling unit* shall not be permitted on an *existing lot of record* where there is more than one *single dwelling*, including any dwelling approved under Part 2.2.7 of this Plan;
- c) the secondary *dwelling unit* shall be contained entirely within a *single dwelling* or in an addition to a *single dwelling* and shall not be permitted in a detached *accessory facility*;
- d) the floor area of a secondary *dwelling unit* shall be subordinate in size to the *single dwelling*;
- e) secondary *dwelling units* shall not be permitted in a *group home* or a *single dwelling* containing a *bed and breakfast*; and
- f) a *home occupation* or *home industry* shall not be permitted within a secondary *dwelling unit*.

Under the NEP, a *dwelling unit* is defined as "one or more habitable rooms with a private entrance and designed for the use of one household in which sanitary and kitchen facilities are provided for the exclusive use of such household." A *single dwelling* is defined as "a separate building containing not more than one dwelling unit and may include a chalet, cottage, mobile home or group home."

The provisions of Part 2.2.11 are intended to apply in cases where a secondary dwelling unit is a permitted use under Part 1 on the NEP, such as, on lands designated as Escarpment Rural Area. In the case of lands designated as Escarpment Rural Area, a second dwelling unit is listed as a permitted use under Part 1.5.3, but the unit must be contained within the single dwelling or an addition to a single dwelling in accordance with 2.2.11.c. Policy 2.2.11 does not permit a detached second dwelling.

The subject property is designated as Escarpment Natural Area which does not permit a second dwelling unit, whether contained within a single dwelling or not.

The provisions of Part 2.2.11 are not applicable to this application.

Part 2.2.2:

The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including *flooding hazards, erosion hazards, or other water-related hazards* and hazard events associated with unstable soil or unstable bedrock.

CVC mapping indicates that a portion of the subject property falls within a floodplain, which may represent a flooding hazard. NEC mapping indicates that the property contains slopes, which may represent an erosion hazard. Should the application be supported in principle, further information and a technical review from CVC will be required to address the hazards and demonstrate conformity with Part 2.2.2.

Part 2.6 Development Affecting Water Resources

NEC mapping indicates that the subject development site is within 60m of a branch of the Credit River. The objective of Part 2.6 is to ensure that hydrologic features and functions including the quality, quantity and character of groundwater and surface water, at the local and watershed level, are protected and where possible enhanced. This includes whether a proposal for development within 120 metres of a key hydrologic feature has the potential to result in a *negative impact* on the feature and/or its functions (Part 2.6.3).

Should the application be supported in principle, further information, including a hydrologic evaluation, will be required to address Part 2.6.

2.7 Development Affecting Natural Heritage

The subject property contains the following key natural heritage features, per Part 2.7.1:

- Potential *habitat of endangered species and threatened species*
- Credit Forks Provincially Significant Life Science Area of Natural and Scientific Interest (ANSI)
- *Significant valleylands*
- *Significant woodlands*
- Potential *significant wildlife habitat*
- Potential habitat of special concern species

Part 2.7.2(a) permits development of a single dwelling and accessory facilities within key natural heritage features, outside a wetland, on an existing lot of record, provided that the disturbance is minimal and where possible temporary.

This application proposes the construction of a detached second dwelling on an existing lot of record, contrary to Part 2.7. If this application is supported in principle, a natural heritage evaluation will be required to identify other key natural heritage features present on the property, evaluate the potential impacts of development and identify mitigation measures and a minimum vegetation protection zone and conformity with Part 2.7.6.

6.3 Municipal and Regional Official Plans:

As of July 1, 2024, the Town of Caledon became responsible for the interpretation and implementation of the Region of Peel Official Plan as it applies to Caledon. The Town's OP provides for projected population and employment growth to 2051, through intensification of existing built-up areas and limited "greenfield" development within the urban boundary expansion area in south Caledon. The OP was approved by the province in October 2025.

The subject lands are designated as Niagara Escarpment Natural Area, which is within the Greenbelt and Natural Heritage Systems. The lands are not located within a rural settlement area or any other area identified for intensification. Town of Caledon planning staff have confirmed that Caledon's Official Plan does not permit Additional Residential Units on Natural Heritage System lands within the Greenbelt Plan or Niagara Escarpment Natural Area designations of the NEP.

The proposed detached second dwelling does not conform with the Town of Caledon's Official Plan (2025).

6.4 Provincial Planning Statement (2024)

Section 2.5.2 of the Provincial Planning Statement (PPS) provides policies for Rural Areas within municipalities and directs growth and development to rural settlement areas to promote their vitality. The nearest settlement area to the subject property is the Village of Belfountain, approximately 1.5 km to the southwest.

