


I, JOHN D. LEACH, City Clerk of the Corporation of the City of Vaughan, in the Regional Municipality of York, do hereby certify that attached is a true copy of Amendment Number 534 to the Official Plan of the Vaughan Planning Area, which was approved by the Ontario Municipal Board, with modifications, as per Order #1778, dated November 1, 2001.



JOHN D. LEACH
City Clerk
City of Vaughan

DATED at the City of Vaughan
this 29th day of November, 2001.

ISSUE DATE:
Nov. 1, 2001
DECISION/ORDER NO:
1778



Ontario

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

PL000967
PL990262

(OP. 97.009)

Guscon Transportation Limited has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Regional Municipality of York to redesignate lands comprised of Part of Lot 21, Concession 10 from "Agricultural Policy Area" to "Rural Policy Area" to permit the development of a truck terminal
O.M.B. File No. O990047

Guscon Transportation Limited has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1-88 of the City of Vaughan to rezone lands respecting Part of Lot 21, Concession 10 from "A" Agricultural to "M2" General Industrial to permit the development of a truck terminal
O.M.B. File No. Z010089

The City of Brampton and the Town of Caledon have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, from a decision of the Regional Municipality of York to approve proposed Amendment No. 534 to the Official Plan for the City of Vaughan
Regional File No. D06.26.02.534
O.M.B. File No. O000187

(OP. 97.009)

APPEARANCES:

Parties

Guscon Transportation Limited

City of Vaughan

Town of Caledon and
The Region of Peel

Region of York

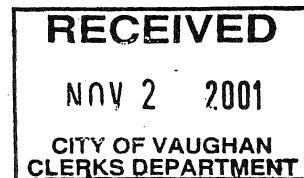
Counsel

J. Alati

O. Fatigati

J.D. Ostler

D. Sinclair and C. Grant



**MEMORANDUM OF ORAL DECISION DELIVERED BY B.W. KRUSHELNICKI
ON OCTOBER 25, 2001 AND ORDER OF THE BOARD**

This matter has settled among all the parties. The proposal is for the development of a trucking facility on ten acres of a forty acre parcel in what is currently

an agricultural area. A concept plan has been prepared for the development of the site and the site will eventually be the subject of a site plan. The balance of the property will remain in agriculture pending future development under the auspices of a secondary plan to be prepared.

The property is located in the northwest corner of the City of Vaughan near the boundaries with the Town of Caledon, the City of Brampton and the Region of Peel. The matter involved amendments of the City's Official Plan and was premised on an amendment of the Region of York Official Plan Amendment 19. All of which explains the many parties to this matter.

The settlement is based on a number of agreed conditions, as they are called, advanced by the various parties to address their concerns. These conditions have been agreed to by the proponent and are incorporated in considerable detail into the subject planning documents, viz., Official Plan Amendment 534 of the City of Vaughan and the corresponding zoning by-law amendment. Among other things, the conditions address concerns of pre-servicing; development on the site in relation to an existing gas pipeline; a secondary plan process; and detailed transportation studies, road improvements and roadway allowances and setbacks.

The documents before the Board are Official Plan Amendment (OPA) 534 of the City of Vaughan and a by-law amendment. The effect of the OPA is to designate the lands "employment" and put in place the policies and conditions as explained above. This complies with the Region's recent OPA 19 in place on the larger area and represents good planning, according to the evidence of the planner retained by the proponent. The by-law amendment re-zones the land from agriculture to an industrial M2 category. This effectively implements the employment designation to the City's normal standards consistent with the interest of the proponent. The planner reports that this too completes a compliant planning of the lands and together with the other documents and forthcoming secondary plan and site planning process represents good planning for the site.

→ On the strength of this evidence and with the consent of the parties to this matter, the Board therefore orders that the appeals are allowed; and that OPA 534 as modified is approved in accordance with Exhibit 3 to these proceedings; and further that Zoning

By-law 1-88 of the City of Vaughan is amended in accordance with Exhibit 4 to these proceedings.

"B.W. Krushelnicki"

B.W. KRUSHELNICKI
MEMBER

"Exhibit 3" to Ontario Municipal Board Order #1778, dated November 1, 2001.

**AMENDMENT NUMBER 534
TO THE OFFICIAL PLAN
OF THE CITY OF VAUGHAN PLANNING AREA**

The following text to Amendment Number 534 to the Official Plan of Vaughan Planning Area and Schedules "1" and "2" constitutes Amendment Number 534.

