



Oakville council in hot seat over OPA 198

by Karen Wirsig

The future of north **Oakville** is the subject of a major public debate at town hall and is destined for the **Ontario Municipal Board**. Council was to have decided last night whether to approve the now-controversial official plan amendment that would make way for significant new residential and employment development north of Highway 5.

Mayor Ann Mulvale, who has supported OPA 198, told *GTA Municipal News* before the council meeting that she was facing a polarized council and a polarized community over the issue. "I am going to be in a very precarious position," she said, predicting a six-to-five vote one way or the other. Despite her belief that the plan amendment is sound, she has promised as mayor never to vote to make a tie. "I will vote with the majority."

Development applications have already been submitted by the landowners and, if the town were to decide against development, the case would almost certainly end up at the OMB. However, if the plan and developments are approved, they are likely to be challenged at the OMB by local ratepayers and environmentalists. Around 700 people showed up at the first day of public hearings on February 25, which lasted all week.

Councillor Allan Elgar, elected in 2000 on an environmental platform, opposes the plan on the grounds that the town does not yet have all of the

information required to make a decision about development. "We have to do it right," he told *GTA Municipal News*. "People want information on environmental issues first. The worst thing we could do is have a half-baked plan."

He believes that momentum is building against the plan, which he says lacks adequate information on the environmental features in the 7,000 acres in question. A letter to the town dated February 14 from the ministry of municipal affairs, and signed by the planner who was a key provincial witness at the OMB hearing regarding development on the Oak Ridges Moraine in **Richmond Hill**, recommended that a natural heritage system be identified in OPA 198. **Victor Doyle** also suggested the amendment should identify the Trafalgar Moraine and suggested that sub-watershed studies related to both of those features be completed before any secondary plans are considered.

A letter from the ministry of natural resources to the town dated February 8 indicated that more study is necessary on the approximately 26 wetlands found in the OPA 198 area. It also indicates that some parts of the area could be designated as areas with natural scientific interest.

However, a second letter from the ministry of mu-

(Continued on page 2)

Straightforward Legal Solutions

STIKEMAN ELLIOTT

for the development industry and municipalities

- Land Use Planning
- Strategic Alliances
- Financing

James W. Harbell
(416) 869-5500
jharbell@stikeman.com

In this Issue of GTA Municipal News

OMB backs township against water bottler.....2
Toronto council hears from Vaughan.....3
Partnerships needed to clean air.....4
Regional News.....5
Development News.....5
Ontario Municipal Board.....6
Coming Up.....7

Published by NRU Publishing, Inc.
•TEL 416.260.1304 FAX 416.979.2707•

OMB backs township against water bottler

The **Ontario Municipal Board** has upheld a municipal decision to prohibit water bottling on farmland north of Barrie. In a decision issued in mid-February, the OMB turned down the appeal against **Township of Oro-Medonte**, which refused to allow a water-bottling plant on land designated as agricultural on part of the Oro Moraine.

Gold Mountain Springs has a water-taking permit from the Ontario ministry of the environment for the site on which the company wanted to build a bottling plant. According to company spokesperson **Sandy Gott**, Gold Mountain now pumps about 13,000 gallons per day from the area and trucks it to other bottlers. The company wanted to bottle the water on-site itself, which would have provided local jobs, Gott said. In the wake of the decision, which the company has not appealed to the courts, Gold Mountain will continue trucking water from the site.

Board vice-chair **Susan Fish** found that the township's official plan is clear about where industrial development can take place and about the intention of the township to not rubberstamp site specific amendments. In addition, Fish decided that the OMB "has a positive obligation to examine the environmental and ecological impact of the proposed land use and its associated water taking." She also indicated that municipalities have discretion to consider the "the envi-

ronmental and ecological impacts of their decisions, particularly as they may relate to the quality and quantity of surface and ground water."

Although the OMB and the planning act do not have jurisdiction over water-taking permits, Fish said, the provisions of the planning act are paramount over other acts in the event of conflicts. She said evidence was inadequate to prove that the quality and quantity of ground water "is protected or enhanced, or that the natural features and functions of the Bass Lake watershed and adjacent wetlands will be protected."

