

ISSUE DATE:

Mar. 17, 2009



Ontario Municipal Board

PL060319

Commission des affaires municipales de l'Ontario

Greenfield South Power Corporation has appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 0088-2006 of the City of Mississauga
OMB File No. R060076

Greenfield South Power Corporation has appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Mississauga to approve Amendment No. 48 to the Official Plan for the City of Mississauga
Approval Authority File No.: L..A.19
OMB File No. O060063

Greenfield South Power Corporation has referred to the Ontario Municipal Board under subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, determination and settlement of details of a site plan for lands composed of Part 1, Plan 43R-7398, parts of Lots 2 & 3, Concession 1, South of Dundas Street, in the City of Mississauga
OMB File No. M060069

Greenfield South Power Corporation has appealed to the Ontario Municipal Board under subsection 36(3) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to remove the holding symbol from By-law H-M1-2638 of the City of Mississauga
OMB File No. Z060088

Greenfield South Power Corporation has appealed to the Ontario Municipal Board under subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 0225-2007 of the City of Mississauga
OMB File No. R070162

Greenfield South Power Corporation has appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Mississauga to approve Amendment No. 25 to the Official Plan for the City of Mississauga
OMB File No. O070123

APPEARANCES:

Parties

Greenfield South Power Corporation

City of Mississauga

Counsel

S. D'Agostino
B. Turner

M. Minkowski

**MEMORANDUM OF ORAL DECISION DELIVERED BY J. CHEE-HING ON
MARCH 12, 2009 AND ORDER OF THE BOARD**

The purpose of this hearing was to conclude the outstanding matters relating to these appeals. By way of brief background, the Board Decision dated October 4, 2007 (Decision No. 2657) allowed the appeals of the Applicant as it related to OMB Case No. PL060319. The Board withheld its Order pending fulfillment of certain conditions. The Applicant also filed placeholder appeals regarding the same matters against Mississauga's new comprehensive Zoning By-law No. 0225-2007 and Official Plan Amendment No. 25. In its decision dated January 7, 2008, respecting PL070625 *et al*, the Board ordered that the Applicant's appeals under PL060319 be consolidated with O070123 and R070162 and that any disposition of the appeals under PL060319 will be applied equally to the appeals filed against Zoning By-law No. 0225-2007 and Official Plan Amendment No. 25. As such, this decision is a comprehensive disposition of the Applicant's appeals as it relates to the subject site.

The Board was advised that agreement had been reached between the Parties to finalize the ZBLA and OPA within the framework of ZBLA 0225-2007 and OPA 78 rather than the legacy ZBLA 0088-2006 and OPA 48. Messrs. Minkowski and D'Agostino advised the Board also that the outstanding conditions of site plan approval and partial lifting of the holding designation have been met to the satisfaction of the Parties. The site plan was red-lined to reflect agreed to changes.

The Board heard opinion planning evidence from the City's planner, Mr. Hardcastle on the proposed OPA No. 78, ZBLA, and red-lined site plan drawings (Exhibit 42). It was his professional planning opinion that these documents implement properly the Board's decision of October 4, 2007. Mr. Hardcastle advised that the Board's conditions on the storage of fuel oil on the site; the height of the storage tanks and capacity of each tank have been addressed and any potential adverse impacts have been further reduced. Firstly, fuel oil will not be stored on the site as was previously proposed by the Applicant. The storage tanks now will be used to store distilled water and the height of these tanks now have been reduced from the Board ordered 10m. to approximately 5m. The net effect is a positive for the surrounding community as concerns were heard during the proceedings on matters relating to safety, visual and adverse environmental impacts from the storage of fuel oil on the site.

Based on the planning evidence of Mr. Hardcastle, the Board is satisfied that the conditions found in its decision dated October 4, 2007, have now been fulfilled.

Therefore, the **BOARD ORDERS** that:

1. The appeal is allowed in part and Official Plan Amendment No. 78 is approved as modified by Attachment "1" to this Order;
2. The appeal against Zoning By-law 0225-2007 of the City of Mississauga is allowed in part and the said By-law is amended as modified by Attachment "2" to this Order; and
3. The appeal of the site plan application is allowed and the redlined site plan found in Exhibit 42 is approved.

