

COMMITTEE OF THE WHOLE JANUARY 17, 2005

**ONTARIO MUNICIPAL BOARD HEARING
CONSENT APPLICATION FILE B36/04
ONGARO INVESTMENTS INC.**

Recommendation

The Commissioner of Planning recommends that this report BE RECEIVED for information.

Purpose

To provide information concerning an appeal of the Committee of Adjustment's refusal of Consent Application B36/04, scheduled for an Ontario Municipal Board Hearing on January 25, 2005.

Background - Analysis and Options

The site is located southeast of Kirby Road and Pine Valley Drive, being Blocks 9, 10, and 11 on Plan 65M-2619, in Part of Lots 29 and 30, Concession 6, City of Vaughan (Attachment #1). The lands are designated "Rural Use Area" by OPA #600. The subject and retained lands of the consent are zoned OS2 Open Space Park Zone by By-law 1-88, subject to Exception 9(626). The lands are within the Green Belt Study Area, however, this application is exempt from the Greenbelt Protection Act, as the Act does not prevent a municipality from dealing with consent applications.

On September 9, 2004, the Committee of Adjustment refused a consent to convey a vacant and forested parcel of land to merge under one title with an existing parcel of land to the east (Trans Canada Pipelines Limited Maple Compressor Station-11260 Weston Road) for passive buffer purposes. A new lot will not be created by this consent application. The subject land to be conveyed has a lot area of 5.79 ha, and the retained land has a lot area of 11.3ha. By-law 1-88 does not have minimum lot frontage and lot area requirements for lands zoned OS2 Open Space Park Zone. The retained lands are primarily vacant with some forested areas, which are to be maintained. Portions of the subject and retained lands are in agricultural production.

As part of their application submission, TransCanada Pipelines Limited stated "the primary goal of this proposal is to obtain adequate lands surrounding the Maple Compressor Station to address the growing concerns with increased urban developments within this region. Acquiring additional lands and establishing forest/timber species within this area will provide TransCanada with an opportunity to establish a visual buffer thus improving the aesthetic quality of the developing urban landscape."

On August 31, 2004, a letter was received from the owners of 65 Dean Place (Attachment #1) stating they had no objection to the proposed consent applications, subject to the lands being used strictly for passive buffer purposes, whereby there will be no structures and trees are planted to enhance this area. At the Committee of Adjustment meeting on September 9, 2004, the agent for the owner provided to the Committee of Adjustment with a Forest Buffer Project Proposal, prepared by a senior environmental advisor for TransCanada PipeLines Limited. A solicitor, Gerry Borean (client undisclosed), appeared in opposition, and identified concerns with the buffer report and the future expansion of these lands. The agent for the applicant stated he was willing to have a condition of approval imposed regarding tree planting and to enter into an undertaking that would be satisfactory to the City. The condition recommended by the City was: "That the subject lands be restricted to the buffering/open space use only, and that this restriction be registered on title and that a clause be added to the restriction that the City of Vaughan be notified and approve any change to the restriction." No one else appeared in support or in opposition to the application at the Committee of Adjustment meeting.

Relationship to Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of the Official Plan.

Conclusion

The Development Planning Department expressed no objection to Consent Application B36/04. The consent application proposed to add land to an existing parcel of land abutting to the east. The subject land to be conveyed is forested and vacant and will be used by TransCanada as a passive buffer area adjacent to the existing Maple Compressor Station. The retained lands are primarily vacant with some forested areas, which are to be maintained. The consent application conforms and complies with the Official Plan and Zoning By-law. The matter is scheduled to proceed to the Ontario Municipal Board January 25, 2005, and it is recommended that this report be received for information purposes.