NEC staff are of the opinion that the proposed detached second dwelling is not consistent with the growth and development provisions under Section 2.5 of the PPS

Section 4.1.1 of the PPS directs that natural heritage features and areas shall be protected for the long term. Section 4.1.5 directs that development and site alteration shall not be permitted in significant woodlands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Section 4.1.7 directs that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The natural heritage features referenced in Sections 4.1.5 and 4.1.7 are, or appear to be, present on the subject property and may be impacted by the proposed development. Should this application be supported in principle a natural heritage evaluation will be required to demonstrate consistency with Section 4.1 provisions of the PPS.

7.0 Summary of Agency Comments

Given that the application is not a permitted use under Part 1 of the NEP, it was not formally circulated to agencies for review and comment. However, NEC staff reached out to Town of Caledon planning staff who advised that Caledon's Official Plan does not support Additional Residential Units on this property as it is located within the Natural Heritage System designation of Greenbelt Plan, and Niagara Escarpment Natural Area designation of the NEP. (Appendix #6)

If the Commission supports the Development Permit Application in principle, the application should be circulated to the following agencies for review and comment:

1. Town of Caledon:
 - Comments related to the Region of Peel Official Plan and Town of Caledon Official Plan.
 - Environment Sensitive Area identified by the Region of Peel as shown on NEC mapping

2. Credit Valley Conservation Authority (CVC):
