



MEMORANDUM

TO: Planning and Economic Development Committee

FROM: Valerie Shuttleworth, M.C.I.P., R.P.P., Director, Long Range Planning

DATE: June 12, 2013

RE: **Status Update - Appeals of the York Region Official Plan 2010 and ROPA 3**

This memorandum provides an update regarding Phase One of the Ontario Municipal Board (OMB) hearing process dealing with the York Region Official Plan (ROP) (2010) and Regional Official Plan Amendment (ROPA) 3, urban area expansion amendment in Markham.

Unresolved appeals are subject to a Phased Hearing

As indicated in the March, 2013 ROP status update memorandum, the majority of the new ROP, ROPA 1, and ROPA 2 (East Gwillimbury and Vaughan urban expansions) are now in force and effect. Unresolved appeals are being dealt with through a phased OMB hearing as follows:

- Phase 1: Growth Management, completed as of June 4, 2013
- Phase 2: This Phase is no longer required. ROPA 1 is settled
- Phase 3: Location of urban expansion lands in Markham (ROPA 3 Boundary) – date TBD, potentially fall 2013
- Phase 4: Remaining policies under Region-wide appeal – this includes a limited number of urban area related policies and the majority of Chapter 6, Agricultural and Rural Areas - dates TBD
- Phase 5: Site-specific appeals (at this time 9 site specific appeals remain) - dates TBD

Regional staff will continue to pursue the resolution of the remaining Chapter 6 ROP policies and site specific appeals outside of the OMB process.

Phase 1 of the OMB Hearing concluded on June 4, 2013

Phase 1 of the OMB Hearing, dealing with Growth Management (land budget) was submitted over 25 days in January (Jan 16 – February 7, Fridays excepted) and May (May 13 through 25, 28, 29 & 30). Closing argument was on June 4, 2013.

Party	Number of Witnesses	Number of Days of Evidence
York Region	13	13
City of Markham	1	1
Ministry of Municipal Affairs and Housing	1	3
Trinison	3	6
Minotar	1	1

The Phase 1 Hearing involved two appellants, Trinison and Minotar. Appended as *Attachment 1* is a map showing the location of lands owned by the appellants. York Region was supported by the City of Markham and the Ministry of Municipal Affairs and Housing in defense of ROPA 3, as adopted by Regional Council. York Region evidence described to the OMB panel the comprehensive and consultative nature of the public Municipal Comprehensive Review process, including the Regional land budget.

The appellants contended that the Region did not designate sufficient urban expansion lands in Markham. ROPA 3 and the ROP 2010 provides for 1010 hectares of developable lands. Trinison submitted that 1222 hectares of land is required, plus an additional contingency factor of 5-10%. Minotar indicated that the Region and City's process did not include a sufficient assessment of alternatives and concurred that additional land is required (but did not indicate a specific amount).

New parties have been added as a result of the Phase 3 challenge to the appropriate location for urban expansion lands in Markham

Phase 3 of the hearing will deal with determination of the appropriate location of urban expansion lands in Markham. In addition to the ROPA 3 lands, two areas in Markham (the Cornell new urban area and the Little Farm area) were added to the urban area as part of the ROP process (*see Attachment 1*). No landowners in these areas were originally appellants to the hearing. In December 2012, the Board directed the Region to give notice of the hearing to owners in these areas. As a result of this direction, 9 new parties (8 private landowners and Infrastructure Ontario) and 1 new participant (a private land owner) have been added to Phase 3 of the hearing.

Next Steps

The Phase 1 hearing result is now in the hands of the OMB panel. It is hoped that the OMB panel will issue a Phase 1 decision in a timely manner. Regional staff and external legal counsel will discuss scheduling of Phases 3 through 5 and report back to Council as necessary.

Valerie Shuttleworth, M.C.I.P., R.P.P.
Director Long Range Planning

Attachments: (1)