Attachments

1. Location Map
2. Severance Plan

Report prepared by:

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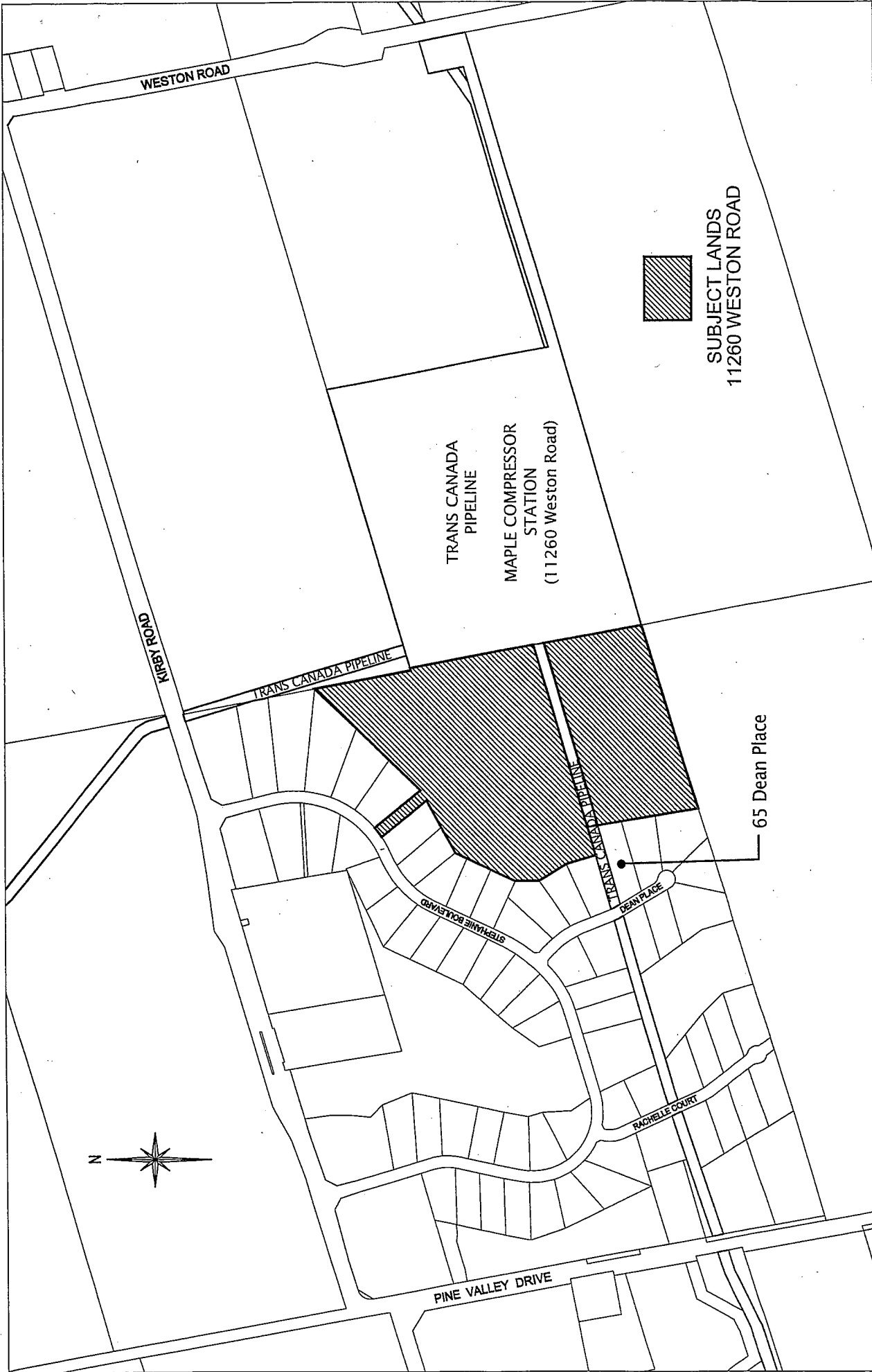
Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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Attachment 1

