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Committee of Adjustment denies power plant applications in support of town's interim control by-law**March 10, 2010 - For immediate release**

The Town of Oakville's Committee of Adjustment issued a decision last night that denied applications by Ford Motor Company of Canada and by TransCanada Energy Limited to convey the lands at 1500 Royal Windsor Drive for the purposes of constructing a proposed 900 megawatt power generating plant and to permit variances to the town's zoning by-law. This decision upholds the town's interim control by-law prohibiting a power plant with a generating capacity greater than or equal to 10 megawatts from being built in Oakville until the town completes its planning studies.

"The Committee of Adjustment has made a decision that is good news for our residents," Mayor Rob Burton said. "Our interim control by-law was passed for the benefit of our community to provide the town and our residents with the opportunity to fully study and address the potential environmental, land use, air quality and public safety impacts any proposed power plant could have on our town. To move ahead and approve the applications would have been premature pending the completion of that study."

At the beginning of the meeting the committee was asked by TransCanada to defer its application for minor variance in order to complete studies as requested by staff. The committee did not grant the request and heard both Ford and TransCanada's applications consecutively.

One application was for consent to convey a 5.51 ha parcel of land to allow for the construction of a proposed 900 megawatt power generating plant. The minor variance application sought relief from the town's zoning by-law to reduce the minimum rear yard setback abutting the CN Rail Line from 15 meters to 7.5 meters, and reduce the required number of parking spaces from 214 spaces to 24 spaces. Both applications were evaluated in the context of the existing interim control by-law, the criteria under the Planning Act, the Town of Oakville Official Plan and Livable Oakville.

Planning staff noted in its report to the Committee of Adjustment that the proposed consent and variance applications did not meet the tests and requirements of the Planning Act for such applications. The committee heard from the town and from several community members, all of whom did not support the applications. In its decision to deny the applications the committee clearly stated the importance of evaluating the suitability of the land for the use proposed.

"Until such time as appropriate policies and regulations have been developed to deal specifically with the regulation of power generation facilities, it is premature to determine the suitability of the land for this use," added Jane Clohecy, commissioner, Planning and Development.

The decision of the Committee of Adjustment can be appealed to the Ontario Municipal Board.

On March 30, 2009, the town passed Interim Control By-Law 2009-065 to provide the town with sufficient time to do planning studies to formulate appropriate policies and zoning rules before any power plant over 10 megawatts could be located in the Town of Oakville. Staff will be reporting back to Council on this matter later this month.


The Committee of Adjustment considers applications for minor variances from the zoning by-law, applications for land division (consent to sever land), and variances to the fence by-law, and any other specified by Council that implements the official plan. It is the responsibility of the secretary-treasurer and deputy secretary-treasurer to accept all applications for processing upon submission by the applicant.

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