 - CVC on-line mapping shows the subject property entirely within the CVC Regulated Area and portions along Forks of the Credits Road to be within floodplain
3. Ontario Parks
 - Subject property within 150m buffer of a provincial park
4. Six Nations of the Grand River Territory First Nation

8.0 Key Considerations

As identified in the analysis above, if this application is supported in principle, staff recommend:

- Circulation to partner agencies and Indigenous communities, including:
 - Town of Caledon:
 - Credit Valley Conservation Authority (CVC):
 - Ontario Parks
 - Six Nations of the Grand River Territory First Nation
- A full review of NEP Part 2 Development Criteria and applicable PPS policies, supported by the submission of technical studies, including:
 - Natural heritage evaluation
 - Hydrological evaluation
 - Hazard (e.g., flooding and slope stability) assessment
 - Other technical studies, as may be required through agency review.

9.0 Conclusion

The application proposes to construct a detached second dwelling on an existing 1.5 ha (3.8 ac) lot that supports an existing dwelling, garage and garden shed on private servicing. NEC staff are of the opinion that the proposed detached second dwelling is not a permitted use on land designated as Escarpment Natural Area under Part 1.3.3 of the NEP. Further, the proposed detached second dwelling is not consistent with the PPS or the Caledon Official Plan which direct growth and development toward rural settlement areas. As a result, Staff are recommending that the Development Permit Application be refused.

Prepared by:

Original signed by

Rosi Zirger
Senior Planner

Approved by:

Original signed by

Jessica Isaac
Planning Manager

Attachments:

Appendix 1- Site Plan

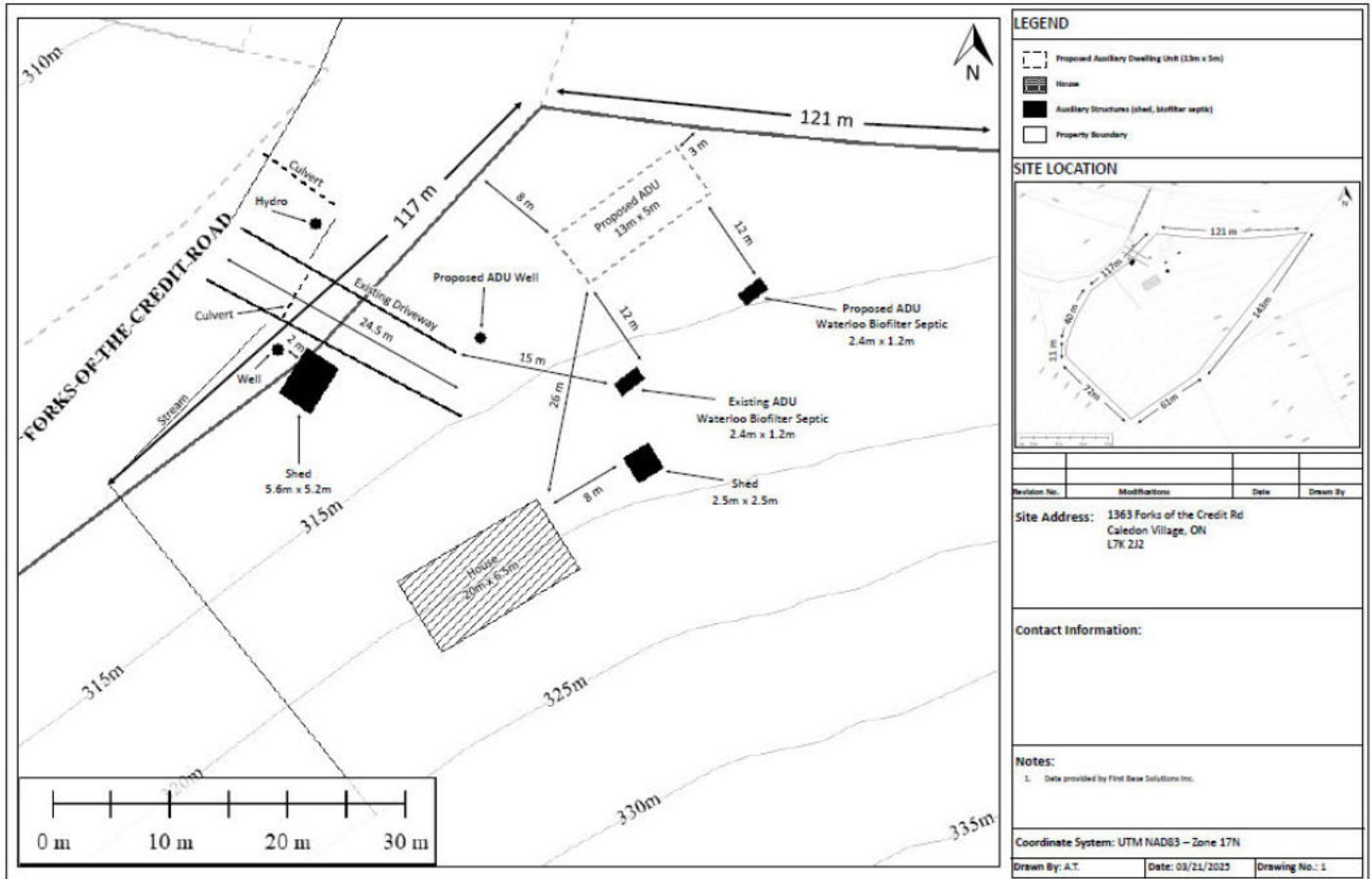
Appendix 2 – Owner/Applicant’s Justification Letter

