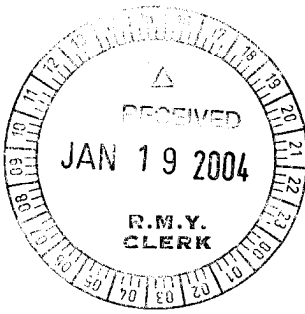


**HUMPHRIES PLANNING GROUP INC.**

216 Chrislea Road, Ste 402
Vaughan, Ontario
L4L 8S5

**REGION OF YORK
CLERKS OFFICE**

FILE No. - *P03*

FACSIMILIE

- ☐ Urgent
- ☐ FYI
- ☐ Action Required
- ☐ As Requested
- ☐ _____

To: Attn: Denis Kelly, Regional Clerk
Company: Region of York
Bus: (905)830-4444 ext.1320 Fax: (905)895-3031

From: Rosemarie Humphries
Bus: (905) 264-7678 Fax: (905)264-8073
Email: rhumphries@humphriesplanning.com

Date: January 19, 2004

File: 2956

No of Pages: 7 (Including Cover Sheet)

Re: Regional Council Item 7: Report 1 of
Planning and Economic Development

Message:

Please find attached a letter respecting the above noted item.

Please distribute to Regional Chair and Members of Council prior to Thursdays meeting

cc. C. Serrie

NOTICE – Priviledged and Confidential

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HUMPHRIES PLANNING GROUP INC.

January 18, 2004

HPGI File: 2956

216 Chrislea Road
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T: 905-264-7678
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Denis Kelly, Regional Clerk
Region of York
Clerks Department
17250 Yonge Street, 4th Floor
Newmarket, Ontario
L3Y 6Z1

Dear sirs:

**Re: Regional Council Agenda
Item 7 of Report No. 1 of the Planning and Economic Development
Committee
Official Plan Amendment No. 34, Town of Aurora**

Humphries Planning Group Inc. represents FAI Canada Development Corporation, In Trust, owners of 7.256 ha (17.9 acres) located Lot 14 and Part of Lots 17, 18 and 19, R.P. 166 (at the north east quadrant of Yonge Street and Old Bloomington Road) in the Town of Aurora. The lands are located within the Yonge Street South Secondary Plan (OPA 34) as adopted by the Town of Aurora on July 25, 2000 and are designated for Cluster Residential uses in accordance with Land Use Schedule "AA" to OPA 34.

Application requesting approval for a draft plan of subdivision and rezoning for the subject lands were submitted to the Town of Aurora in August of 2002. The application submission was made in accordance with the July 25, 2000 adopted OPA 34.

In review of Bill 122 (The Oak Ridges Moraine Conservation Act) and sections of Bill 27 (The Greenbelt Protection Act) which amend Sections of Bill 122, the following is noted:

1. **OPA 34 was adopted by the Town of Aurora Council on July 25, 2000, and is therefore not subject to Bill 122.**

Section 15 (1) indicates that Section 7 applies with respect to all applications, matter or proceedings commenced on or after November 17, 2001.

Section 7 addresses effect of the Plan and indicates that *"a decision that is made under the Planning Act or the Condominium Act, 1998 or in relation to a prescribed matter, by a municipal council, local board, municipal planning authority, minister of the Crown or ministry, board, commissioner agency of the Government of Ontario, including the OMB, shall confirm with the Oak Ridges Moraine Conservation Plan."*

Section 15(3) indicates that Section 7 does not apply to an application, matter or proceeding commence before November 17, 2001 if a decision has been made in respect of the application, matter or proceeding before that date.

Section 15(4) addresses how a determination is made with respect to the commencement of an application. Subsection 15(4)(a) indicates that in the instance of an Official Plan, or its amendment or repeal, on the day the By-law adopting the plan, amendment or repeal is passed.

2. The FAI applications are not subject to Bill 122

Section 17 of Bill 122 addresses the requirements of Further Approvals and states that *"If a decision is made under the Planning Act or section 9 of the Condominium Act, 1998 with respect to land to which the Oak Ridges Moraine Conservation Plan applies is conditional on a further approval under either of those Acts, the decision on the application for the further approval shall be made in accordance with the same requirements of this Act that applied to the original decision."*

Section 11 of OPA 34 addresses Implementation. It anticipates the submission of land use planning applications as described within The Planning Act, inclusive of zoning, subdivision, condominium, site plan etc. On this basis, an application to implement OPA 34 such as a subdivision plan and rezoning would fall under the same policies as OPA 34 during the review/approval process.

Section 14 of Bill 27 amends Section 17 of Bill 122 by replacing it with *"If a decision made under section 51 or 53 of the Planning Act or Section 9 of the Condominium Act, 1998 with respect to land to which the Oak Ridges Moraine Conservation Plan applies is conditional on a further approval under either of those Acts, the decision on the application for the further approval shall be made in accordance with the same requirements of this Act that applied to the original decision"*. This new clause effectively limits further approvals to be limited to plans of subdivisions and consents. Additionally, if the decision of approval is conditional on a further approval, such as a zoning, then the further approval will be subject to the same provisions of Bill 122 as the original applications.

