

3

APPEAL TO OMB BY KERROWOOD DEVELOPMENTS LIMITED, CITY OF VAUGHAN, OPA 614

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated March 22, 2007, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. The Ontario Municipal Board (OMB) be advised that York Region considers this request to amend the Kleinburg-Nashville Community Plan, OPA 601, by Kerrowood Developments Limited premature; until such time as the Environmental Assessments (EAs) for the water and wastewater servicing in the Community of Kleinburg are completed and the Regional Official Plan Amendment (ROPA) for the extension of lake-based municipal water service has been approved.
2. Regional staff be authorized to appear at the OMB in support of the Regional position.
3. Staff prepare a subsequent report, targeting the October 2007 Planning Committee meeting, outlining the status of the related ROPA, a position on OPA 614, and conditions of approval for the related proposed plan of subdivision, 19T-84076.

2. PURPOSE

This report seeks authorization from Regional Committee and Council to appear at the OMB in support of the Region's position that OPA 614 and the proposed plan of subdivision, submitted by Kerrowood Development Limited, are premature.

This report has been prepared in accordance with the Regional by-law and policy requiring staff to report to Council on Official Plan amendments that impact Regional interests and/or have unresolved issues.

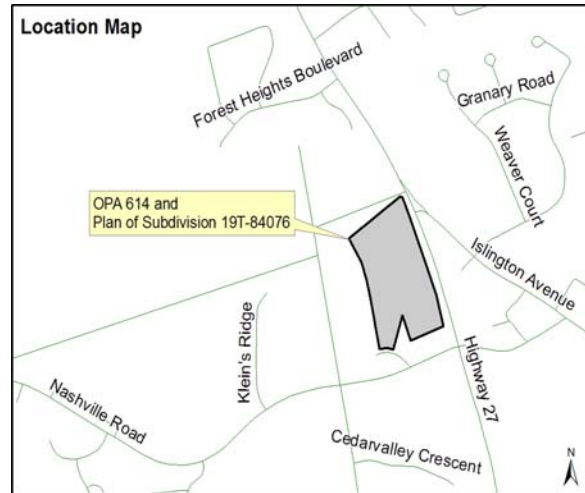
3. BACKGROUND

The amendment was appealed to the OMB for lack of decision by the Approval Authority, York Region, within the timeframe prescribed by the Planning Act. The development applications are premature as the EAs for servicing have not been completed and a ROPA to extend lake-based water supply to Kleinburg is required should this be the preferred solution in the water supply EA.

This section provides a description of the proposals, status of water and sewer servicing, current Official Plan land use designations and a summary of the unresolved issues.

3.1 Proposals

The site specific proposal to amend the Kleinburg-Nashville Community Plan (OPA 601) proposes to redesignate the subject lands from “Suburban Residential” and “Valley Area” to “Serviced Residential” and “Valley Area” to facilitate the development of a proposed residential subdivision on full municipal services (*see Attachment 1*). OPA 614 was adopted by the City of Vaughan on October 25, 2004 and received by the Region for consideration on October 28, 2004.



This site consists of approximately 8.9 ha (20.90 acres) of land located on the west side of Regional Road 27 (formerly Highway 27) and north of Nashville Road in the Community of Kleinburg (see Location Map). The proposed redesignation will facilitate approval of the proposed plan of subdivision, which consists of approximately 46 detached residential units, a storm water management pond, valleyland and blocks for road purposes (*see Attachment 2*).

3.2 Servicing

There is currently no water or sewage treatment capacity to service any additional growth in the Community of Kleinburg. York Region has initiated EAs for additional water supply and additional sewage treatment capacity to accommodate this proposal and others. An EA for water and wastewater supply was commenced in September 2004. The EAs are expected to be filed in June 2007 on the Water Supply and Wastewater Treatment Capacity.

3.2.1 Water Supply

Currently, wells and an elevated tank provide the Community of Kleinburg with its water supply. Kleinburg does not have water supply or storage capacity to service future community growth, and the approval of a Water Supply EA is essential to accommodate future development approvals. One of the alternatives being considered by the EA process is the extension of lake-based water supply which would trigger a ROPA.

3.2.2 Sanitary Sewage Treatment

Currently, the Kleinburg WPCP provides wastewater treatment capacity to the community. Kleinburg does not have sufficient treatment capacity for wastewater for future growth, and the approval of a wastewater EA is also necessary to accommodate future development approvals.

3.3 Land Use Designations

3.3.1 Regional Official Plan

Kleinburg is identified as a Local Centre by Policy 5.4.2 of the Regional Official Plan, which also designates the site “Towns and Villages”. A range and mix of residential, commercial, institutional and other employment uses is permitted by the designation.