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

I PURPOSE

The purpose of this Amendment to the Official Plan is to redesignate the lands from Employment Secondary Plan Study Area to Employment Area and Valley and Stream Corridor and to permit the subject lands to be used as a truck terminal.

II LOCATION

The lands subject to this amendment herein referred to as "Subject Lands", are shown on Schedules "1" and "2" as "Area Subject to Amendment No. 534". The lands are located on the north side of Major Mackenzie Drive, approximately 290 metres east of Highway No. 50, in Lot 21, Concession 10, City of Vaughan.

III BASIS

The decision to amend the Official Plan to permit the development of a truck terminal on the subject lands is based on the following:

1. An Official Plan Amendment is required to permit an industrial use in the Study area by Regional Official Plan Amendment No. 19 and Official Plan Amendment No. 600.
2. On March 30, 1998, Vaughan Council approved Official Plan Amendment application OP.97.009 (Guscon Mackenzie Ltd.).
3. On August 30, 2000, Region of York Council supported the Official Plan Amendment application for Guscon Mackenzie Ltd.

IV DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

The Official Plan of the Vaughan Planning Area is hereby amended by adding the following to Section 4.2.3 Employment Area Designations of Official Plan Amendment No. 600:

1. a) The lands shown as "Area Subject to Amendment No. 534" on Schedules "1" and "2" attached hereto are designated Employment Area. Detailed planning for these lands together with the balance of the lands within the block will occur through the preparation of the Secondary Plan process. Notwithstanding, a truck terminal consisting of an office, maintenance shop, warehouse, trailer parking area and accessory uses, may be permitted on the lands shown as "Area Subject to Amendment No. 534" on Schedules "1" and "2" attached hereto.

The lands are subject to the following policies:

- i) Development shall be preserviced to provide a connection to municipal water supply and sewage treatment facilities once they become available. Until such time as servicing is available, the development shall be serviced by private water and septic system, and the lands to the north of the Trans Canada Pipeline shall be available for the installation of the primary or reserve sewage system, until such a time that municipal services are available.

- ii) The land subject to the National Energy board approval of works carried out for:
 - all crossings of the pipeline right of way, including driveways;
 - all blasting with 60 metres of the right of way; and,
 - all excavations with power operated equipment or explosives within 30 metres of the right of way, which includes grading.

- iii) To ensure the safety and integrity of the pipeline, approval must be obtained from Trans Canada Pipelines for the following:
 - a) Temporary and permanent fencing along or across the right of way;
 - b) Landscaping of the right of way; and,
 - c) Any grading that would affect drainage on the right of way.

- iv) The Toronto and Region Conservation Authority shall determine the boundary of the Valley and Stream Corridor prior to Site Plan Approval.

- v) Urban Design Standards, to the satisfaction of the City of Vaughan and may include a Landscape Plan, will be submitted as part of Site Plan Approval.

- vi) Provision for road interconnection and land use coordination with the adjacent lands shall be completed to the satisfaction of the Region of York and City of Vaughan prior to site plan approval.

- vii) The portion of the Guscon Mackenzie property north of the Trans Canada Pipelines easement shall not be rezoned for Industrial development until a secondary plan that includes the Guscon Mackenzie property is completed and approved in accordance with the Region of York's Official Plan, including Region of York Official Plan Amendment No. 19 as modified and the City of Vaughan's Official Plan, including City of Vaughan Official Plan Amendment No. 600 as modified.

- viii) A transportation impact study shall be completed to the satisfaction of the Region of Peel, Region of York, City of Vaughan, and the Town of Caledon, acting reasonably, before a site plan is approved for the Guscon Mackenzie property which addresses and identifies any improvements required to Major Mackenzie Drive and to the intersection of Major Mackenzie Drive and Regional Road No. 50 as a result of the development of the portion of the Guscon Mackenzie property south of the Trans Canada Pipelines easement. Guscon Mackenzie's consultants shall prepare the terms of reference for the study in consultation with the Region of York, City of Vaughan, Region of Peel and the Town of Caledon staff shall have the opportunity to review and approve the terms of reference for the study before it is undertaken.

