

ISSUE DATE:

January 24, 2014



PL130625

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Brentwood Building Group Ltd
Appellant:	Moco Farms Ltd & Corseed Inc.
Appellant:	Thomasfield Homes Limited
Appellant:	Town of Grand Valley
Subject:	Proposed Official Plan Amendment No. 22-OP-0003-004
Municipality:	East Luther Grand V
OMB Case No.:	PL130625
OMB File No.:	PL130625

APPEARANCES:

Parties

Counsel

Town of Grand Valley	J. Wilker
Ministry of Municipal Affairs and Housing	K. Hare
Thomasfield Homes Ltd.	S. Garrod
Moco Farms Limited and Corseed Inc.	N. Macos
Brentwood Building Group Ltd.	P. Harrington

**MEMORANDUM OF ORAL DECISION DELIVERED BY JAMES R. McKENZIE
ON DECEMBER 18, 2013 AND ORDER OF THE BOARD**

[1] Official Plan Amendment No. 4 (“OPA 4”) to the Official Plan of the Town of Grand Valley (2008)—adopted by the Town of Grand Valley (“Town”) and approved in modified form by the Minister of Municipal Affairs and Housing on May 31, 2012—was appealed by the Town, Thomasfield Homes Ltd., Moco Farms Limited and Corseed Inc., and Brentwood Building Group Inc. pursuant to s. 17(36) of the *Planning Act*. The parties engaged in a Board-convened mediation process, through which they

successfully negotiated a resolution of the appeals. This proceeding was convened as a settlement hearing via teleconference to consider additional modifications to OPA 4 to implement the resolution and deal with the appeals.

[2] OPA 4 represents the product and result of the Town's Growth Plan conformity exercise. Tracey Atkinson, a registered professional planner employed by the Town, has had carriage of this matter from its inception to this proceeding, and she testified, by affidavit (Exhibit 1) and orally, in support of the proposed modifications.

[3] Pursuant to the Growth Plan, the Town has been allocated a total of 5,740 persons and 1,190 jobs to 2031. The Minister's August 2010 correspondence also identified a future allocated growth of 4,000 persons in the County of Dufferin ("County"), the upper-tier municipality within which the Town is situated. A servicing analysis of the Grand River Wastewater Pollution Control Plant ("Grand River WPCP") has also confirmed that capacity exists to service a population of 6,050 persons including servicing for employment lands. It is anticipated that the Town will request the County to allocate to it an additional 310 persons from the 4,000 persons future allocated growth, thus bringing the Town's 2031 allocated population to 6,050, a population consistent with the capacity of the Grand River WPCP.

[4] Based on the foregoing allocations, Ms. Atkinson's undertook a land needs analysis that demonstrated a need for an additional 42 hectares of new Settlement Area lands to accommodate a population of 5,740 persons, and an additional six hectares to accommodate a population of 6,050 persons. She also performed a locational assessment to determine where the Town's Settlement Area should be expanded to accommodate the additional 48 hectares (being 42 plus 6 hectares).

[5] The Minutes of Settlement (Exhibit 2) executed by the parties provide for modifications to Schedules A-1 and A-2 of OPA 4 to reflect a 42 hectare expansion of the Town's Settlement Area, and recognise a Minister-modified adjustment to the 2031 population to reflect both the Settlement Area population and the rural population. The Minutes also provide for the 6 hectares of land ("Deferred Lands") - identified to accommodate the Town's request of the County for an additional allocation of 310 persons - to be held in abeyance along with the appeals as they relate to the Deferred Lands.

[6] Ms. Atkinson's unchallenged, uncontradicted evidence clearly demonstrates that the proposed modifications to OPA 4 to implement the settlement achieved between the parties is consistent with the 2005 Provincial Policy Statement, conforms to the Growth Plan as well as the Town's Official Plan, represents good planning, and is in the public interest. The Board accepts and relies on Ms. Atkinson's professional opinions to make the following order.

ORDER

[7] The Board orders that:

1. The appeals filed against OPA 4 are allowed in part and OPA 4 is modified and approved in part as set out in Attachment 1, 2, and 3 to this Decision and Order.
2. The remaining portions of the appeals of OPA 4 are scoped and restricted to the Deferred Lands identified in hatching on Attachment 4 to the Minutes of Settlement. Furthermore, the appeals applicable to the Deferred Lands are adjourned *sine die* to be ultimately disposed of in accordance with the Minutes of Settlement.
3. For additional clarity, the adjournment applies to the Deferred Lands and OPA No. 4 in its entirety as applied to those lands. This includes the Settlement Area boundary abutting the Deferred Lands that excludes those lands from the Settlement Area and necessary adjustments, (e.g. additional population and/or employment allocated to the Town by the County), to Attachment 1 to this Decision and Order.
4. In all other respects, the appeals relating to OPA 4 are dismissed.