Appendix 3 – Mapping: Niagara Escarpment Plan

Appendix 4 – Mapping: Credit Valley Conservation Authority

Appendix 5 – Town of Caledon – Response – April 17, 2026

Appendix 1- Site Plan



Appendix 3 – Mapping: Niagara Escarpment Plan

Figure 1: NEC Map 1A - NEP Designations

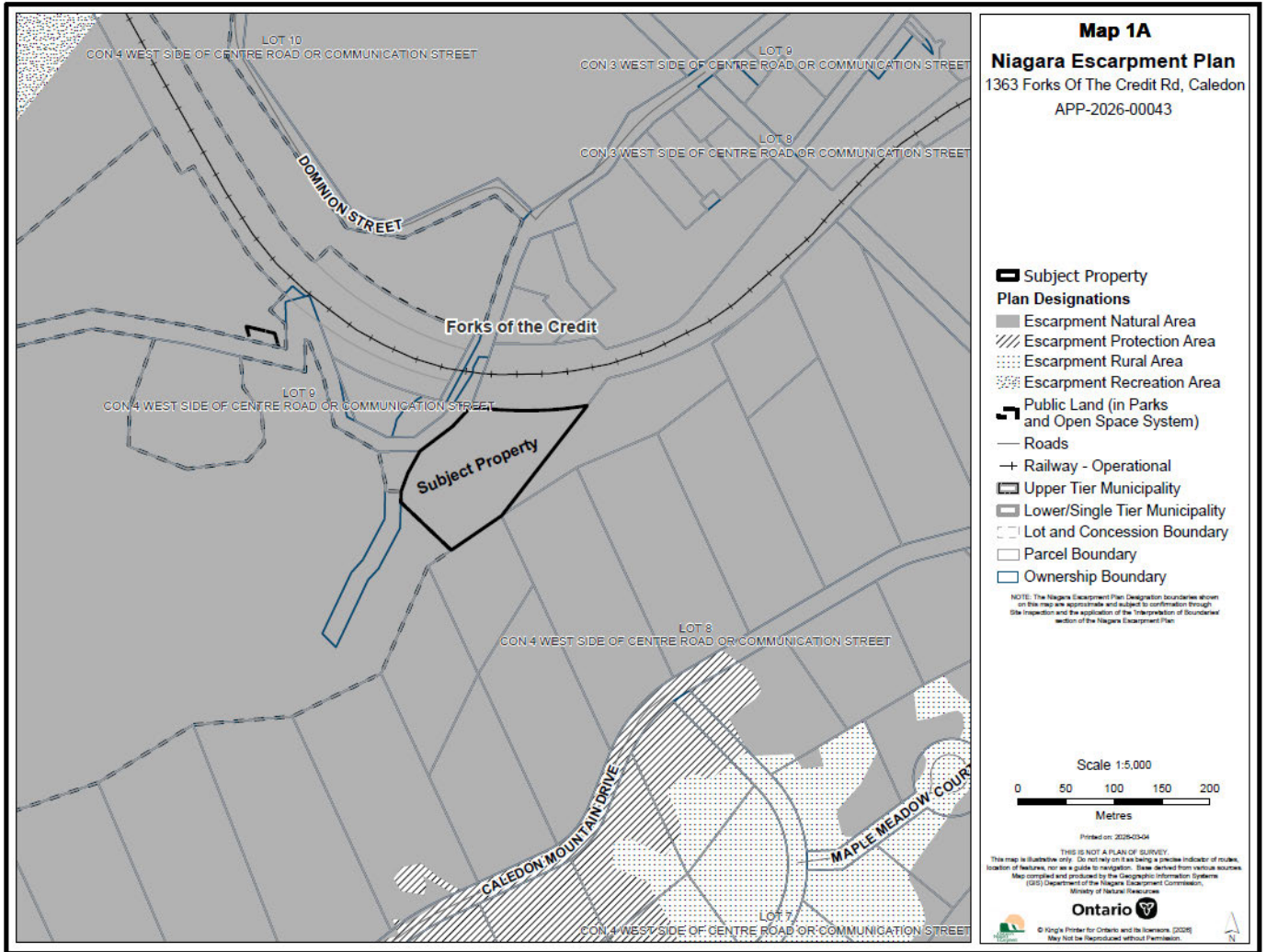