3.3.2 Provincial Plans

The site is located in the Greenbelt Plan area which designates it as “Towns and Villages”, and defers to the municipal Official Plans for policies.

3.3.3 Local Official Plan - Kleinburg-Nashville Community Plan

The current community population is 3,230 persons. The forecasted community population is approximately 6,800 persons by 2021; with municipal services being extended to approximately 5,800 persons and approximately 1,000 persons remaining on private/partial services. The Community Plan states that future growth, beyond current approvals, should be based predominantly on full municipal services. This is to be achieved in a manner that is consistent with the planned character and build-out of the community, as set out in OPA 601 (Kleinburg-Nashville Community Plan).

3.4 OMB Pre-Hearing Conference

On March 23, 2007, an OMB pre-hearing conference was held with regard to this OPA and plan of subdivision. After reviewing the preliminary issues associated with the applications, the Board was not ready to establish a full hearing date until a revised plan of subdivision and additional information for review is submitted by the applicant’s consultant, Weston Consulting. A meeting of commenting agencies is being held during the week of May 14, 2007, and responses from the commenting agencies to additional information pertaining to issues reviewed are to be provided by May 30, 2007. Another pre-hearing conference will be held on June 29, 2007, to set issues and a final hearing date.

3.5 Agency Comments

The Toronto and Region Conservation Authority (TRCA) at the OPA stage has not delineated the final extent of the valleyland. The valleyland forms part of the Regional Greenlands System. At the Pre-hearing conference, the TRCA indicated that it should be in a position to issue final comments on the valleyland by May 30, 2007.

4. ANALYSIS AND OPTIONS

Regional staff consider the proposed OPA and associated plan of subdivision premature until the TRCA has provided comments, the EAs for municipal servicing have been approved, lands have been acquired, and the Regional Official Plan amendment if required following the completion of the EA for the extension of lake-based water supply to Kleinburg has been approved. A further report on the plan of subdivision with a

schedule of conditions will be prepared once the EAs are complete and Notice for the related ROPA has been approved.

4.1 Regional Official Plan (ROP)

Regional staff consider OPA 614 and the related proposed plan of subdivision premature until the EA for additional water supply has been completed and a ROPA is approved. A ROPA must be initiated pursuant to Policy 6.7.4 of the ROP to permit this extension of municipal services beyond the areas identified in Policy 6.7.1. The ROPA will be initiated through a Notice concurrent with proposed Regional Official Plan Amendment 54 (Omnibus Amendment) in June 2007, if the EA process determines lake-based water as the preferred solution. A public meeting will be held in June and a subsequent report will be prepared for Regional Planning Committee in the fall of 2007.

Kleinburg is identified as a “Town and Village” by the ROP, and, it is bounded to the south by fully serviced “Urban Area”, to the west by approved “Urban Area” and to the east by Open Space/Valley Land and approved “Urban Area”.

4.2 Official Plan Amendment 614

The TRCA identified that the proposed final limits of the development’s setback, adjacent to a woodlot, do not conform to the current Vaughan OP and that lands, which are proposed to be redesignated as “Serviced Residential” may form part of the Valleyland established by the TRCA in 2004. Kerrowood Developments Limited has agreed to provide a revised plan of subdivision and additional information by April 10, 2007, in response to this issue, and the TRCA will review this information and identify any unresolved issues by May 30, 2007. Until this issue is resolved the amendment is considered premature by Regional staff.

4.3 Region’s Servicing Protocol

The Region’s conditions of draft approval for plan of subdivisions address requirements for road, transit, servicing, financial, land acquisition and related planning matters. In accordance with the Region’s protocol, the approval authority should only issue draft approval once the EAs for infrastructure are complete, land is acquired, and the area municipality has confirmed that it has satisfied the Region’s criteria for draft approval of development prior to the required infrastructure being in service.

The EAs for water supply and sewage treatment capacity have not yet been completed and therefore it is premature to provide conditions of approval on the related plan of subdivision.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Regional resources, including staff time, are required to attend the OMB hearing.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the position of the City of Vaughan provided at the OMB pre-hearing on March 23, 2007.

7. CONCLUSION

The OMB should be advised that until the delineation of the extent of the valleyland has been resolved to the satisfaction of the Toronto Region Conservation Authority, the EAs for additional water supply and wastewater treatment capacity are completed; and, a ROPA for provision of lake-based water supply is approved, the applications are premature.

A subsequent report will be presented to Regional Planning Committee and Council once the EAs are complete and Notice for the ROPA is issued.

For further information about this report please contact Kathryn Holland, Associate Planner, Community Planning Branch, 905-830-4444 extension 1533, or kathryn.holland@york.ca.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)