So Orders the Board.

"J. Chee-Hing"

J. CHEE-HING
MEMBER

ATTACHMENT "1"

Amendment No. 78

to

Mississauga Plan (Official Plan)

for the

City of Mississauga Planning Area

Amendment No. 78
to
Mississauga (Official Plan)
for the
City of Mississauga Planning Area

The following text and map designated Schedule "A" attached hereto constitutes Amendment No. 78.

Also attached hereto but not constituting part of the Amendment are Appendices I, II and III.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a map showing the Existing Land Use of the subject lands and the surrounding area, with the lands affected by this Amendment outlined in red.

Appendix III is a copy of the Planning and Building Department report dated February 7, 2006, pertaining to this Amendment.

PURPOSE

The purpose of this amendment is to identify the subject lands as a special site in the Dixie District Policies of Mississauga Plan (Official Plan) to permit a power generating facility.

LOCATION

The subject lands are located on the east side of Loreland Avenue, south of Dundas Street East on lands municipally known as 2315 Loreland Avenue.

BASIS

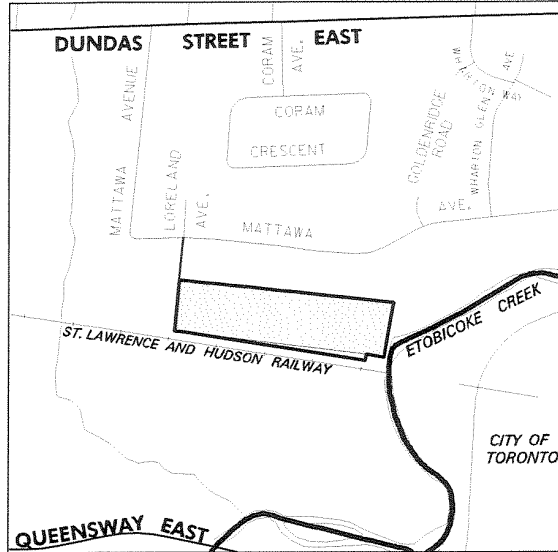
The subject lands are located in the Dixie District, an area for which District Policies were approved by the Region of Peel on May 5, 2003, and form part of the Mississauga Plan (Official Plan) which came into effect May 5, 2003. The lands are designated Business Employment which permits an integrated mix of business activities that operate mainly within enclosed buildings.

The Ontario Municipal Board has approved a site specific exception to Section 3.11.6.3 and the Business Employment Policies of the Dixie District of Mississauga Plan to permit a power generating facility.

Details regarding this Amendment to the Dixie District Policies of Mississauga Plan (Official Plan) are contained in the Planning and Building Report dated February 7, 2006, attached to this Amendment as Appendix III.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 4.10.6, Special Site Policies, Dixie District Policies of Mississauga Plan, are hereby amended by adding the following:



The lands identified as Special Site 6 are located on the east side of Loreland Avenue, south of Dundas Street East, at 2315 Loreland Avenue.

Notwithstanding the provisions of the Business Employment designation on the lands and Section 3.11.6.3 Electric Power, Telephone and Other Cabled Services, a Power Generating Facility will be permitted.

IMPLEMENTATION

Upon the approval of this Amendment by the Ontario Municipal Board, the Zoning By-law applicable to the subject lands will be amended to the appropriate classification, in accordance with the intent of this Amendment.

Provisions will be made through the rezoning of the lands subject to this Amendment, for development to occur subject to approved site development, architectural and landscaping plans, to ensure that site access, buildings, parking and landscaping are satisfactorily located and designed.

INTERPRETATION

The provisions of the Mississauga Plan (Official Plan), as amended from time to time regarding the interpretation of that Plan, shall apply in regard to this Amendment.

This Amendment supplements the intent and policies of the Dixie District Policies of Mississauga Plan (Official Plan).

