

Mars Canada appreciates the opportunity to comment on this draft regulation, developed pursuant to Bill 108, the *More Homes, More Choice Act*, 2019.

We understand that the focus of Bill 108 is on putting affordable home ownership in reach of more Ontario families by making it easier for municipalities, non-profits and private firms to build new homes. We also understand that it is important to cut red tape, speed up local planning decisions and make the appeals process more efficient in Ontario.

Our understanding is that this draft regulation would expand the grounds of an appeal of a municipal decision on an official plan/amendment or zoning by-law/amendment, as well as allow the Local Planning Appeal Tribunal (LPAT) to overturn such local planning decisions for any appeal that is before the LPAT, but does not yet have a hearing date scheduled, at the time Bill 108 is proclaimed. The net effect of this regulation is that a de novo approach would be taken in any such appeal, meaning these appeals would start from the beginning, as if there had been no prior review by the municipality.

Mars Canada is deeply concerned about the potential for applying this new approach to an appeal that is already well underway before the Local Planning Appeal Tribunal. The project being proposed by MJJJ Developments Inc. has serious implications for the future viability of our significant operations in Bolton, Ontario.

MJJJ Developments Inc. has applied to the Town of Caledon for an Official Plan Amendment and Zoning By-law Amendment to permit an asphalt plant consisting of a 2-storey, 1,042 m² office building fronting onto Coleraine Drive and a hot mix asphalt plant with associated open storage and 1-storey, 46 m² seasonal office building accessed from Simpson Drive.

The proposed site for the asphalt plant at 12415 Coleraine Drive is only 300 meters from the Schenker distribution center located at 12315 Coleraine. Schenker currently acts as a distribution centre for a wide range of Mars Canada food products, along with raw materials supporting the manufacturing of the company's chocolate, rice and pet food products. It is also across the street from a new 890,000 square foot warehouse facility planned by Mars Canada. This new facility would involve a private investment of \$100 million by Mars, the latest significant job-creating manufacturing project in the Bolton community, following a \$77 million private commitment to expand the Mars food plant just two years ago.

There are serious concerns about raw materials, packaging and products absorbing odours, flavours and chemicals coming from the asphalt plant. Mars Canada products – in particular, chocolate – could absorb odours and flavours from emissions discharged from the asphalt plant; similarly, fumes could be absorbed by packaging material and diffused into products, despite product wrapping. Asphalt production also creates toxic dust which contains heavy metals, which poses a risk to handling wrapped products. Mars' products may also absorb airborne chemicals emanating from the facility that could impact the health of consumers. This would directly impact any product exported to the US, Australia, New Zealand and other countries that Mars Canada currently ships product to (last year alone, Mars' Canadian business segments collectively exported more than \$300M CAD in goods to countries around the world).

Mars Canada submitted a letter to the Town of Caledon in opposition to the proposed asphalt plant – please see a copy of this letter below.

Caledon Council unanimously rejected the proposed plant on February 29, 2019. The basis for this refusal is outlined in [Staff Report 2019-18](#) (item #6): the application fails to conform to Provincial Plans, the Region of Peel and Town of Caledon Officials Plans, is inconsistent with Provincial Policy Statement (2014) and does not represent good planning. The staff report indicates that peer reviewers were retained by the Town of Caledon to conduct extensive reviews of the technical reports submitted by MJJJ Developments.

MJJJ Developments has appealed the Council decision to the Local Planning Appeal Tribunal (LPAT). No hearing date has yet been set for the MJJJ appeal.

The proposed location of an asphalt plant so close to both the Schenker facility and the new warehouse being planned by Mars would have an insurmountable and detrimental impact on its business operations in Bolton. Should it move forward, Mars Canada could be forced to relocate both its existing operations and the new warehouse, putting tens of millions of investment dollars and hundreds of well-paying jobs at risk, not only in the immediate Bolton community but also through spinoff jobs throughout the province.