3. **The Request of the Town of Aurora to Modify OPA 34 is inappropriate and unnecessary**

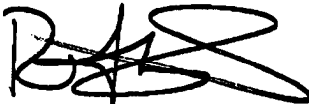
Memorandum dated January 9, 2004 from Town of Aurora Planning Department to Mayor and Members of Council indicates that Section 1.1 Introduction should be modified to include the following sentence at the end of the last paragraph: "It is noted that the lands subject to this Official Plan Amendment are also governed by Official Plan Amendment 48, regarding the Oak Ridges Moraine Conservation Plan in accordance with the provisions of Sections 15 and 17 of the Oak Ridges Moraine Conservation Plan". The rationale for including this sentence is further outlined in the memo indicating that " *Reference to the Oak Ridges Moraine Conservation Act transition policies is intended to clarify that some applications in the Secondary Plan Area will be transitional files and therefore not subject to OPA 48 provided that applications were submitted before November 17, 2001.*" Based on the above information this rationale is incorrect. All applications within OPA 34 lands, which conform to OPA 34 and do not require an official plan amendment should not be required to conform to Bill 122 as they are grandfathered by OPA 34 being adopted prior to November 17, 2001.

On the basis of the above noted discussion we respectfully request that the Regional Council not support the modification as proposed by the Town of Aurora and approve OPA 34 as set out in Item 8 of Regional Planning and Economic Development Committee Meeting held on January 7, 2004. In the alternative, should Regional Council decide to include the proposed modification, we respectfully request, that the modification be administered so as not to include the FAI land.

Should you have any questions or require clarification on this matter please do not hesitate to contact the undersigned at your earliest convenience.

Yours truly,
Humphries Planning Group Inc.

Per:



Rosemarie L. Humphries BA, MCIP, RPP
President

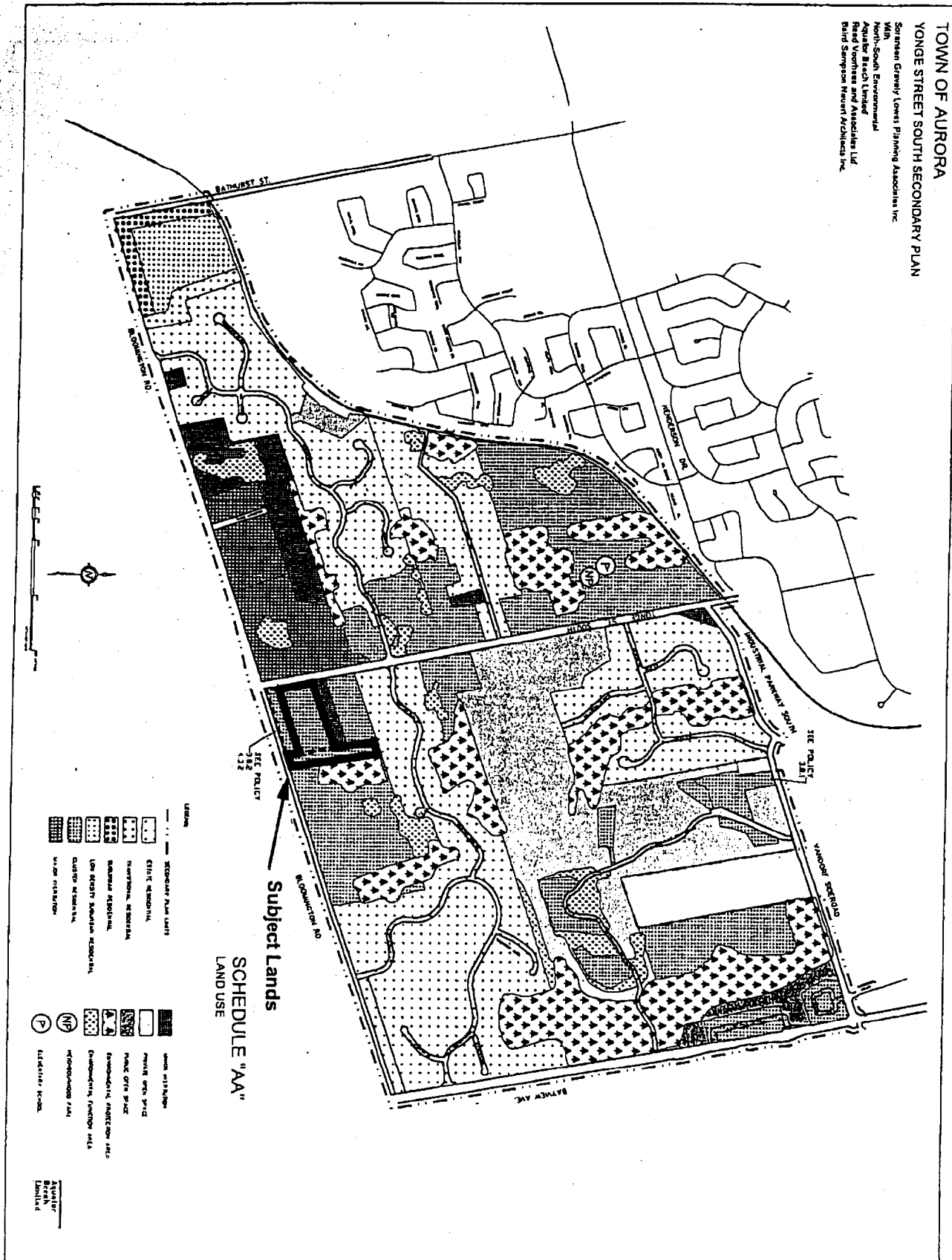
Encl.