- ix) All costs, including design, engineering and construction costs, for any improvements to Major Mackenzie Drive and to the intersection of Major Mackenzie Drive and Regional Road No. 50 that are identified by the traffic impact study as being necessary to support the development of the portion of the Guscon Mackenzie property south of the Trans Canada Pipelines easement shall be borne by Guscon Mackenzie as a condition of approval of a site plan for the foregoing portion of its property.
- x) In the event that the Region of York and/or the City of Vaughan decides that it wants improvements made to Major Mackenzie Drive over and above those that are identified by the traffic impact study as being necessary to support the development of the portion of the Guscon Mackenzie property south of the Trans Canada Pipelines easement, Guscon Mackenzie shall agree as a condition of approval of a site plan for the foregoing portion of its property to make such additional improvements provided that it receives funds to cover the cost of such additional improvements from the Region of York and/or the City of Vaughan.
- xi) In the event that the Region of Peel and/or Region of York decides that it wants improvements made to the intersection of Major Mackenzie Drive and Regional Road No. 50 over and above those that are identified by the traffic impact study as being necessary to support the development of the portion of the Guscon Mackenzie property south of the Trans Canada Pipelines easement, Guscon Mackenzie shall agree as a condition of approval of a site plan for the foregoing portion of its property to make such additional improvements provided that it receives funds to cover the cost of such additional improvements from the Region of Peel and/or the Region of York.
- xii) A detailed engineering submission for any improvements to the intersection of Major Mackenzie Drive and Regional Road No. 50, including the entire storage and taper length for any proposed turning lanes, as identified by the traffic impact study shall be submitted to the Region of Peel and the Region of York for review and approval.
- xiii) A reserve shall be provided on the Guscon Mackenzie site plan that allows for Major Mackenzie Drive to be widened to a maximum of 50 metres. In the event that the full extent of the reserved lands are not ultimately required and acquired for the purpose of widening Major Mackenzie Drive, then the portion of the reserved lands in excess of the lands required for widening Major Mackenzie Drive will be released from the reservation of the Guscon Mackenzie site plan.
- xiv) All buildings and structures to be located on the Guscon Mackenzie property shall be setback a minimum of 25 metres from the centerline of Major Mackenzie Drive. All buildings to be located on the

portion of the Guscon Mackenzie property south of the Trans Canada Pipelines easement shall be restricted to temporary buildings as defined by the zoning by-law and the site plan agreement.

- xv) A detailed engineering submission for any improvements to Major Mackenzie Drive, which is to also include details respecting the proposed location and design of the entrance to the Guscon Mackenzie property shall be submitted to the City of Vaughan and the Region of York for review and approval.

V IMPLEMENTATION

It is intended that the policies of the Official Plan of the Vaughan Planning Area pertaining to the subject lands shall be implemented by way of an amendment to the Vaughan Zoning By-law and site plan approval, pursuant to the Planning Act.

VI INTERPRETATION

The provisions of the Official Plan of the Vaughan Planning Area as amended from time to time regarding the interpretation of the Plan shall apply with respect to this Amendment.