Mars Canada appreciates that Bill 108 and its related regulations are aimed at building more housing. However, we do not believe that the new process put forward under the legislation should apply to the asphalt plant appeal that is currently before the LPAT. The proposed asphalt plant is universally opposed by the Town of Caledon, its residents and the local businesses. We believe it would not be appropriate for the Town's decision to potentially be overturned by subjecting this appeal to the new process.

Changes aimed at increasing the supply of housing should not be used to overturn a local decision made by the Town of Caledon that reflects not only the Town's concerns, but also those of the local community and the businesses located there.

We believe that the new process for planning appeals should apply to appeals that are brought before the LPAT after Bill 108 is proclaimed, so that the current appeal on the proposed asphalt plant is limited to a review of the Town's conclusion that the project does not comply with municipal and provincial planning requirements. We urge the government to amend the draft regulation to give effect to this approach and protect hundreds of valuable jobs.

37 Holland Drive
Bolton, Ontario
L7E 5S4



Mary T. Nordstrom
Senior Development Planner
Town of Caledon
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Caledon, Ontario
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RECEIVED

OCT 31 2018

TOWN OF CALEDON
CLERK'S DEPARTMENT

Re: File No. POPA 18-02; RZ 18-04; SPA 18-0058

We are writing to express our opposition to an application to the Town of Caledon by MJJ Developments Inc. proposing an Official Plan Amendment and Zoning By-law Amendment that would allow the construction of an asphalt plant with associated open storage.

The proposed site for the asphalt plant at 12415 Coleraine Drive is located very close to the DB Schenker Canada facility, which is located at 12315 Coleraine Drive – in fact, only 300 metres separate the two. The Schenker facility currently acts as a distribution centre for a wide range of Mars Canada products, along with raw materials supporting the manufacturing of our chocolate, rice and pet food products. The proposed asphalt plant location is also directly across the street from a new 890,000 square foot warehouse facility planned by Mars Canada. This new facility would involve an investment of \$100 million, and following a \$77 million expansion of our food plant just last year, represents the latest investment by our company in the Bolton community.

The location of an asphalt plant so close to our current distribution centre, as well as our planned warehouse investment will have a detrimental impact on the Mars Canada business. We have a number of serious concerns about this proposal, based on our understanding of the risks involved in being located nearby an asphalt plant which include:

- Asphalt is made from bitumen, which during production releases toxic fumes such as:
 - Polyaromatic Hydrocarbons, which are carcinogenic, known to have negative respiratory, immunological and reproductive effects
 - High molecular weight phenols, which cats are particularly sensitive to due to lacking the metabolism to eliminate these compounds
 - Napthalenes, which are known to cause hemolytic anemia and liver damage, as well as have neurological effects
- Mars Canada products – in particular, chocolate – could absorb odours and flavours from emissions discharged from an asphalt plant; similarly, fumes could be absorbed by our packaging material and diffused into our products, despite product wrapping; asphalt production also creates toxic dust which contains heavy metals, which poses a risk to handling wrapped products.
- Our products may also absorb airborne chemicals emanating from the facility. This is of particular concern, as such chemicals could impact the health of our consumers: the International Agency for Research on Cancer has issued a statement classifying occupational exposures to straight-run asphalt cement and related emissions during road paving as possibly carcinogenic to humans.

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Given these significant concerns, Mars Canada opposes the application by MJJJ Developments to locate an asphalt plant at 12415 Coleraine Drive. We will be participating in the public meeting referenced in the notice of application regarding the proposed plant, in order to further voice our concerns. We also intend to meet with a number of stakeholders and decision makers with the Town of Caledon.

Through this letter, we are also asking that the Clerk of the Town of Caledon keep Mars Canada informed about the proposed asphalt plant.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Shepherd", is written over a faint, illegible printed name.

Paul Shepherd
Vice President, Supply Chain
Mars Canada

cc: Mayor Allan Thompson
Councilor Annette Groves
Ben Roberts, Manager Business Development, Tourism & Culture, Town of Caledon
Clerk of the Town of Caledon ✓

cc: Leslie Brams-Baker
Mars Canada

