



Office of the Chief Administrative Officer
Long Range Planning Branch

MEMORANDUM

TO: Planning and Economic Development Committee

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

DATE: June 13, 2012

RE: **Status Update Report 6 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 sixth 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 January 26, 2012 received the last update memorandum and also considered matters relating to the ROP appeals in-camera at the meeting of April 19, 2012.

York Region Official Plan - 2010 was approved by MMAH in September 2010 and Pre-hearing Conferences (PHC) at the OMB have commenced along with Board mediation of disputes

The York Region Official Plan (ROP) was adopted by Regional Council on December 16th, 2009 and subsequently approved with modifications by the Ministry of Municipal Affairs and Housing on September 7th, 2010. Following approval of the ROP a total of 51 appeals (representing 74 landowners) were submitted to the OMB.

Regional Official Plan Amendments 1, 2 and 3 were approved by Regional Council on September 23rd, 2010. Provincial approval of the amendments was not required. Following adoption of the amendments, a total of 9 appeals were submitted to the OMB.

Regional staff has been involved in approximately 27 days of OMB mediation and dozens of meetings with appellants since early 2011. This has resulted in mediated or negotiated revised policy sets for Chapter 2 – Natural Environment, Cultural Heritage, Affordable Housing, Sustainable Building and Transition, satisfactory to most parties, provided Minutes of Settlement are finalized and executed.

PHCs were held in April and May 2012, to file motions, seek a Board order to bring parts of the Plan into force, including mediated policies and policies to which no specific issues had been identified, and to deal with Administrative matters and the only appeal of ROPA 2 – the Vaughan urban Expansion Amendment has been withdrawn

Twenty one (21) appeals have now been settled as part of OMB mediation previous OMB decisions, Minutes of Settlement and withdrawals.

Most notably, Sustainable Vaughan has withdrawn the sole appeal of ROPA 2 allowing the Vaughan urban expansion amendment to come into force without further OMB hearings.

Regional staff continues to actively work on additional Minutes of Settlement to resolve other appeals.

The most recent PHCs were held April 11th, 2012 and May 28th and 29th, 2012 dealing with the following matters:

April 11, 2012 PHC:

- Determination of required Notice regarding policies for which partial approval is sought (including policies modified following appeal), the timing of the modification release and the motions going forward to the next PHC May 28th, and 29th, 2012.
- Motions by 2 parties dealing with a technical mapping discrepancy on one property in the Oak Ridges Moraine Conservation Plan Area and a motion by a development interest wishing to be granted party status to review the implications of the modifications.

Of the requests made to the Board at the April 11, 2012 PHC, the Board issued an oral decision April 11, 2012 and a written decision May 17, 2012 deciding the following:

- Notice required to bring parts of the Plan into force would be made to those appellants, parties and participants that currently remain as part of the hearing.
- That the motion by Jeffrey Streisfield on behalf of Worden/Montanaro in regard to mapping errors on property in the ORMCP in the Town of Richmond Hill be dismissed and the Region be directed to modify Maps 1, 2 and 8 as contained in the motion materials of the Region and Province and supported by the Town of Richmond Hill.
- That the party status motion regarding the request by King City Corporate Centre be deferred until the next prehearing conference May 28th and 29th, 2012.
- That the Region circulate mediated materials and give parties to the mediation until April 28, 2012 to indicate their concurrence with the modifications being brought into a “with prejudice” status; and,
- That the Region file formal motions materials on May 4, 2012 regarding the matters to be considered at the May 28th and 29th PHC, including bringing part of the Plan into force.

May 28 and 29, 2012 PHC:

- Motion for partial approval of the Plan, specifically those parts where OMB mediation had successfully been conducted and parts of the Plan where there appeared to be no issues preventing approval.
- A Motion by the Region requesting the Board require appellants with “Whole Plan” appeals to scope those to specific policies and properties; and,

- The receipt of the letter withdrawing the Sustainable Vaughan appeal to ROPA 2, permitting Regional Official Plan Amendment 2 – The City of Vaughan urban expansion amendment to come into force and effect following OMB administrative actions.

Both of the Region's motions on May 28th and 29th, 2012 were met with some opposition from appellants, resulting in the Region voluntarily agreeing to defer the above matters to a July PHC. This deferral will provide additional time to complete Minutes of Settlement and reach consensus with appellants over which parts of the Plan might reasonably be brought forward for approval. On the issue of scoping of "Whole Plan" appeals, the Board will hear this aspect of the Region's motion in July if necessary.

An additional motion was also brought by appellants to consolidate the ROP hearing with the hearings on ROPA's 1 and 3, and schedule the OMB hearing. The consolidation motion will be held in abeyance until the next PHC July 11th and 12th, 2012, pending discussions on the hearing timing and phasing.

Hearing on ROP Matters Remaining likely to begin in late Fall 2012

Part of the discussions at PHC on May 28th and 29th, 2012 revolved around the anticipated timing of the start of the OMB hearing, it's probable length and the scheduling of matters. While much remains to be discussed among parties and agreed to by the Board, it appears that a mid-November start date is likely.

Next Steps

The next PHC is scheduled for July 11th and 12th, 2012. The Region will again pursue the partial approval of the Plan on consent, including mediated ROP policies, Table 1 and Table 2, and other policies agreed to be no longer at issue. Mediated or negotiated policies include the whole of Chapter 2 Sustainable Environment, Affordable Housing, Cultural Heritage, Transition policies. In pursuing partial approvals Regional staff anticipates providing the Board with executed Minutes of Settlement.

The Board is also expected to hear requests for party status from solicitors representing King City Corporate Centre and North Gwillimbury Forest Alliance (among others) and advise the parties on sequencing and phasing for the upcoming hearing.

Council members are also in receipt of a number of email communications from the North Gwillimbury Forest Alliance regarding the Maple Lake Estates development in the Town of Georgina. As previously indicated, the Forest Alliance has requested party status which will be considered at the PHC on July 11th and 12th, 2012. At the present time Regional staff and solicitors are working to finalize Minutes of Settlement with Maple Lake Estates to recognize their existing planning approvals in the Town of Georgina. Should there be disputes regarding the existing approvals, the Forest Alliance can address the Ontario Municipal Board on July 11th or 12th, 2012. In addition, it is anticipated that a meeting will be arranged in the near future between solicitors of the Region, the Forest Alliance, the Town of Georgina and the landowners to discuss matters.

Should the Board decision from the May 28 and 29, 2012 be received before Planning and Economic Development Committee, a verbal update will be provided. Should the decisions not be received the results will be reported as part of the September 5, 2012 update to Council on the ROP proceedings.

A further update memo will be prepared for the September 5, 2012 Planning and Economic Development Committee advising of matters that occurred or matters decided between June and September, 2012.

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