

ISSUE DATE:

December 20, 2012



PL101428

Ontario
Ontario Municipal Board

IN THE MATTER OF subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: Bruce Dewar
Appellant: Estate of Robert Bruce Barrie Et All
Appellant: Judy Fabris
Appellant: Gordon Russett and others
Subject: By-law No. 2010-49
Municipality: Township of McNab-Braeside
OMB Case No.: PL101428
OMB File No.: PL101428

APPEARANCES:

Parties

Counsel

Township of McNab/Braeside

J. Bradley

Ministry of Municipal Affairs and Housing

R. Boxma

Gordon Russett

Bruce Baird

Dr. Alex Winter and Ron MacIntyre

Judy Fabris

Bruce Dewar

Robert Smith

MEMORANDUM OF ORAL DECISION DELIVERED BY M. A. SILLS ON SEPTEMBER 26, 2012 AND ORDER OF THE BOARD

[1] The matter before the Board relates to appeals of comprehensive Zoning By-law No. 2010-49 (ZBL) of the Township of McNab Braeside by the Ministry of Municipal Affairs

and Housing (MMAH), Gordon Russett, Bruce Baird and Dr. Alex Winter and Ron MacIntyre (Appellants). The appeals by the individuals named above are site-specific. Appeals by Judy Fabis and Bruce Dewar were withdrawn prior to these proceedings. Despite earnest attempts, the Municipality has been unable to contact Robert Smith.

[2] At the commencement of the hearing, the Board was advised that all appeals have been resolved to the satisfaction of the parties involved. The Municipality has, or is in the process of executing Minutes of Settlement on an individual party basis.

[3] The appeal by MMAH involved issues with respect to flood plain mapping, the mapping of lands identified as Extractive Industrial and Extractive Industrial Reserve lands and Environmental Protection zoning and mapping. The Municipality has now executed Minutes of Settlement (Exhibit 2) with the MMAH which provide for five text changes and revisions to the eleven zoning maps.

[4] The settlement with Mr. Russett involves the inclusion of two additional text amendments and a modification to Map 2 (Exhibit 6).

[5] The appeal of Dr. Winter and Mr. MacIntyre has been resolved by a modification to the text in s. 7.3(a) and a change to Map 6 (Exhibit 4).

[6] The appeal of Mr. Baird has been resolved by amendments to Map 3 (Exhibit 5).

[7] Bruce Howarth, the municipal planner, provided expert opinion evidence in support of the revisions to the ZBL and the proposed settlements. He told the Board that municipal staff and the MMAH worked collectively and collaboratively over a two-year period to review and revise the mapping for aggregate and environmental protection areas. As well, this review has resulted in revisions to the text of the ZBL relative to steep slopes.

[8] It was his professional opinion that the mapping and text revisions that have lead to these settlements are appropriate and should be approved. The ZBL as proposed is consistent with the Provincial Policy Statement, conforms to the Official Plan and represents good land use planning.

[9] The Board adopts and relies on the opinion evidence of Mr. Howarth in approving the proposed ZBL. The Provincial and public interest has been addressed and is being appropriately protected, and the ZBL is consistent with good land use planning.

ORDER

[10] The Board orders that the appeals are allowed in part, and Zoning By-law No. 2010-49 of the Township of McNab/Braeside is approved in accordance with the aforementioned agreed upon text and mapping changes as provided for in the revised version of the zoning by-law, now on file with the Board as Exhibit 7.

“M. A. Sills”

M. A. SILLS
MEMBER