Rod Northey of **Birchall Northey**, who represented local residents opposed to the plant, told *GTA Municipal News* that he was pleased with the Board decision and particularly that "the board seemed to view science as an important contribution to its decision-making."

Northey said it is important that the OMB recognized shared authority with the ministry of the environment on water-taking issues in this case.

"What we are finding in environmental law is that municipalities are being recognized in the courts," **Daniel Oster**, a researcher with Birchall Northey, told *GTA Municipal News*. He drew a parallel from this case to the Supreme Court of Canada decision up-

(Continued on page 3)

OAKVILLE COUNCIL IN HOT SEAT (FROM PAGE 1)

municipal affairs dated February 25, the day the public hearing began, stated that the ministry's view on OPA 198 had changed and that it was now satisfied with the timing of studies. That second letter, signed by deputy minister **Michael Fenn**, does not refer to other recommendations made in the first ministry letter, regarding the Trafalgar Moraine and a natural heritage system.

According to Elgar, who put in calls to the ministry to find out why the second letter was sent, a request for the Fenn letter came forward from Oakville city manager, **Joann Cechalk**. The letter is also addressed to her.

For Toronto lawyer **A. Milliken Heisey**, who represented the **City of Toronto** in the Richmond Hill OMB case and was hired by Oakville ratepayer groups to make a presentation to Oakville council on OPA 198, the public pressure is further proof that

politics in the 905-area are going green.

"I think this amply demonstrates that the public is beginning to question how planning decisions have been made and developments have been done in the GTA," he told *GTA Municipal News*. "Municipalities need to examine what is going on with natural systems."

Mulvale believes it is better to go to the OMB with an approved plan than without one. She said that up to 30 per cent of the land in question could be preserved as open space under the proposed OPA 198 and added that millions of dollars could be spent at the tribunal with no additional land protected. However, some residents are now calling for the preservation of 20 per cent of Oakville as rural. Effectively, that would mean prohibiting development north of Highway 5, Elgar said. •

Toronto council hears from Vaughan

At least 160 people from **Vaughan** descended upon **Toronto** city council on March 4 to express their displeasure at the city's attempt to get the life of the Keele Valley landfill extended. The Vaughan dump, owned by the City of Toronto, is scheduled to close at the end of this year.

Toronto Deputy Mayor Case Ootes received the delegation outside the mayor's office after the council meeting had begun. Later, as the crowd looked on from the public gallery, Ootes presented a petition with 8,000 signatures to council from people opposing the landfill extension.

When the council meeting continued the next day, Ootes thanked the delegation for the quiet respect with which they dealt with city council. Perhaps in reference to a raucous debate in the same chamber over sending Toronto's garbage to a former mine in Kirkland Lake, the deputy mayor said other groups could learn from the decorum of the Vaughan group.

Toronto city council, which is in the midst of approving its 2002 budget, voted on March 5 not to pursue the issue with the provincial government. •

OMB BACKS TOWNSHIP (FROM PAGE 2)

holding the right of the town of **Hudson**, Quebec, to regulate the use of pesticides on private property, despite the argument that pesticides are regulated by provincial and federal governments.

The OMB decision in this case is quite different to a board ruling last year on an appeal by a community group in **Grey County**, also represented by Northey, against water-taking by **Artemesia Waters Ltd.** In that case, the board decided it did not have jurisdiction to deal with water-taking.

However, last month **Grey Association for Better Planning** was granted leave to appeal the year-old

OMB decision to the Ontario Divisional Court. The court found that "there is serious reason to doubt the correctness of the OMB's" finding that water-taking is not a land use issue and that the OMB has no over-lapping jurisdiction with the ministry of the environment. The court appeal may be heard before the summer.