Figure 2: NEC Map 2 - Lot Configuration

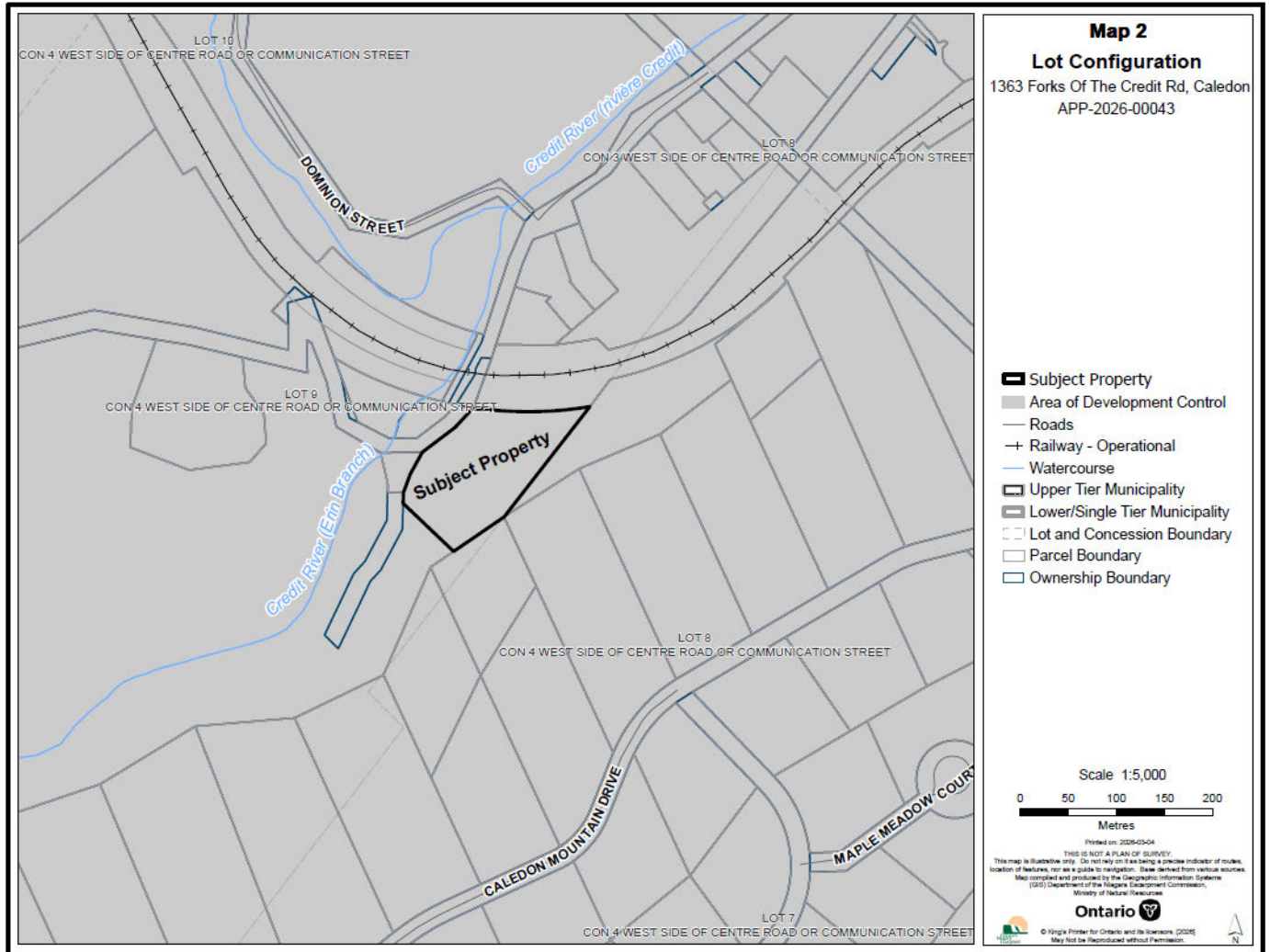


Figure 3: NEC Map Ortho-imagery - Significant Woodland

