

# AIRD & BERLIS LLP

Barristers and Solicitors

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Regional Planning Committee  
The Regional Municipality of York  
Planning and Development Services Department  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

Attention: John Waller, Director of Long Range and Strategic Planning

Dear Mr. Waller:

**Re: York Region Official Plan - December 2009**

**Report of the Commissioner of Planning and Development Services –  
December 2, 2009**

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We represent the North Leslie Residential Landowners' Group Inc., a group of landowners with a significant ownership interest in the North Leslie secondary plan area in Richmond Hill. Our client group includes not only those landowners whose lands are designated for residential development, but in some instances, the constituent members who own lands that are designated Employment Corridor, or are lands that the Town and the Region are seeking to have designated as such.

Our clients, through their land use planning consultants, Sorensen Gravely Lowes, have corresponded with the Region to express their concerns with the June, 2009 draft Regional Official Plan. In addition to that correspondence, we have also participated in several discussions with Regional Planning Staff, regarding the issues that our clients have identified with the draft Regional Plan, with the hope that such issues may be resolved prior to adoption of the new Official Plan. We are aware that other landowners within the North Leslie secondary plan area have also separately corresponded or discussed with Regional Staff matters that affect, or potentially affect, the development of their lands.

We have received a copy of the revised York Region Official Plan (December, 2009) and are in the process of reviewing the policy and mapping changes proposed through this document. Because our review is not complete, we expect that we will have further comments respecting the policies and mapping prior to adoption.

We note that a number of the maps have been changed, with the effect that they address some of the issues that we have raised through our previous correspondence. We appreciate the effort of your Staff to have addressed these changes prior to Committee and Council considering the draft Official Plan for adoption.

Despite the progress made through discussions, however, there are a number of areas that remain of concern to our client group, or are new matters that arise under the revised Official Plan put before you for consideration.

**Need for a Clear Transition Policy for North Leslie: New Urban Design, Community Design, Affordable Housing, Density Targets and Environmental Requirements**

The draft Regional Plan proposes new or additional requirements for development within secondary plan areas in the Region. In some instances, the proposed policies seek to have local and regional Council revisit the established policies within secondary plans that have not yet built out. In the circumstances of the North Leslie secondary plan, the policies have only recently been approved by the Ontario Municipal Board. The requirement that the plans be revisited to impose new or additional requirements causes our clients significant concern.

By way of example only, section 2.1.8 of the December Official Plan requires that all development applications within 120 metres of the Regional Greenlands System be accompanied by an EIS in support of such application. The approved policies for the North Leslie secondary plan do not impose an arbitrary 120 metre distance for a supporting EIS and the policies specifically recognize that in some circumstances an EIS may be scoped, to the satisfaction of the TRCA.

The transition policies in section 8.4 (13) - (15) of the proposed Regional Plan do not address this concern, as they do not appropriately recognize the approved status of the secondary plan area or provide that implementing development applications be tested against the existing, approved secondary plan policies for North Leslie.

**We would request that Council amend the Plan, prior to adoption, to insert the following clause under section 8.4:**

**8.4.16 Notwithstanding Sections 8.4.14 and 8.4.15, for the lands included within the area of the North Leslie Secondary Plan in the Town of Richmond Hill, the consideration and approval of applications for subdivision, zoning or other matters pursuant to implementation of that Secondary Plan, whether such applications have been submitted or are subsequently submitted, shall be in accordance with the provisions of the North Leslie Secondary Plan.**

**Environmental and Regional Greenway Policies**

The North Leslie secondary plan establishes an extensive natural heritage and open space system. The identification of the system, as well as policies which are designed to guide development in the area, were the subject of significant agreement between the landowners, the Town and Region, as well as the Toronto Region Conservation Authority. The policies which provide for development in North Leslie recognize and support the role of the Natural Heritage and Open Space system and provide detailed direction to guide development on lands outside of this area. We remain very concerned that the natural heritage and Regional Greenland policies not introduce new or additional requirements

respecting the agreed-upon natural heritage system in North Leslie, particularly since the policies were the subject of an Ontario Municipal Board hearing and approval.

