

OMB hearing begins for rural development

By Angela Gismondi

The Ontario Municipal Board (OMB) pre-hearing is under way for an adult lifestyle community.

In April 2013, King council unanimously rejected an official plan amendment application proposal submitted by Maryann and Vito Pacifico, citing that the proposal does not conform to the Township's municipal and provincial plans and policies. Council instructed the Township solicitor to represent its position at the OMB. The pre-hearing began yesterday (March 11) at the Township of King municipal offices.

The applicant is proposing to build an adult lifestyle condominium community with an independent living environment for seniors on Mill Road and Elmpine Trail just southeast of Nobleton. The lands are located at 12490 Mill Road and include about 86 acres on the west side of Mill Road south of King Road and abutting the King-Vaughan boundary. The proposed facility includes about 120 independent living units (freehold townhomes) organized in clusters, an assisted living building, commercial uses and a community centre.

In May 2012, the Pacificos made an application to the Township to amend the official plan and the Hamlet Secondary plan. The purpose of the proposed amendment was to designate certain lands along Elmpine Trail as a hamlet and then to expand the boundary of the proposed Hamlet to include the Pacifico lands, thus permitting the development on the lands.

The proposal was rejected by the Township of King, the Region of York and the Toronto and Region Conservation Authority, however, the applicant appealed to the OMB for approval and three cases will be considered at the pre-hearing

The applicants filed an appeal to the Ontario Municipal Board on the basis that the region failed to make a decision on OPA 58. OPA 58 was the Township's official plan update for the rural areas of King, adopted in 1997, but never approved by the Region. The applicants requested that OPA 58 be modified and approved to designate the entire Elmpine Trail lands as a hamlet in order to allow for the development of the proposed condominium community on the Pacifico lands.

According to the Township's staff report, neither the Elmpine Trail lands nor the Pacifico lands were ever identified by the Township for consideration as a settlement area. Furthermore, there was no intent at any time during the development of OPA 58, which took place prior to 2001, to recognize the area in the vicinity of Elmpine Trail as a hamlet. Planning staff pointed out that it is not appropriate to utilize OPA 58, a long dormant, outdated and unapproved official plan document, to facilitate the application submitted by the applicant so many years after its adoption.

Planning staff identified significant concerns with the application relating to conformity to provincial, regional and local policy including the identification of a small group of existing residential dwellings as a new settlement area, the expansion of that new proposed settlement area to include the Pacifico lands and the proposed development on those lands and the scale of such development being much more appropriately located within a designated town/village settlement area.

?'This area has never been a hamlet, nor has the Township any intention to ever make it one,?' reads a letter submitted by the residents of Elmpine Trail and Mill Road. ?'The residents whose properties are swept up into the net of this amendment proposal are wholeheartedly against it. Provincial land use planning policies including the Places to Grow Act, and the Greenbelt Plan legislate that this land, which is designated Natural Heritage agricultural land within the Greenbelt, remain agricultural and that developments such as the Pacificos' be directed to settlement areas, in Nobleton, Schomberg or King City.?'

The residents argue Elmpine Trail and Mill Road are located in the area of the East Humber River valley lands and a high density development would set a dangerous precedent.

?'This very environmentally sensitive area, consisting of mainly hazard lands and floodplain, must be protected, and if a small cluster of homes such as this were to be declared a hamlet by the OMB, then a very dangerous precedent would be set to aggressively chip away at King's rural, natural heritage that many of us have fought long and hard to protect,?' stated the letter.

The residents will be presenting their concerns before the board member at the hearing.