cc. Chair and Members of Regional Council
Mr. N. Garbe, Director of Community Planning
Mr. C. Serrie, FAI Canada Development Corporation, In Trust
Mr. M. Montgomery, Angus Glen
Mr. M. Flowers, Davies Howe

TOWN OF AURORA

YONGE STREET SOUTH SECONDARY PLAN

Saranen Gravelly Lowes Planning Associates Inc.
With
North-South Environmental
Aquifer Beach Limited
Reed Voorhes and Associates Ltd.
Raïd Sampson Neuen Architects Inc.



SCHEDULE "AA"
LAND USE

Subject Lands

AGENDA ITEM #**7****Town of Aurora
Planning Department**

Memo

To: Mayor and Members of Council**From:** Sue Seibert, Director of Planning**Date:** 1/9/2004**Re:** Regional Planning Committee Meeting of January 7, 2004

On January 7, 2004 Regional Planning Committee considered a report and recommendation from Regional Planning Staff dealing with Aurora Official Plan Amendment # 34. By way of background, OPA # 34 is the Secondary Plan dealing with the Yonge Street South area. OPA # 34 underwent an extensive and effective public consultation process resulting in the neighbourhood largely agreeing with its recommendations. OPA # 34 was adopted by Aurora Council in July of 2000. Later in 2000, two OMB challenges for development applications in the neighbourhood were successfully defended based on the policies of the yet unapproved OPA # 34. The two OMB decisions dealing with lands within OPA # 34 upheld the concepts and policy approaches of OPA # 34 but in the process of the Hearings some policies were refined.

This resulted in Aurora Council approving some proposed modifications to OPA # 34 to effectively consolidate the two Official Plan Amendments approved by the Ontario Municipal Board with the original Secondary Plan. These refinements were included in Council's January 2003 request for modifications which was submitted to the Region of York, the approval authority for such Official Plan Amendments.

The staff report under consideration by Regional Planning Committee recommended approval of OPA #34 with some minor modifications. The report was adopted by the Regional Planning Committee, the recommendations of which will be considered by Regional Council on January 22, 2004.

Two residents have filed letters with the Region concerning the amendment. Both express concern that there is no connection made in either the Regional Staff Report or suggested modifications to the fact that the area is governed by Official Plan Amendment # 48, the Oak Ridges Moraine conformity Official Plan Amendment. While strictly speaking there is no need to reference this fact, it may be helpful to readers and those attempting to ensure compliance, for Official Plan Amendment # 34 to reference that the area is also under the policy requirements of OPA # 48. We therefore suggest that correspondence be forwarded to

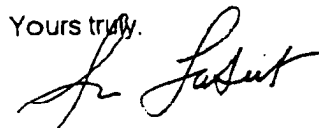
Regional Council requesting that OPA # 34 be modified to include the following in the Introduction Section 1.1 after the last sentence:

"It is noted that the lands subject to this Official Plan Amendment are also governed by Official Plan Amendment # 48, regarding the Oak Ridges Moraine Conservation Plan in accordance with the provisions of Sections 15 and 17 of the Oak Ridges Moraine Conservation Act."

Reference to the Oak Ridges Moraine Conservation Act transition policies is intended to clarify that some applications in the Secondary Plan Area will be transitional files and therefore not subject to OPA # 48 provided that applications were submitted before November 17, 2001.

At the same meeting Regional Planning Committee considered staff reports concerning Regional Centres and Corridors. Town Staff have been involved for some time in discussions concerning a proposed Regional Official Plan Amendment on this topic and were of the understanding that further local consideration was to take place on the matter before any approvals were considered at Regional Council. The Town of Richmond Hill as well as a number of residents of the region including some from Aurora appeared at the Regional Planning Committee meeting to express concerns about this initiative. As a result, further consideration was deferred for three months to provide for further input including that of local Councils. Staff will keep Council informed respecting this matter and will request that Regional staff make a presentation to Council and interested residents.

Yours truly,



Sue Seibert, MCIP, RPP
Director of Planning

c.c. Susan Walmer, R.A.Y.S., Evelina MacEachern

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