The North Leslie secondary plan contemplates and provides for such matters as stormwater management facilities, for example, to be located within certain areas within the Natural Heritage System. To the extent that the draft Official Plan contains policies that might limit the potential to locate such uses, or introduces new tests for the location of same, our client objects to these policies.

Additionally, the policies within the secondary plan consider the matter of acquisition by public agencies of lands designated natural heritage system. We note that the Regional Official Plan does not propose acquisition of lands designated Regional Greenlands System. We would expect that the Region would continue to respect the securement policies already established through the secondary plan.

### **Oak Ridges Moraine Policies**

Some of the lands within the secondary plan are located on the Oak Ridges Moraine, although the development of such lands is recognized as being transitioned under both the *Oak Ridges Moraine Act* and *Plan*. We note the detailed policies respecting lands generally located on the Moraine within the Region. We would expect that the transitioned status of the development of those lands on the Moraine would continue to be recognized and respected as our clients move forward with development approvals. We would ask that a specific reference to transitioned plans be inserted in the Plan to remove any future question regarding this issue.

### **Map 12 and Related Policies**

We have expressed previously our client's concern with the proposal to expand the Regional road rights of way in the vicinity of North Leslie, to 43 m, from the approved policies which require 36 m.

We note that the Region and the Town of Richmond Hill participated in the rehearing of the North Leslie secondary plan where the issue of road policies was examined. As recently as August, 2009, the Region continued to support secondary plan policies which provided for the road rights of way for Leslie St, 19th Avenue, Bayview and Elgin Mills, of 36 m and not 43 m. Our clients strongly object to the basis and imposition of these additional road rights of way being imposed for development in North Leslie.

### **Figure 2**

We note that the employment target for Richmond Hill as a whole has been reduced by the Region in proposed Table 1. We are not aware of any reconsideration of lands proposed to be identified either as employment or strategic employment area, to determine whether such designation or identification continues to be warranted in light of the reduction of the overall job number for Richmond Hill.

We have noted previously, on behalf of certain affected landowners, our concerns with the basis for Figure 2 and the identification of strategic employment lands, particularly beyond 2031, which is the planning period dictated by the *Places to Grow Act* and the *Growth Plan*.

Despite policy 1.4, which suggests that Figure 2 is conceptual and non-operative, by virtue of the references to Figure 2 in such policies as 4.3(4), the Figure no longer remains inoperative, but in fact has become part of the operative part of the plan through policy references.

We do not agree with the wording provided in policy 4.3(21) and have advised your Staff of our concerns regarding this policy. The effect of the policy is to suggest that the strategic employment designation for North Leslie was the subject of an OMB hearing/rehearing. The only matter considered by the OMB was the local official plan designation, which remains outstanding on certain parts of the North Leslie secondary plan area. The merits of the identification of some of the lands as "strategic employment" and the ability of the Region to designate lands for employment purposes beyond 2031, were not before the Board. The wording of policy 4.3(21) is therefore misleading.

**We would request that Figure 2 be deferred as it would relate to the North Leslie secondary plan area, for a proper determination pending release by the OMB of its decision on the local employment designation.**

### **Housing Supply**

We note the proposed wording change suggested in policy 5.1(5), following Table 1. Our clients would support the reinsertion of the wording as set out in the previous draft, on the basis that it is the local municipality which is best able to ensure the policy objective of maintenance of an adequate residential housing supply is met.

### **Other Matters**

We are not aware of any support for Policy 3.3(13) which requires Regional Council to consider the introduction of social housing and hospital development charges, despite the provisions of the *Development Charges Act*. We would suggest that any policy must also acknowledge the legislation and any restrictions within that legislation within the body of the Plan.

We do not support the requirement that approved secondary plans be re-examined under policy 5.2(15). We would suggest that the policy be reworded to simply encourage landowners to address the 50 residents and jobs per ha requirement.

We are particularly concerned that the reference to the Guidelines for Community Development in 5.2(19) includes a reference to the ability of the guidelines to change without amendment to the Plan. Any amendment to a guideline sought to be imposed through policy should be subject to the full public process associated with amendments to

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an official plan as set out under the *Planning Act*, to ensure fairness to affected landowners.

We would request that these matters be further addressed by your Staff prior to the Plan being brought to Council for adoption.

Yours truly,

AIRD & BERLIS LLP



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