THIS IS SCHEDULE "1"
TO AMENDMENT No. 534
ADOPTED THE ___ DAY OF ___, 200

BOARD ORDER #1778
NOVEMBER 1, 2001

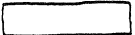
MAYOR

CLERK

LOCATION: PART OF LOT 21, CONCESSION 10

NOT TO SCALE

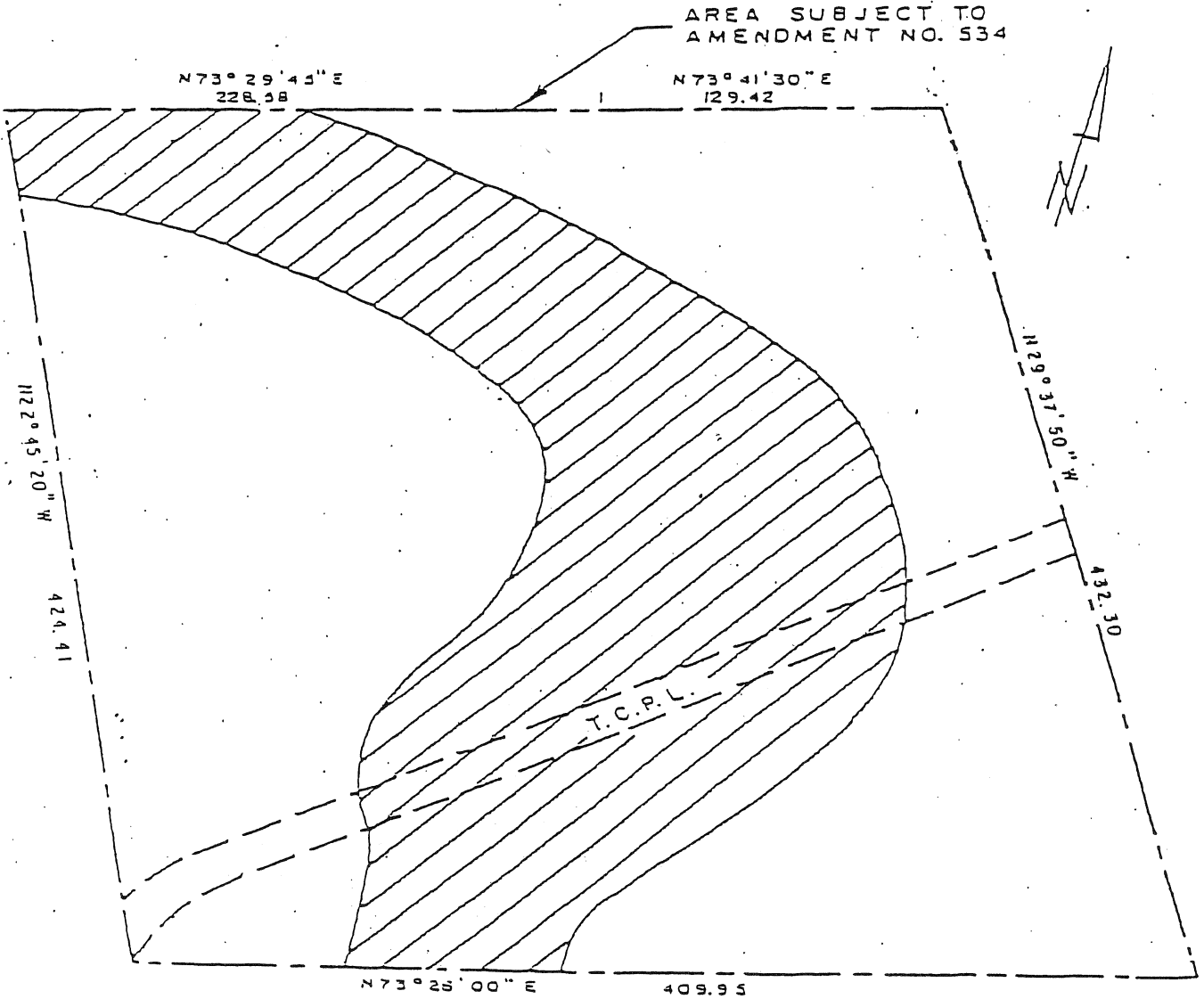
LEGEND



EMPLOYMENT LANDS



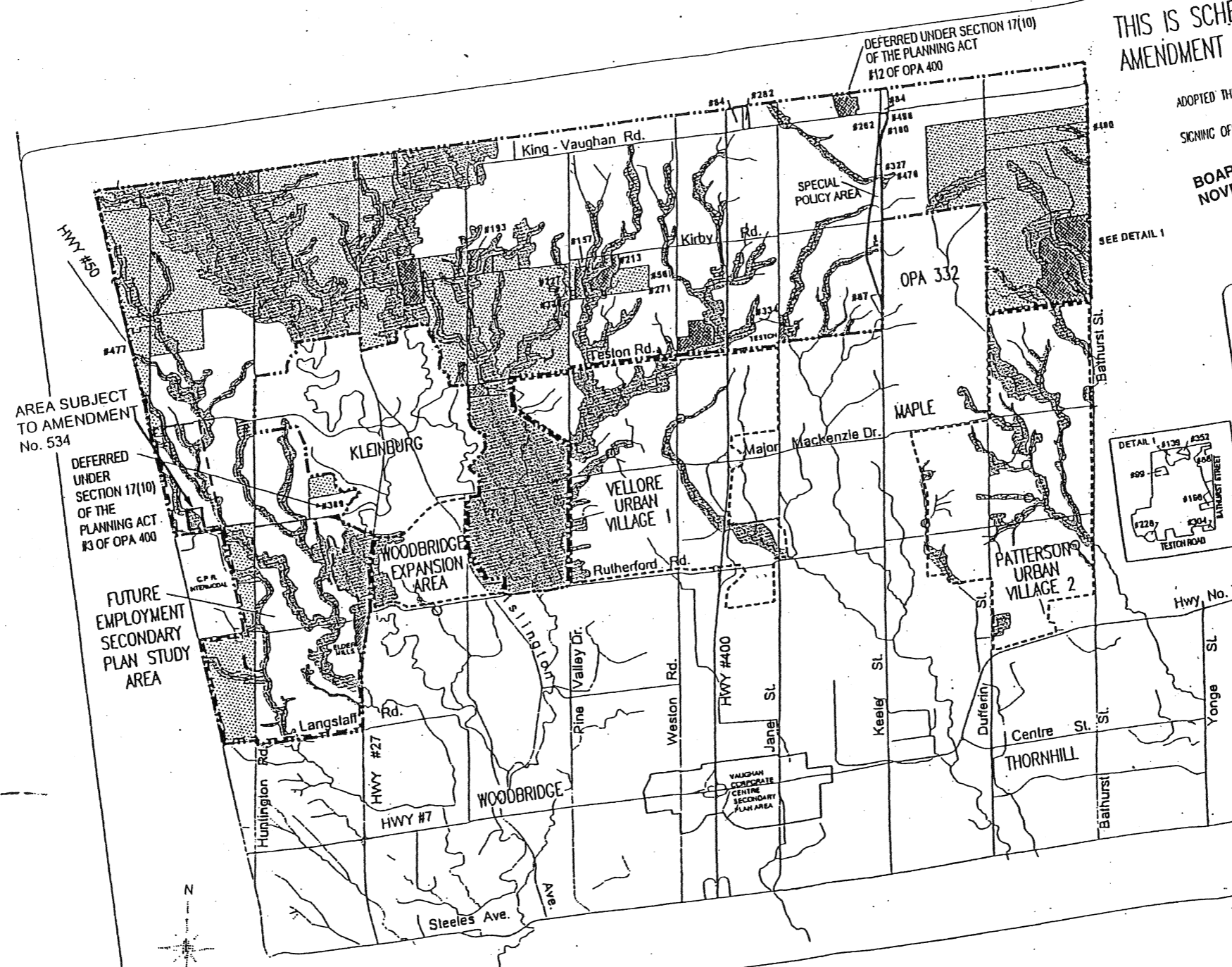
VALLEY & STREAM CORRIDOR



MAJOR MACKENZIE DRIVE

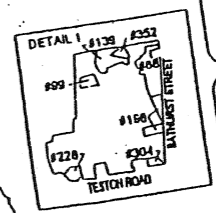
Schedule 2
 THIS IS SCHEDULE 'F' TO
 AMENDMENT NO. 600

ADOPTED THE ___ DAY OF ___, 2000
 SIGNING OFFICERS
 BOARD ORDER #1778
 NOVEMBER 1, 2001

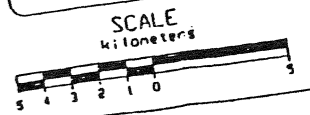


SEE DETAIL 1

RURAL AREA
 GENERAL



- LEGEND**
- LANDS SUBJECT TO RURAL AREA GENERAL
 - ESTATE RESIDENTIAL
 - AGRICULTURE AREA
 - VALLEY & STREAM CORRIDOR
 - RURAL USE AREA
 - HAMLET
 - SITE SPECIFIC POLICIES OF APPLICABLE OFFICIAL PLAN AMENDMENT
 - 125 HA DRAINAGE LIMIT



Schedule 2

APPENDIX I

The subject lands are located on the north side of Major Mackenzie Drive, approximately 290 metres east of Highway No. 50, in Lot 21, Concession 10, City of Vaughan. At the Council meeting of March 30, 1998, Council considered applications to amend the Official Plan and Zoning By-law and resolved:

- 1) That the following report of the Commissioner of Development Services, dated March 23, 1998, be received;
- 2) That Official Plan Amendment Application OP.97.009 and Zoning Application Z.97.040 (Guscon Mackenzie Ltd.) be approved, subject to conditions;
- 3) That the deputation by Mr. James Claggett, Weston Consulting Group Inc., Royal Centre, 3300 Highway No. 7, Suite 320, Vaughan, L4K 4M3, be received and,
- 4) That Staff provide a report on the need for dry industrial lands to enable existing industries to relocate:

Recommendation

The Commissioner of Development Services recommends:

That Official Plan Amendment Application OP.97.009 and Zoning Application Z.97.040 (Guscon Mackenzie Ltd.) BE REFUSED.

APPENDIX II

EXISTING LAND USE

OFFICIAL PLAN AMENDMENT NO. 534
CITY OF VAUGHAN

LOCATION: PART OF LOT 21, CONCESSION 10

LEGEND

-  AGRICULTURAL
-  COMMERCIAL
-  RAILWAY FACILITY

DATE: 00/06/27

