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December 15, 2009

via email: regionalclerk@york.ca

Regional Chairman Fisch and Members of Regional Council
c/o Mr. Denis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street,
Newmarket, Ontario
L3Y 6Z1

Dear Chairman Fisch and Members of Regional Council:

**YORK REGION DRAFT OFFICIAL PLAN ANNOTATED VERSION COMMENTS
DORSAY DEVELOPMENT CORPORATION & BAZIL DEVELOPMENTS INC.
NORTHWEST QUADRANT OF GREEN LANE AND 2ND CONCESSION ROAD**

As you are aware from our previous correspondence dated October 19, 2009, we are planning consultants to Dorzil Developments (Bayview) Ltd., owners of approximately 98 acres (40 hectares) of land at the northwest quadrant of 2nd Concession Road and Green Lane in the Town of East Gwillimbury. Our previous correspondence outlined our concerns and objections related to the draft York Region Official Plan with respect to our client's property and included comments on the following items:

- the proposed Regional floor space index requirement of 2.5 on Regional Corridors;
- an absence of policy regarding transitional development;
- the designation of our clients lands and surrounding area as 'Potential Urban Expansion...' as opposed to the desired 'Urban Area' designation;
- discrepancies with Town and Region mapping with respect to wellhead areas;
- request for clarification with respect to the Regional Greenlands System regarding private development applications and their ability to make refinements to the System without requiring an amendment to the Official Plan similar to the Region and local municipalities;
- the proposed 10 metre minimum vegetation protection zone, which we feel should be delineated by way of an Environmental Impact Statement (EIS);
- mandatory LEED performance accreditation for development projects.

We have extensively reviewed the 'Annotated Version of the Regional Official Plan' dated December 2009 and the related November 25, 2009 'Draft York Region Official Plan – June 2009 – Submission Analysis' and as such our client endorses several of the revisions made as they have alleviated a number of our aforementioned concerns, including:

- discrepancies with Town and Region mapping with respect to wellhead areas;
- request for clarification with respect to the Regional Greenlands System regarding private development applications and their ability to make refinements to the System without requiring an amendment to the Official Plan similar to the Region and local municipalities;

December 15, 2009

- mandatory LEED performance accreditation for development projects, which now appropriately encourages LEED performance accreditation instead of requiring the same.

While our client does support several of the revisions made to the draft Official Plan, we would like to update Council with our continued concerns and objections. We take note and comment on the following specific policy sections with respect to our client's lands:

- We continue to object to draft policy 5.4.23 which requires for a Floor Space Index (FSI) requirement of 2.5 on Regional Corridor's (Green Lane) calculated on the basis of individual development blocks. To note, the Town's draft Official Plan references an FSI of 1.0 along the same corridor and 1.5 FSI at the Local Centre comprising the four quadrants of Green Lane and 2nd Concession Road. Through our discussions with Regional staff, it is our understanding that the Region intends to require that the Town comply with the Region's FSI targets for Corridors and Centres.

Our client generally supports the notion of additional density along the Regional Corridor and in the Centre; however, they maintain significant concerns with the viability of achieving a density averaging 2.5 FSI per development block. It is our view that such a level of density is not desirable in terms of the resultant built environment.

We feel that it is evident from the Density Study provided in our previous Oct. 19, 2009 correspondence, which was created to assist Council in understanding the scale of density and height that is necessary to achieve 2.5 FSI, illustrates clearly that whether spread out over an aggregate basis as a Development Block would infer or consolidated onto individual parcels, the 2.5 FSI requirement is not achievable. We request that the Region endorse the Town's already ambitious FSI goal of 1.0 and 1.5 for Region Corridor's and Local Centre's respectively.

Additionally, the 'Development Block' concept, over which the density requirement is to be calculated and which to be defined at the local level is currently not defined in the Town Official Plan. We request that if the Region is to keep the 'Development Block' concept that this be done in conjunction with the local Official Plans. We do not support this Region policy at this time as it relies on local policies that are currently absent and thus has the potential to create contentious issues.

- We note and reiterate that the draft Region Official Plan contains no policies with respect to transitional development within the Regional Corridors and has not proposed to provide any with the latest draft Official Plan revisions.

Numerous other jurisdictions, including the Town of East Gwillimbury and Town of Newmarket with respect to this specific Regional Corridor (Green Lane) and the City of Burlington with respect to a highly urban mixed use area in that municipality, include policies within their Official Plans which acknowledge that development of the scale such as that envisioned along the York Regional Corridor is likely to proceed over an extended period of time and, as a result, development, while meeting Official Plan objectives for the area, may initially occur both at intensities which are less than the maximums permitted and in a phased manner.

We would request the Region thoroughly consider a similar policy with respect to the Green Lane Regional Corridor.

- It was our understanding in our previous correspondence (dated Oct. 19, 2009) based on our discussions with Regional staff, that prior to Council's adoption of the final revised Official Plan our client's lands as well as surrounding lands currently designated

December 15, 2009

in the draft Plan as "Potential Urban Expansion – Location, Size and Phasing to be Determined" on Map 1 – Regional Structures would have the designation revised to "Urban Area". The Region's response to our comment regarding this expectation was that a specific identification of urban expansion areas will be brought forward in an Amendment to the Plan in early 2010.

We object to the continued designation of the subject lands and surrounding areas as "Potential..." and respectfully request and urge Regional Council to revise the designation prior to the adoption of the final revised Region Official Plan.

- We continue to have concerns with Section 2.2.37 Key Natural Heritage Features and Key Hydrologic Features, which requires that outside of the Oak Ridges Moraine and the Greenbelt, a minimum vegetation protection zone of 10 metres shall be provided from the outer limits of a significant woodland.

In our opinion the determination of development setbacks for natural heritage features should be delineated through an Environmental Impact Statement (EIS). We note that an EIS is a requirement of the draft Regional Plan for development adjacent to such woodlands. We feel that a standardized boundary is arbitrary and should be delineated on a site specific basis which varies greatly with environmental and topographic considerations.

- With respect to Section 3.3.13, added to the Annotated Version of the draft Official Plan dated December, 2009, we have concerns with the policy language encouraging the consideration of a Development Charge for hospitals and social housing. It is our view that Development Charges for such uses, which are intended to be for those in need, are not appropriate and as such we request that the Region remove Section 3.3.13 before adopting the final version of the Official Plan.
- Another item that was added to the Annotated Version of the draft Official Plan we take issue with is the new Section 14G which provides that the Regional Greenlands System Plan is to identify hazard lands and hazardous sites, incorporate them into the Greenlands System and include an appropriate buffer or access allowance.

Similar to our aforementioned objection with Section 2.2.37, it is our opinion the determination of boundaries and buffers should be delineated and established through the undertaking of an EIS as delineating boundaries otherwise is arbitrary in nature and has no scientific rationale as a basis for an item that we feel should be based on sound environmental and topographic considerations.

Please accept these comments on behalf of our client, Dorzil Developments (Bayview) Ltd. Should you have any questions or concerns regarding the above comments please do not hesitate to contact the undersigned.

Yours Truly,
IBI Group



FOR

Scott Arbuckle, MCIP, RPP
Associate

December 15, 2009

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