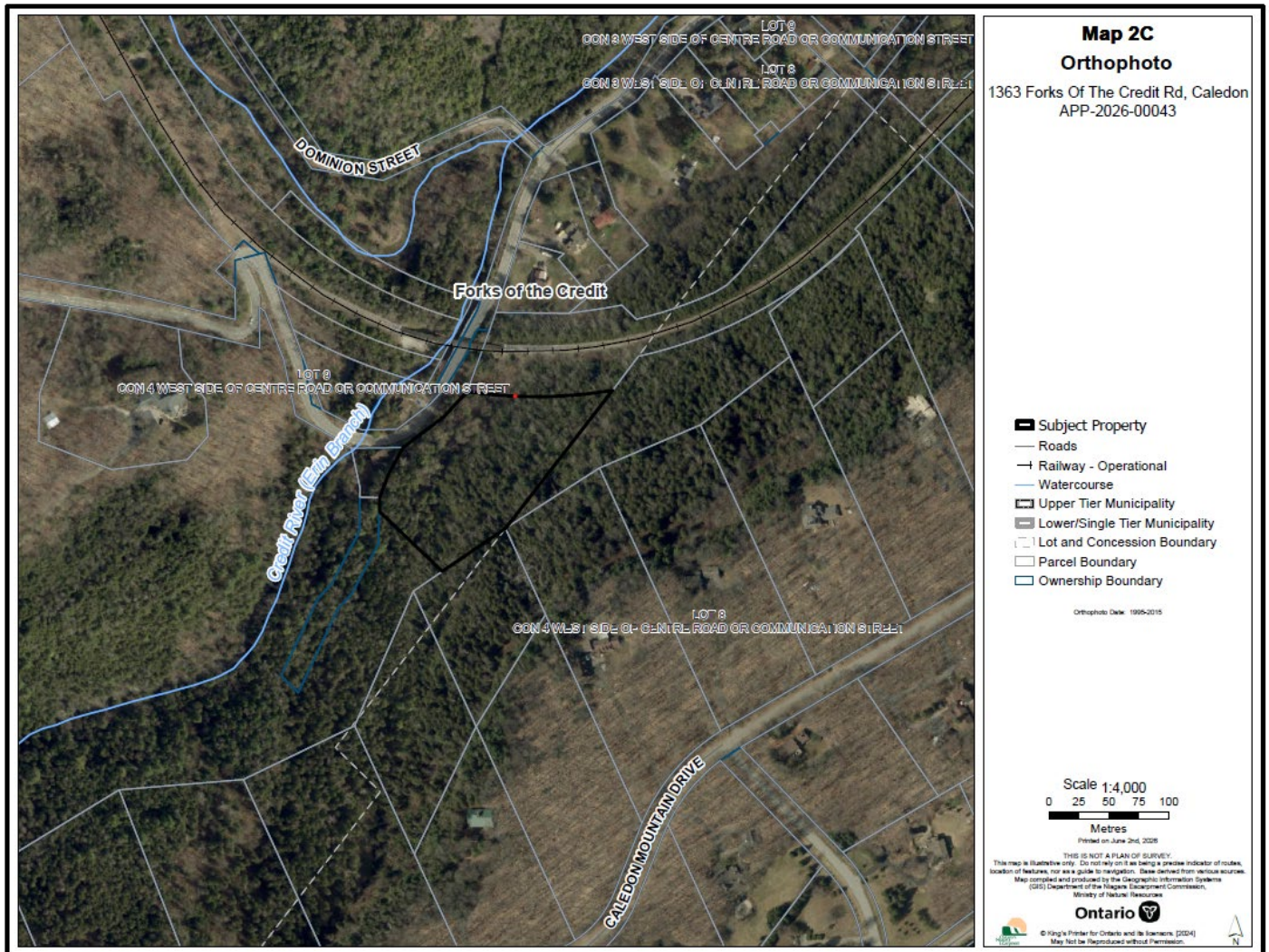


Figure 4: NEC Mapping – Life Science ANSI

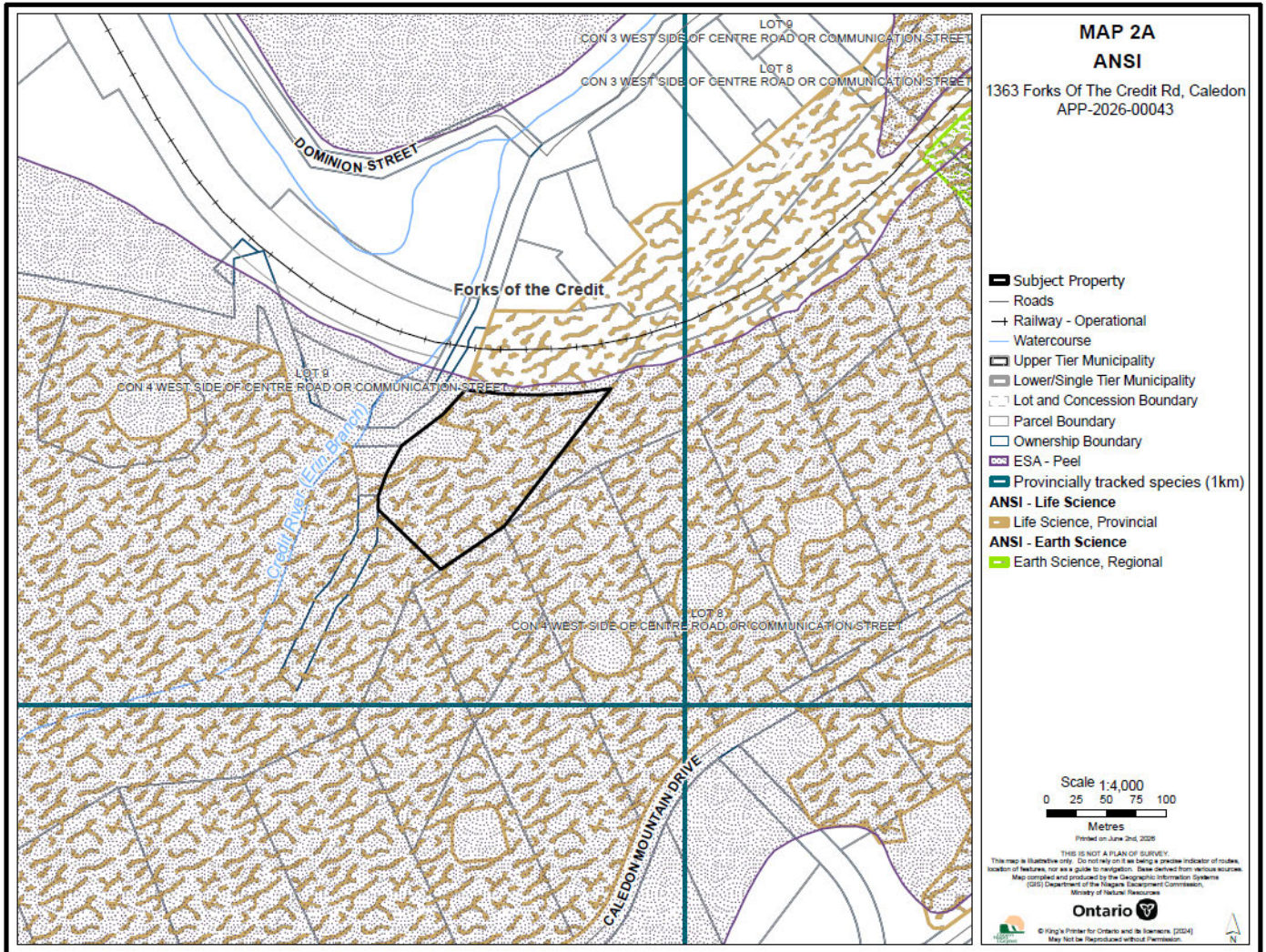
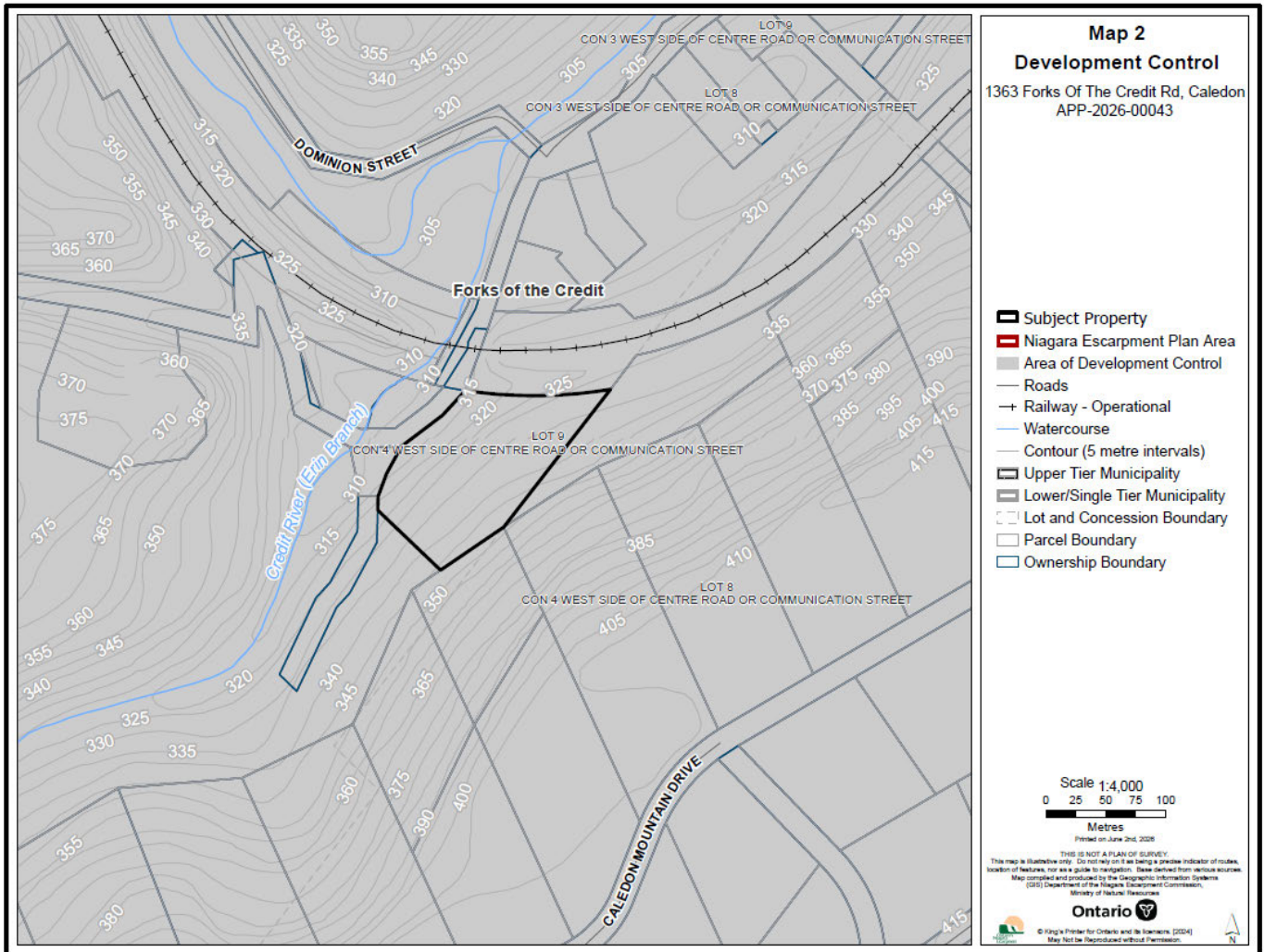