In the Oro-Medonte case, **David S. White** was the solicitor for Gold Mountain Springs and **Cristopher J. Williams** and **Tom Halinski** of **Aird & Berlis** acted for the township. (*See OMB Case No. PL000560.*) •



Solid Numbers and Sound Advice

- planning impacts • real estate markets •
- land use • demographics •

**CLAYTON
RESEARCH**

Urban and Real Estate Economists
Phone 416-699-5645 1-800-689-4425 www.clayton-research.com



Off-the-shelf mapping products of the GTA

www.firstbasesolutions.com

Digital Aerial Photography

Digital Elevation Models

Custom Map Products

Digital Ortho Photo Mapping

Photo Quality Plotting



First Base Solutions

Troy Mitchell (800) 816-1155

A division of J.D. Barnes Limited

Partnerships needed to clean air

by Lisa Salsberg

‘Practical solutions to improving air quality’ was theme of this year’s Upwind Downwind conference held in Hamilton February 25 and 26. Organized by **Clean Air Hamilton**, the conference brought together planners, scientists and researchers, activists, policy makers and other officials from across Ontario and the United States to listen, learn and talk about ways that communities are working to improve their local air quality and reduce global climate change.

The conference featured two keynote speakers. **Russell Perry**, Managing Partner with **William McDonough and Partners** spoke about building designs for sustainability. **Reid Ewing**, Research Professor at **Rutgers University**, and author of *Best Development Practices*, the **American Planning Association**’s top selling book for three consecutive years, spoke about the smart growth experience in the U.S. and sustainable land-use planning efforts to improve air quality in Florida, Oregon and Maryland.

In the Florida example, Ewing examined Miami Dade County where urban development boundaries and transportation boundaries were established. Ewing lamented that the two efforts were not well integrated and pronounced Florida’s effort a “general failure.”

In Oregon, Ewing focussed on the often-cited case of Metro Portland. He concluded that while the regional growth concept appears to have worked in Portland, after 30 years of growth management planning, the level of effort perhaps does not equal the level of success, in that other areas have achieved similar success over shorter periods of time.

In the Maryland case, Ewing discussed the ways state-sponsored financial incentives, such as Priority Funding Areas and job creation tax credits, are used to entice growth and development in designated areas. He also described the Live Near Your Work program, funded jointly by the state, municipality and employers, where people can be paid up to \$3,000 to move closer to work. Ewing concluded

that five years into the growth management program, Maryland has made significant achievements as a result of the incentive programs.

Art Williams of the **State and Territorial Air Pollution Program Administrators** and the **Association of Local Air Pollution Control Officials** in the U. S., discussed ways in which partnerships have been important. He cited examples such as **NESCOM** in the north eastern U. S., the **Environmental Commissioners of the U. S.** and the **Conference of U.S. Mayors** as providing forums for forming allegiances and bringing forward initiatives which cross political boundaries and require the co-operation of various levels of government.

The final panel highlighted examples of building alliances at the local level, underway in southern Ontario. **Sonya Kapusin**, for example, outlined the work of the **Southern Ontario Clean Airshed Network** that brings together 11 communities in southern Ontario and has created a forum for dialogue with their U.S. counterparts. The network was established to share information and to develop targeted strategies to improve air quality. It now involves all levels of government and a variety of other concerned stakeholders.

In the plenary discussion, conference participants suggested that, while good efforts have been made towards building horizontal alliances of municipalities, there are fewer ‘real’ vertical alliances among all levels of governments, which go beyond talk to action. **Dr. David Pengelly** of **McMaster University**, a well-know expert on the health impacts of air quality in southern Ontario, proposed that one such vertical aligned partnership – of a less political nature- should be to pool resources for the development and construction of a southern Ontario regional air quality model. This would assist not only with future research but be important to the development of effective strategies to combat air pollution in Ontario. •

Lisa Salsberg is a private consultant working on smart growth and healthy communities issues.

