

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: June 29, 2018

CASE NO(S): PL160012

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Golf North Properties Inc.
Subject:	Application to amend Zoning By-law No. 110-01 - Neglect of the County of Brant to make a decision
Existing Zoning:	Holding provision Residential Type One A with a special exception (h-R1A-3), Open Space with a special exception (OS-3), Environmental Protection (EP), and Environmental Protection with a special exception (EP-1)
Proposed Zoning:	Residential First Density with a special exception (R1-___), Residential Multiple First Density (R4), Residential Multiple Second Density (R5), and Open Space (OS)
Purpose:	To permit a development of 400 residential units comprising of 300 single detached dwellings and 100 multi-unit dwellings
Property Address/Description:	Concession 1 & 2, Part Lots 27, 28 & 29
Municipality:	County of Brant
Municipality File No.:	ZBA47-13-MD
OMB Case No.:	PL160012
OMB File No.:	PL160012
OMB Case Name:	Golf North Properties Inc. v. Brant (County)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Golf North Properties Inc.
Subject:	Proposed Plan of Subdivision - Failure of the

Purpose:	County of Brant to make a decision To permit a development of 400 residential units comprising of 300 single detached dwellings and 100 multi-unit dwellings
Property Address/Description:	Concession 1 & 2, Part Lots 27, 28 & 29
Municipality:	County of Brant
Municipality File No.:	PS4/13/MD
OMB Case No.:	PL160012
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Heard: June 19, 2018 in Paris, Ontario

APPEARANCES:

Parties

Counsel

Golf North Properties Inc. (“Applicant”)	M. Melling/I. Banach/D. Angelucci (student at law)
County of Brant (“County”)	N. Smith
CRH Canada Group Inc. (“CRH”)	S. Ferri

MEMORANDUM OF ORAL DECISION DELIVERED BY BLAIR S. TAYLOR ON JUNE 19, 2018 AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The Applicant owns the lands known municipally as 150 Paris Links Road (“Subject Lands”), being a former golf course and having an area of about 61 hectares (“ha”). Other land uses in the vicinity include an existing gravel pit.

[2] A previous owner of the Subject Lands had commenced a development application for residential purposes, as the Official Plan designates the Subject Lands as Urban Residential. To facilitate that proposed development, a zoning by-law amendment (“ZBA”) application and an application for draft plan of subdivision approval (“Draft Plan”) had been submitted.

[3] As the County failed to make a decision on either application within the statutory time limits, the matters were appealed to the Tribunal.

[4] Prior to the hearing, the parties were able to resolve their outstanding issues.

[5] At the hearing there were no parties appearing in opposition to the revised ZBA and revised Draft Plan.

[6] A very late request for participant status was heard and without opposition from the parties, the Tribunal granted the participant status.

[7] During the course of the hearing, the Tribunal heard expert land use planning evidence from Glenn Scheels on behalf of the Applicant and from Brian Zeman on behalf of CRH, and evidence from three participants.

[8] The Tribunal, having heard all the evidence and the submissions of counsel, gave an oral decision allowing the appeals in part, set a date for a further Pre-hearing Conference ("PHC"), and gave an Interim Order all for the reasons set out below.

DECISION

[9] The Subject Lands are about 61 ha in area and were a former golf course in Paris, containing a Provincially Significant Wetland, a creek bisecting the property, and with frontage onto the Grand River.

[10] The Subject Lands are designated as Urban Residential in the Official Plan.

[11] To the west of the Subject Lands is a residential development. To the northwest is a commercial area and some undeveloped lands. To the northeast is the CRH gravel pit that has been licensed for a number of years, and has recently commenced its

aggregate operation. To the east is the edge of the urban limit and some rural residential properties. To the south is the Grand River.

[12] The Subject Lands are separated from the properties to the north by a former railway line, which is currently being considered in a County Environmental Assessment for a major roadway, and is currently the preferred alternative, in a process that is not yet complete.