Figure 5: NEC Mapping – Contours

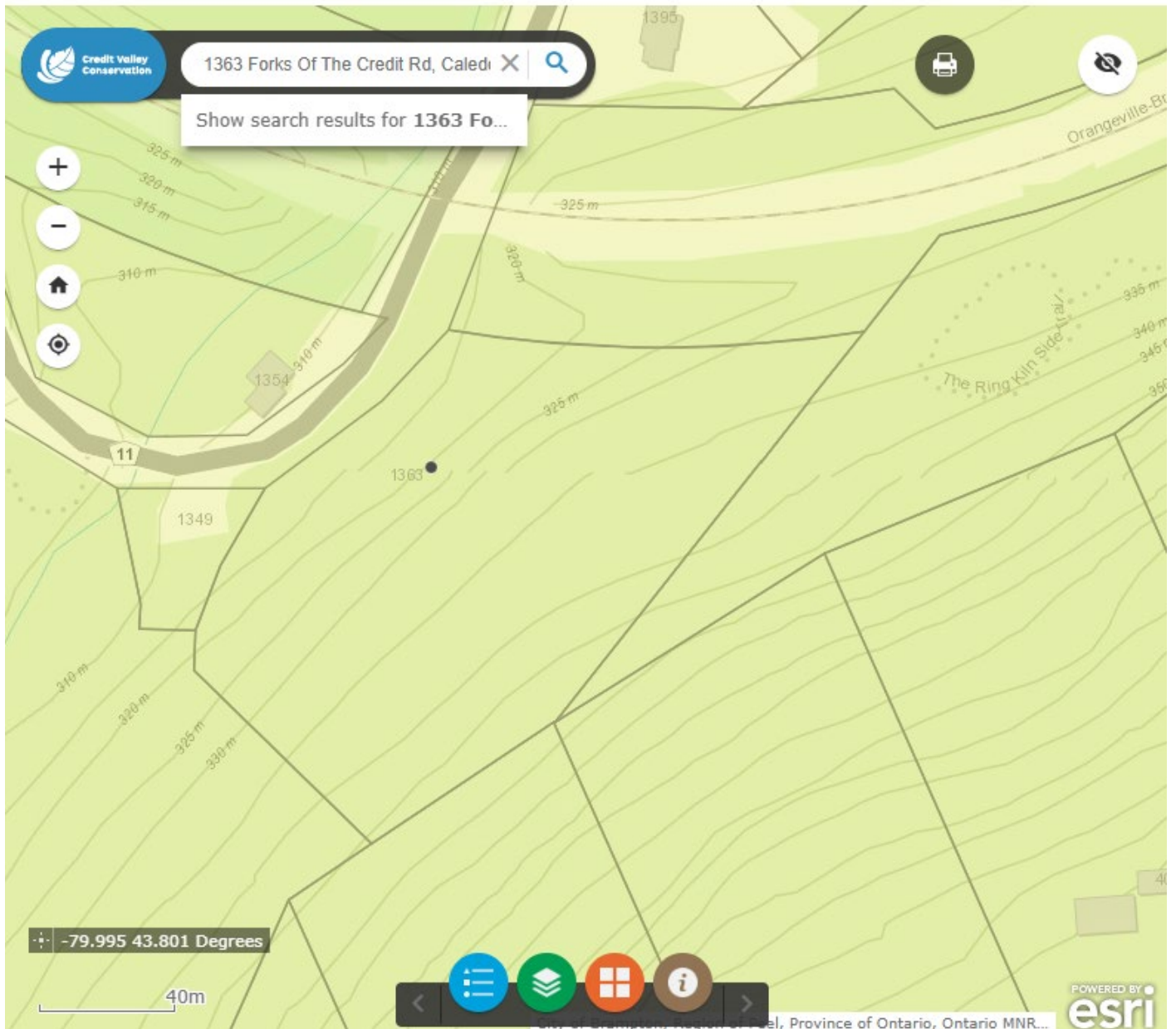


Appendix 4 – Mapping: Credit Valley Conservation Authority

Figure 6: CVC Floodplain Map



Figure 7: CVC Regulated Area



Appendix 5 – Town of Caledon Response: April 17, 2026

From: Planning <planning@caledon.ca>
Sent: April 17, 2026 12:24 PM
To: Zirger, Rosi (MNR)
Cc: Alexander, Elizabeth (She/Her) (MNR)
Subject: RE: NEC Request for Advice - 1363 Forks of the Credit - APP-2026-00043

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Hello,

Most of our residential zoning permits Additional Residential Units. Section 6.4 of the Zoning By-law provides more information on ARU's within the Town. The Future Caledon Official Plan states properties outside settlement areas where residential uses are permitted, ARU's will be subject to limitations set out in the PPS, Greenbelt Plan, ORMCP, and the NEP.

This property specifically does not permit Additional Residential Units as per the Greenbelt Plan or the NEP.

The Town has also received an inquiry regarding a “secondary dwelling” (which I assume is the equivalent of what the Town refers to as ARU's) on this property, please let me know if you have any recommendations on how the Town can approach this.

Please let me know if you have any further questions.

Best Regards,

Sabrina Spataro Planning Technician Planning Development

Office: 905-584-2272 Extn: 4019

Email: Sabrina.Spataro@caledon.ca

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From: Zirger, Rosi (MNR) <Rosi.Zirger@ontario.ca>

Sent: Monday, April 13, 2026 3:12 PM

To: nec <nec@caledon.ca>

Cc: Alexander, Elizabeth (She/Her) (MNR) <Elizabeth.Alexander@ontario.ca>

Subject: NEC Request for Advice - 1363 Forks of the Credit - APP-2026-00043

Good afternoon

NEC has received a Development Permit Application for the construction of a detached second dwelling at 1363 Forks of the Credit Road, Caledon.

The property is located within the Niagara Escarpment Development Control Area and therefore requires a Niagara Escarpment Development Permit pursuant to the *Niagara Escarpment Planning and Development Act* (NEPDA).

The subject property is designated Escarpment Natural Area by the Niagara Escarpment Plan 2017 (NEP).

Detached second dwellings are **not a permitted use** in the Escarpment Natural Area, under Part 1.3.3 of the NEP. Further a secondary dwelling unit within the existing dwelling would also not be permitted in this designation.

NEC staff are not supportive of this application and will be recommending refusal. The applicant is insisting staff take this application to the NEC Commission for decision.

At this time NEC staff would prefer to not circulate this application for formal agency review and comment. However, it would help us to know what the Town's position would be in this case.

Does the Town support second dwellings? Thank you in advance

Regards

Rosi Zirger

Senior Planner | Niagara Escarpment Commission 232 Guelph Street, Georgetown, Ontario, L7G 4B1

905-703-7216