•REGIONAL NEWS •

-York Region-**Region enters MOU with
Moraine Land Trust**

York Regional Council endorsed a recommendation at its February 21st meeting to enter into a memorandum of understanding with the **Oak Ridges Moraine Land Trust** to secure conservation easements or donations of moraine land. Under the agreement, the region will commit to partner with the land trust on a property-by-property basis. In return, the land trust will support acquisition initiatives. The authority to disburse funds, execute agreements for the management of lands and accept land or easements within the partnership will lie with the region's **Commissioner of Transportation and Works**. The MOU will be reviewed after one year.

-Peel Region-**Brampton's Vales of Castlemore grows**

A new development at the north east corner of Airport Road and Castlemore Road received draft approval by Brampton Council February 25. The plans are for 41 single family detached units, 66 semi-detached units, and a storm water management pond.

New community slated for Brampton

An application to amend the zoning by-law in the north west quadrant of Chinguacousy Road and the further extension of Sandalwood Parkway West was draft approved at the February 25 meeting of Brampton Council. The development is to include 49 single family detached units, 66 semi-detached units, sites for both a public and a separate high school, and a community park.

Development on Gore Road in Brampton

Brampton Council approved a draft plan to subdivide the lands at the northwest corner of Gore Road and Ebenezer Road. The plan includes 349 single family and semi-detached dwelling units, a town-

house block, two elementary school sites, a 1.2 hectare park, a stormwater management pond and a new internal road network.

Brampton's Donwoods Court extends

A new development was approved by Brampton Council February 25, enlarging Donwoods Court by 61 single family detached dwelling units. •

• DEVELOPMENT NEWS •

-Richmond Hill-**Rezoning to permit four lots**

Luciano & Vittoria Cianciusi submitted a zoning by-law amendment for lands at 19 Long Hill Drive, Lot 16, Plan 5509. The application is to rezone the lands from RR1 to R6 to permit the creation of four lots having frontages of 16.38 metres and a depth of 62.48 metres.

**Rezoning to permit smaller
interior lot areas**

An application for zoning by-law amendment by **Delpark Homes Ltd.** was made to facilitate revisions to draft approved plan of subdivision at part of Lot 25, Concession 2, E.Y.S. near Elgin Mills Road East and Leslie Street. The applicant is requesting to amend By-law No. 38-95, as amended by By-law No. 67-98, to rezone the proposed townhouse blocks to RM1 and the semi-detached lots to RD1 to accom-

(Continued on page 6)

FAX YOUR NEWS RELEASES TO:

NRU PUBLISHING INC.

416.979.2707

• ONTARIO MUNICIPAL BOARD •

-Halton Region-

Appeals settled for 401 industrial corridor

In a decision issued February 21, board member **Susan Rogers** allowed the appeals in part by **Conrad Painting Ltd.** and **Panorama Investment Group Limited** against zoning by-law 00-138 of the **Town of Halton Hills**. The by-law affects about 405 hectares of land known as the *401 Industrial Corridor* located on the north side of **Highway 407**, west of **Winston Churchill Drive**, east of **James Snow Parkway** and south of **Steeles Avenue**. At the start of the hearing the board was advised that all appellants had settled with the town, and that a revised by-law would be presented reflecting the accommodations. There were parts of the revised zoning by-law requested by Panorama Investment

Group that could not be considered by the board because they required an OPA for which no notice had been given. The board set a hearing date of March 4 for the lands south of those owned by Panorama. The board heard evidence that the amended zoning by-law represents good planning. It implements the provisions of *OPA No. 94*, which implements *regional OPA No. 8*, providing needed and serviceable industrial land for the town. As well, it permits the ongoing operation of legally established industrial uses in the area. Solicitor **Stephen D'Agostino (Thomson, Rogers)** represented the Town of Halton Hills. **Stanley Floras** was the solicitor for **Halton Region**. Solicitor **Neil Davis (Davis, Webb, Schulze & Moon)** represented Panorama. **Michael Garvey (Garvey & Garvey)** was the solicitor for Conrad Painting Limited. (See *OMB Case No. PL001325.*) •



GTA People

Bianca Bielski has joined the **City of Kingston** as **Director of Planning**. Formerly, Bielski was Manager of Development Services at the City of Vaughan.

