

MEMORANDUM

TO: Planning and Economic Development Committee

FROM: John B. Waller, M.C.I.P., R.P.P.
Director Long Range and Strategic Planning Branch

DATE: January 11, 2012

RE: **Status Update Report 4 on Appeals of the York Region Official Plan 2010, ROPA 1 -Town of East Gwillimbury Urban Expansion, ROPA 2- City of Vaughan Urban Expansion and ROPA 3- Town of Markham Urban Expansion**

This memorandum provides the fourth update on the ongoing Ontario Municipal Board (OMB) hearing dealing with the York Region Official Plan-2010 and Regional Amendments 1, 2 and 3, the urban area expansion amendments in the communities of East Gwillimbury, Vaughan, and Markham respectively. Regional Council at its meeting of November 17, 2011 received the previous update memorandum.

Background

- The new York Region Official Plan (ROP) was adopted by Regional Council on December 16, 2009 and subsequently approved with modifications by the Ministry of Municipal Affairs and Housing on September 7, 2010. Following approval of the ROP a total of 51 appeals were submitted to the OMB.
- Regional Official Plan Amendments 1, 2 and 3 were approved by Regional Council on September 23, 2010. Provincial approval of the amendments was not required. Following adoption of the amendments, a total of 9 appeals were submitted to the OMB.
- Since May 2011 a total of five OMB Prehearing Conferences have been held dealing with various subject areas including:
 - o Determination of Parties/Participants;
 - o Scheduling of mediation sessions;
 - o Identification of issues;
 - o Motions by York Region to dismiss appeals by appellants that did not meet the requirements of the Planning Act for making submissions prior to the adoption of the ROP.
- As well as the five pre-hearing conferences, there have been 7 days of mediation in October and in December, 2011, on transition issues and environmental policies in Chapter 2.

Key Issue Areas

The key issues remaining in front of the OMB are appeals relating to:

1. Transition matters where applications are part way through the approval process and appellants are seeking recognition of existing planning approvals and/or relief from the new ROP policies;
2. Environmental policies and mapping where appellants have issues with the extent, wording and/or intent of the policies and mapping;
3. Increased right-of-way widths required to implement Regional Council's endorsed vision for Regional streets and the associated requirements that land be conveyed at no cost to the Region;
4. Prohibition on Major Retail uses within Employment Areas;
5. Sustainable Building requirements;
6. Affordable Housing requirements;
7. The Urban Area expansions in East Gwillimbury and Markham where a number of appellants wish to have urban boundaries expanded to include more land and in the City of Vaughan where the appellant has questioned the need to add any additional urban lands at this time.

October OMB decision dismissed a number of appellants

- As reported in the last update, the OMB in their October 2011 decision ruled that various individuals and groups who had filed letters of appeal in 2010 had failed to meet the test of section 17(36) of the *Planning Act*, requiring an appellant to have made oral or written submissions to Council prior to the adoption of the Plan, were neither proper appellants, nor parties and thus did not have status to participate in the OMB process.
- The October 2011 decision, as well as several appeal withdrawals and one appeal settlement had resulted in the number of appellants to the ROP being reduced from the initial 51 appeals to 35.
- The number of appellants to ROPAs 1, 2 and 3 remains at 9.

Ongoing Negotiations and Mediation

- OMB mediation was held October 24th - 26th and December 5th - 8th, 2011 dealing with Environmental policies in Chapter 2 and mapping and Transition issues in Chapter 8.
- Environment and Transition issues involve a number of appellants and if resolved will serve to significantly reduce the number of issues and appeals that will require a hearing before the OMB.
- The Region has taken a proactive approach by initiating the mediation process, setting out alternative policies to resolve appeals while still achieving the Region's core interests and seeking to offer further accommodations through Minutes of Settlement where appropriate.
- Substantial progress has been made to-date in resolving policy language particularly in the Environmental Area and the mediation process continues to be supported by all parties.
- To date Minutes of Settlement with 10 different appellants are in process and expected to resolve several complex issues including some transition issues.
- 10 days of mediation are scheduled in January, 2012 (Jan 9th -13th, and Jan 23rd - 27th, 2012).
- Topics identified to-date for the January, 2012 mediation sessions include:
 - Finalization of Transition and Environmental matters

- o Employment and Retail policies
 - o Sustainable Buildings policies
 - o Affordable Housing policies
- A report will be brought to Regional Council summarizing proposed modifications to these policies at the appropriate time.
- With positive results to date, Regional staff is also continuing ongoing Without Prejudice discussions with all appellants in an attempt to resolve and/or scope as many appeals as possible.

In addition to this memorandum, Stephen Waqué, Borden Ladner Gervais, the Region's solicitor for ROP appeals will provide further information and respond to any questions members of Committee may have on the ongoing Regional Official Plan appeals at the private session of today's meeting. A further update memorandum will be brought forward for Committee and Council at the February 29, 2012 meeting of Planning and Economic Development Committee.



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