[8] This Panel will remain seized of the adjourned matters.

"James R. McKenzie"

JAMES R. McKENZIE
VICE CHAIR

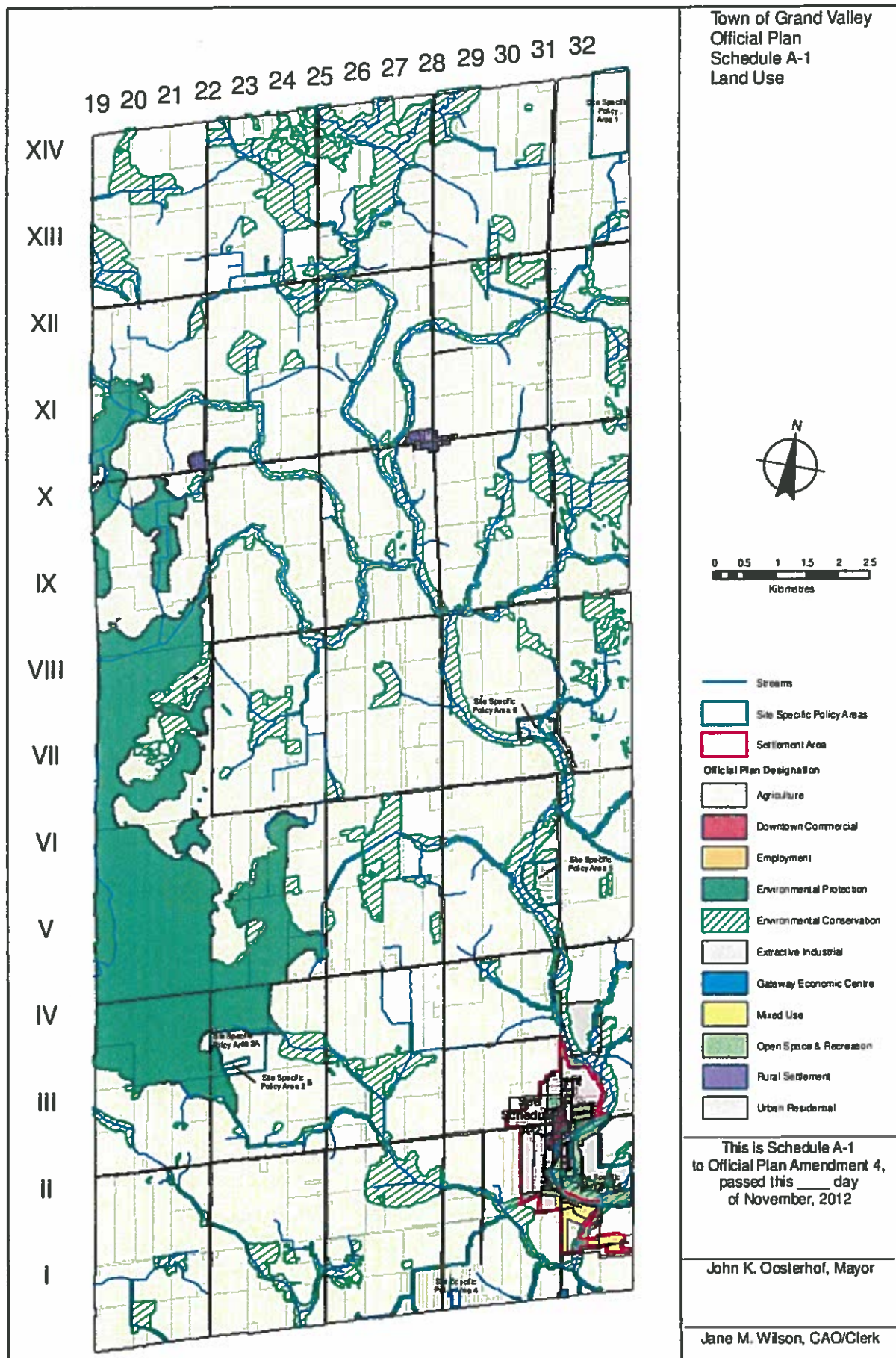
ATTACHMENT 1

Minister's Modification #2 states:

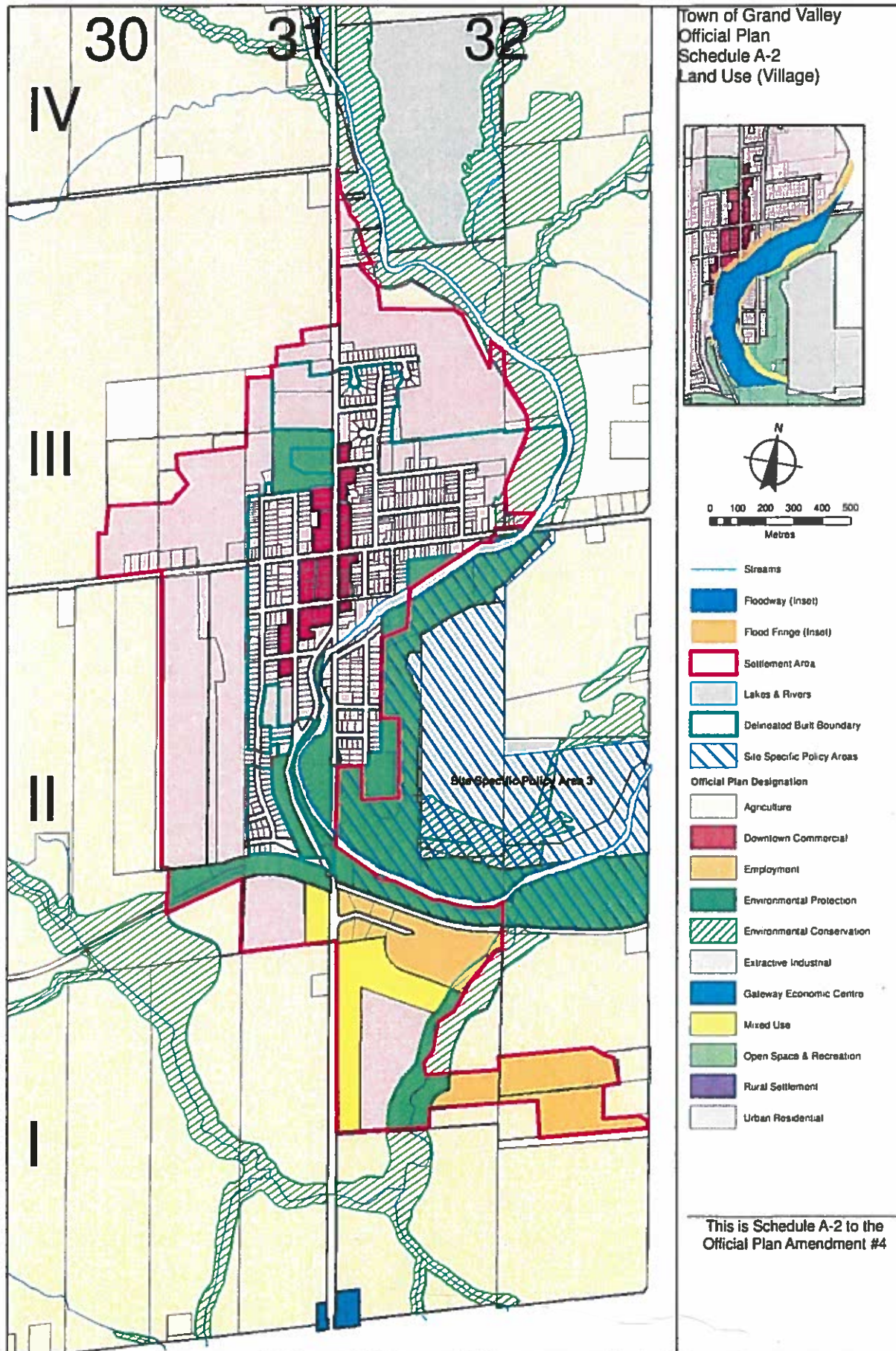
"This Official Plan is designed to accommodate a 2031 population of 5,740 and 1,190 jobs, subject to the provisions of this Official Plan."

The "population of 5,740" is deleted and replaced with the "population of 7,168".

ATTACHMENT 2



ATTACHMENT 3



This is Schedule A-2 to the
Official Plan Amendment #4