Stan Holiday has joined the **City of Hamilton** as **Senior Planner**. Prior to this, Holiday was a planner in the City of Vaughan's Community Planning Department.

Ms Toni Marwitz is the newly appointed **U.S. Consul General in Toronto**, the first woman to serve in this capacity. Prior to this, Marwitz was the Director of Foreign Service Assignments in the U.S. State Department's Bureau of Human Resources. •

DEVELOPMENT NEWS (FROM PAGE 5)

modate a total of 81 units. A reduction in the minimum interior lot areas is requested.

Rezoning for Jefferson Secondary Plan lands

Crossmar Investments Ltd. made application for zoning by-law amendment and related site plan applications at part Lot 3 of Lot 57, Concession 1, E.Y.E. to develop 27 townhouses. The lands are designated "Village Centre-Residential/Commercial" in the Jefferson Secondary Plan (OPA 138) and the applicant seeks to rezone the lands to "Multiple Residential One Zone." The 10 metre buffer along the top of bank will remain in private ownership and will serve as the rear yard area for those units backing onto the valley. Parking is to be provided at a rate of 2.25 spaces per unit. •

Coming Up

Wednesday March 6

Halton Region Council, 1151 Bronte Road, Oakville, 9:30 a.m.

Durham Region Council, 605 Rossland Road East, Whitby, 10 a.m.

Thursday March 7

Forum on auto sector in Golden Horseshoe, sponsored by the **Canadian Urban Institute**, Metro Hall, 55 John St., Toronto, 7:45 a.m. to 9:45 a.m. Call 416-365-0816, ext. 234.

Peel Region Council, 10 Peel Centre Drive, 5th Floor, Brampton, 9:30 a.m.

Public meeting on York Region Transportation Master Plan, Markham Council Chamber, Highway 7 and Warden Ave., 6:30 p.m. to 9 p.m. Call 905-830-4444, ext. 1232.

Wednesday March 13

Transforming Planning, panel sponsored by the **Faculty of Environmental Studies**, Room 306, Lumbers Building, York University, 12:30 p.m. to 2 p.m. Call 416-736-5285.

Wednesday March 27

GTA Sustainability & Social Challenges, sponsored by **GTA Forum**, City of Toronto Archives, 255 Spadina Rd., 4 p.m. to 6 p.m. Call 416-480-2313.

Thursday March 28

York Region Council, 17250 Yonge Street, Newmarket, 9:30 a.m.

Tuesday and Wednesday, April 9-10

Environmental Management, Compliance and Engineering Conference, Regal Constellation Hotel, 900 Dixon Road, Toronto, 9 a.m. to 5 p.m. Call 905-727-4666.

GTA MUNICIPAL NEWS



IAN A.R. GRAHAM, PUBLISHER
(iang@nrupublishing.com)

LYNN MORROW, EDITOR
(lynnm@nrupublishing.com)

KAREN WIRSIG, NEWS REPORTER
(karenw@nrupublishing.com)

MAYA HARRIS, PLANNING REPORTER
(mayah@nrupublishing.com)

JOANNE BRATHWAITE, LAYOUT CO-ORDINATOR
(info@nrupublishing.com)

SALES/SUBSCRIPTIONS
(circulation@nrupublishing.com)

Annual subscription rate is \$299.
Complimentary trial subscriptions are available.
Advertising rates available upon request.

GTA MUNICIPAL NEWS is not to be redistributed without the written consent of the publisher.

GTA MUNICIPAL NEWS is published 50 times a year by fax or e-mail by NRU Publishing Inc
12 Mercer Street, Suite 400
Toronto, Ontario, M5V 1H3
Tel: 416.260.1304 Fax: 416.979.2707

(DATES CONTINUED)

Thursday April 18

U of T Friends of Planning spring social, Hart House, 7 Hart House Circle, Toronto, 6 p.m. to 9 p.m. Call 416-978-3375. •

Back Issues of
GTA MUNICIPAL NEWS

www.urbanintelligence.com