FILE No.:
E36/04

Not to Scale
December 9, 2004

CITY OF
Vaughan

Development Planning Department

Location Map

Part Lot 29 & 30,
Concession 6

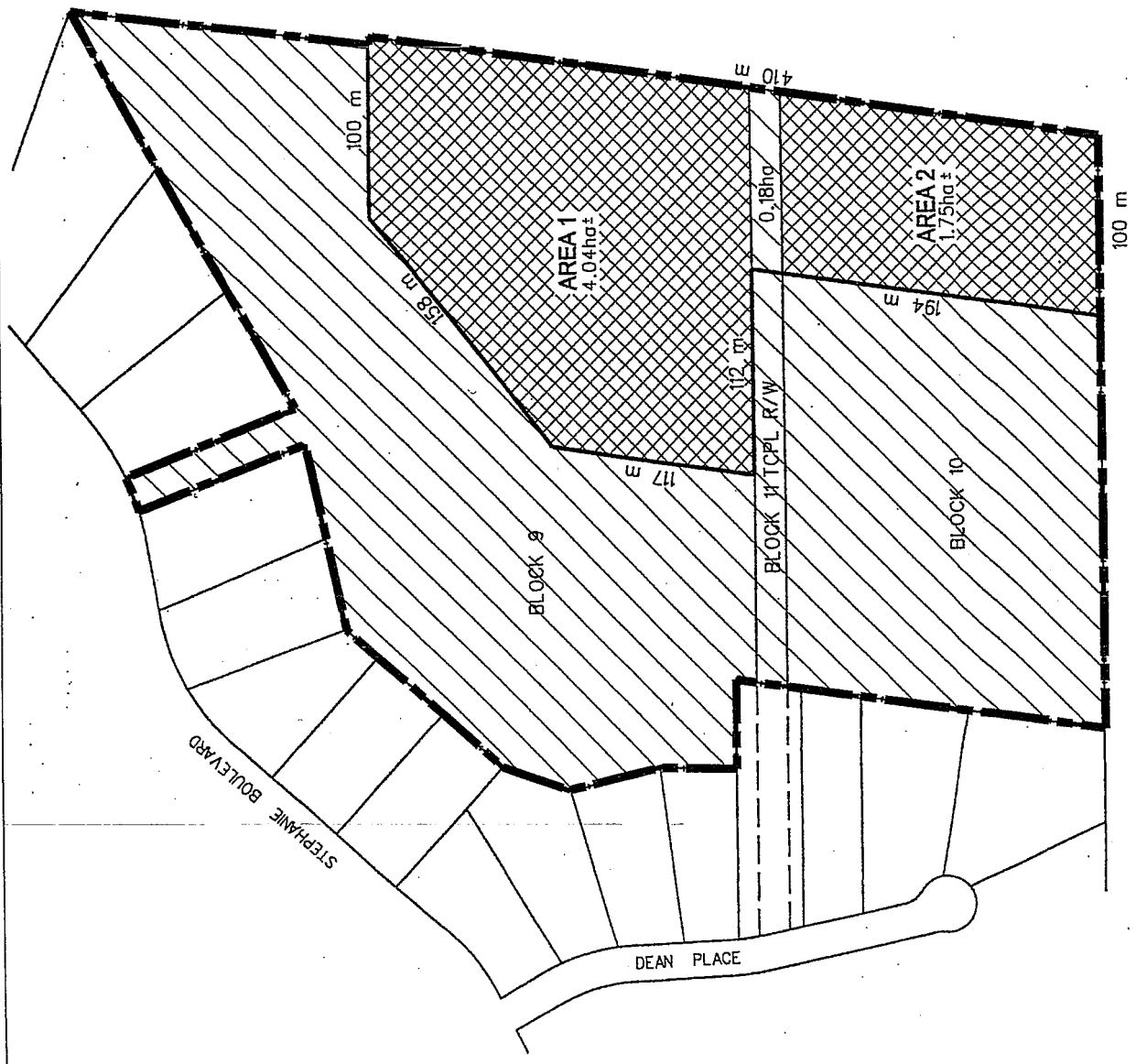
APPLICANT:
ONGARO INVESTMENTS INC.



Not to scale

LEGEND

-  TOTAL LANDS 42.23 ac (17.09 ha) ±
-  AREA TO BE RETAINED 27.92 ac (11.30 ha) ±
-  AREA TO BE SEVERED 14.31 ac (5.79 ha) ±



Attachment
FILE No.:
 B36/04
Not to Scale
 December 9, 2004

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City of
Vaughan
 Development Planning Department

Severance Plan
 Part Lot 29 & 30,
 Concession 6
APPLICANT:
 ONGARO INVESTMENTS INC.
NO DPT 1 ATTACHMENTS\B36_04