Upon approval of this Amendment, Sections, District Land Use Maps and Appendices will be amended in accordance with this Amendment, subject to technical revisions being permitted to this Amendment without official plan amendments with respect to: changing the numbering, cross-referencing and arrangement of the text, tables, schedules and maps; altering punctuation or language for consistency; and correcting grammatical, dimensional and boundary, mathematical or typographical errors, provided that the purpose, effect, intent, meaning and substance of this Amendment are in no way affected.

APPENDIX I

PUBLIC MEETING

All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on February 27, 2006, in connection with this proposed Amendment.

ATTACHMENT "2"

SCHEDULE "A" TO BY-LAW NO. _____

ATTACHMENT 1 - SCHEDULE "A" TO

ONTARIO MUNICIPAL BOARD

OMB File No. O060063, R060076

ORDER NO. 2657

OMB Case No. PL060319

DATED October 4, 2007

Greenfield South Power Corporation

- By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by deleting Sentence 8.2.3.20.12 in Exception Table 8.2.3.20 and substituting the following therefor:

8.2.3.20	Exception: E2-20	Map # 12	By-law:
Regulations			
8.2.3.20.12	All site development plans shall comply with the tree preservation and stable slope buffer identified on Schedule E2-20 of this Exception		

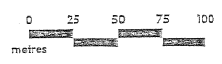
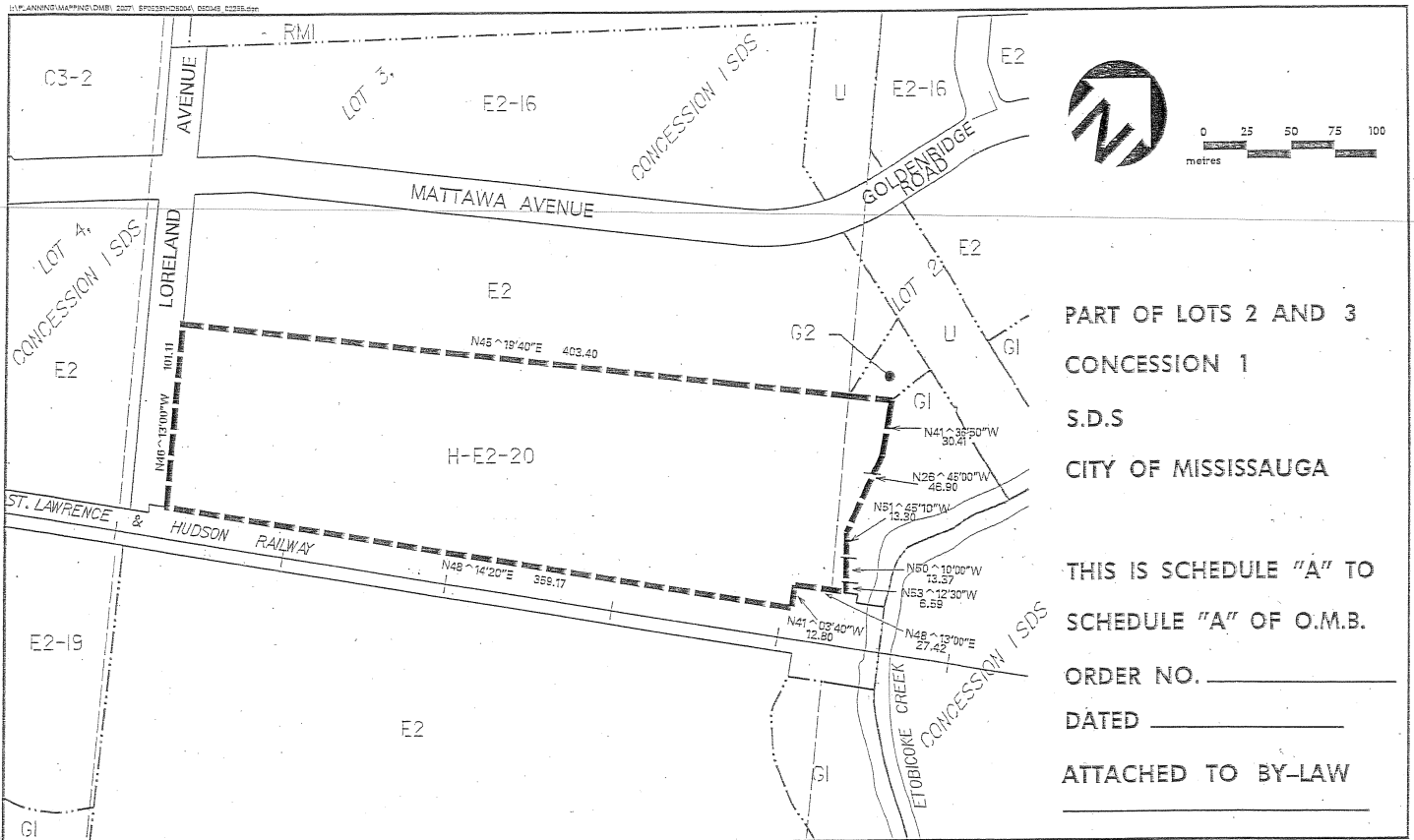
- By-law Number 0225-2007, as amended, is further amended by adding to Exception Table 8.2.3.20 the following:

8.2.3.20	Exception: E2-20	Map # 12	By-law:
Additional Permitted Uses			
8.2.3.20.1	(4)	Power Generating Facility	
Regulations			
8.2.3.20.13	A power generating facility shall also comply with the following:		
	(1)	maximum height	28.0 m
	(2)	maximum height of storage tanks	11.0 m
	(3)	maximum height of heat recovery steam generator structure	37.0 m
	(4)	maximum height of heat recovery steam generator stack and relief valve vent piping	43.0 m
	(5)	maximum capacity of all storage tanks, excluding cooling towers	6 500 m ³
	(6)	minimum setback of storage tanks from the northerly interior side lot line	15.0 m
	(7)	fuel oil shall not be used for the production of electrical power	
	(8)	site development plans for a power generating facility shall comply with Schedule E2-20 of this Exception	

3. By-law Number 0225-2007, as amended, is further amended by deleting the Holding Provision in Exception Table 8.2.3.20 and substituting the following therefor;

8.2.3.20	Exception: E2-20	Map # 12	By-law:
Holding Provision			
<p>Only the following use shall be permitted prior to the removal of the holding symbol H:</p> <p>(1) Power generating facility in which stormwater from all hard surfaced areas shall be harvested and used in conjunction with municipal water for process cooling.</p> <p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-E2-20 by further amendment to Map 12 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirement:</p> <p>(1) delivery of executed Servicing and Development Agreements regarding the construction of municipal works to service the site and arrangements for associated land dedications, easements, securities, and, arrangements for the applicable Tree Permit application.</p>			

4. By-law Number 0225-2007, as amended, is further amended by deleting Schedule E2-20 and substituting the attached Schedule E2-20 therefor.
5. This By-law shall not come into force until Mississauga Plan (Official Plan) Amendment Number 78 is in full force and effect.



PART OF LOTS 2 AND 3
 CONCESSION 1
 S.D.S
 CITY OF MISSISSAUGA

THIS IS SCHEDULE "A" TO
 SCHEDULE "A" OF O.M.B.
 ORDER NO. _____
 DATED _____
 ATTACHED TO BY-LAW _____

APPENDIX "A" TO BY-LAW NUMBER

Explanation of the Purpose and Effect of the By-law

This By-law amends the zoning of the property outlined on the attached Schedule "A" modifying the existing "E2-20" zoning to permit a power generating facility in accordance with Ontario Municipal Board Decision/Order No: 2657, namely a 280 mW, combined cycle facility.

"E2-20" permits motor vehicle body repair facility, contractor's yard, outdoor storage and power generating facility in addition to the general E2 permissions.

Location of Lands Affected

East side of Loreland Avenue, south of Dundas Street East, in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

Further information regarding this By-law may be obtained from John Hardcastle of the City of Mississauga Planning and Building Department at 905-615-3200 ext. 5525.

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