[13] These appeals were originally set down for a four week hearing.

[14] In the lead up to the hearing, through consultation and mediation, settlements were reached, and documented by Minutes of Settlement: see Exhibits 4 and 5.

[15] The Minutes of Settlement all consider and respect the fact that the Environmental Assessment process is not complete and nothing in the respective Minutes of Settlement prejudices that process.

[16] To that end, the Applicant, supported by the County and CRH, recommended to the Tribunal that an approval be granted that comes in three stages: the short term, the medium term, and the long term.

[17] With regard to the aggregate operation, the proposed staging of development in the ZBA (with its associated holding provisions), would essentially follow the completed phases of the gravel pit operation, such that when one phase of the gravel pit operation were complete and the gravel pit moved onto its next phase, this would enable the Applicant to proceed to another stage of development on the Subject Lands, ensuring compatibility through, among other measures contained in the settlements, appropriate distance separation.

[18] With regard to the Environmental Assessment process, the Minutes of

Settlement contemplate the release of 125 single detached unit equivalents for the short term; 100 single detached unit equivalents in the medium term subject to agreement with the County or a Tribunal hearing; and for the long term the full build out of the Subject Lands through the completion of the Environmental Assessment process or a Tribunal hearing.

[19] To that end, the parties requested the Tribunal to:

- a. Allow the appeal of the ZBA in part, and amend the Zoning By-law as found in Exhibit 5 Tab B;
- b. Allow the appeal of the Draft Plan in part, and approve the Draft Plan as found in Exhibit 5 Tab C, subject to the conditions of approval for the Draft Plan as found in Exhibit 5 Tab D;
- c. That the Tribunal retain jurisdiction over the ZBA and Draft Plan and conditions of Draft Plan approval, for the medium term and long term; and
- d. Finally that the Tribunal set down a new PHC for the medium term in the Fall of 2018.

[20] The Tribunal, having heard the uncontroverted expert land use planning evidence of Mr. Scheels and Mr. Zeman, and of the evidence of the participants, and having taken into account the submissions of counsel, was satisfied that the ZBA as found in Exhibit 5 Tab B, the Draft Plan as found in Exhibit 5 Tab C, and the conditions of Draft Plan approval as found in Exhibit 5 Tab D, are consistent with the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe, conform to the Official Plan, represent good planning and are in the public interest.

[21] The Tribunal acknowledges the concerns of the participants. However those concerns went largely to criticisms of the municipal processing, and concerns with regard to the Environmental Assessment process, (over which this Tribunal has no jurisdiction).

[22] Thus the Tribunal will:

- a. Allow the ZBA appeal in part, and amend the Zoning By-law as found in Exhibit 5 Tab B;
- b. Allow the Draft Plan appeal in part, and approve the Draft Plan as found in Exhibit 5 Tab C, subject to the conditions of Draft Plan approval found in Exhibit 5 Tab D.

[23] The Tribunal will retain jurisdiction with regard to the ZBA, the Draft Plan and the conditions of Draft Plan approval for the medium and long term, and for which this member of the panel is not seized.

[24] The Tribunal will set a further PHC by appearance for **Monday, December 17, 2018 at 10 a.m.** Counsel for the County is to forthwith confirm the venue to the Case Coordinator (and to the parties and participants).

[25] There will be no further notice of the PHC.

[26] I am not seized of the PHC.

[27] This is the Interim Order of the Tribunal

[28] Counsel for the Applicant requested that the Tribunal note in its decision the proposed schedule as set out in the Minutes of Settlement (Exhibit 5) for the PHC in the Fall of 2018, a hearing on the medium term for the summer of 2019, a PHC for the long term in the Spring of 2020, and a hearing on the long term for the Winter of 2020 or Spring of 2021.

[29] The Tribunal merely notes these requests, as they are all subject to the Tribunal's hearing schedule.

“Blair S. Taylor”

BLAIR S. TAYLOR
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Environment and Land Tribunals Ontario
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