

**Submission Number**

D05.2009. 1.180

D05.2009.1.190

**Date of Submission:**

May 4, 2010

May 25, 2010

**Submission Author:**MMM Group on behalf of DiBattista Farms/Cleary  
Construction and Signature Developments**Comments or Requested Change to Draft Official Plan****Analysis and Recommendation**

Property Description: North Nashville Precinct Areas (38 ha) located on west side of Huntington Rd, north of Nashville Rd, east of the rail line and south of Kirby Rd; Vaughan.

Proposal to include the 38 ha area in the urban area expansion boundary in the City of Vaughan. This inclusion would complete the Nashville community, protect the community from fear of infiltration of employment uses as its interface on Huntington Road and establish the rail line as the natural separator between future employment uses and the residential nature of Nashville.

**1.190**

Submission to City of Vaughan Committee of the Whole at the Statutory meeting on the new City of Vaughan Official Plan .

Advancing the position that the lands should be part of an expansion area for the Nashville Community

Based on the Region's municipal comprehensive review and land budget exercise, and local municipal growth management work, these lands are not required within the 2031 time frame.

No revisions required.

Same comments as above.

Received May 4, 2010

D05.2009.1.180

**From:** Diana Santo [mailto:Santod@mmm.ca]  
**Sent:** Tuesday, May 04, 2010 2:22 PM  
**To:** Tuckey, Bryan; Zipay, John; Waller, John  
**Cc:** Jeffrey, Barb; mayor@vaughan.ca; Mayor Linda D. Jackson; Sebastian Mizzi; Anthony DiBattista; Shaylagh McLaren  
**Subject:** City of Vaughan Official Plan  
**Importance:** High

Bryan and John,

As you are aware, we represent landholdings in Block 67 (Nashville area) of the City of Vaughan and have been proactively involved in both the City and Regional Official Plan processes' on their behalf. The property is owned by DiBattista Farms, whose principle heads up Clearway Construction and Signature Developments Inc. We first corresponded with the Region and the City in July 2008, where we advised that our client was seeking to have their lands included in the urban boundary expansion area that would result from the comprehensive review and conformity exercises. It is our professional opinion that these lands provide the opportunity to round out and complete the Nashville community, and that the rail line to the west forms a natural boundary between the proposed residential focused land uses in the Kleinberg-Nashville community and the future employment uses in northwest Vaughan. We have been active in pursuing this opinion with the Region and the City through both numerous meetings and further correspondence with Regional staff, John Zipay at the City and Urban Strategies who were retained by Vaughan to undertake the City's Official Plan process.

We have also actively participated in the Focused Area Study that the City has been undertaking with the assistance of the Planning Partnership to plan for the balance of the Kleinberg-Nashville community as part of the Official Plan process. We would note that the Focus Area Study, in preparation for the Secondary Plan, has recognized our client's lands in its planning program for rounding out the lands on the east side of Huntington Road. This makes abundant sense, as the interface and inter-relationship of land uses on the east and west sides of Huntington Road is fundamental. Likewise, good planning dictates that these lands be included so that proper analysis can be undertaken with regard to the community needs and soft services that must be planned for, such as schools and community parks, let alone the application of an appropriate mix of densities to achieve the Places to Grow requirements and the desire to create "complete communities". From the perspective of sound and good planning, our request to include these lands in the urban boundary has been positively received by both Regional and City staff. The frustrating point is that while all agree that the complete boundaries of the Nashville community should be determined as part of this exercise to protect the residential character of this area in anticipation of the major employment uses to the west, the ongoing issue is that the land budget numbers game does not allow for this at this time---but to wait five years until the next review.

We believe that there must be a way to recognize the importance of these lands to the completion of the Nashville community and that the development of these lands can be phased appropriately. In this regard, we met with Mayor Linda Jackson on May 3rd, 2010 and she is most supportive of finding a way to recognize these lands as being needed to complete the Nashville community, to protect the community from fear of infiltration of employment uses at its interface on Huntington Road and establish the rail line as the natural separator between the future employment uses and the residential nature of Nashville. The area we are proposing to include is not vast, a mere 38 hectares. Surely good planning should dictate the recognition of these lands in the Region and the City's Official Plans. It is unfair to wait until the next comprehensive review when everyone that reviews our request agrees with the planning merit of our request. As time is of the essence, we would welcome the opportunity to meet with you as soon as possible to discuss a mechanism of recognizing these lands at this time.

cheers

Diana Santo, MCIP, RPP  
Senior Planning Director  
Planning and Environmental Design

**MMM Group Limited**

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File 14.08221.001.P01  
presented to budget  
Council. -7.

Received May 27, 2010

 **MMM GROUP**  
**D05.2009.1.190**

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May 25, 2010

File No. 14.08221.001.P01

~~C~~councillor Peter Meffe  
Chair – Committee of the Whole  
Vaughan Civic Centre  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1

Dear Chair Meffe, Madame Mayor and Members of Council:

Subject: **City of Vaughan Draft Official Plan Volume I (April 2010)**  
**Public Meeting Deputation**  
**On Behalf of DiBattista Farms Ltd. / Signature Developments Inc.**  
**Re: Nashville Precinct Area (Block 67)**

On behalf of our client, DiBattista Farms Ltd. / Signature Developments Inc., we would like to thank you for the opportunity to speak before you at Monday night's public meeting on the City's Draft Official Plan. We recognize the amount of information received that night and would like to provide the following overview of the key points outlined in my deputation. We have also enclosed maps that we had intended to present to City Council, but did not have the opportunity given the number of deputants at the public meeting and our desire to keep the process moving quickly.

- The principal of DiBattista Farms Ltd. also heads up Clearway Construction and Signature Developments Inc., successful businesses operating in Vaughan and the Region of York.
- DiBattista Farms Ltd.'s lands are located at 11100 Huntington Road on the west side of Huntington Road, south of Kirby Road. These lands form part of a 38 hectare triangular piece of land in Block 67 (Nashville Area) that we believe is needed to round out the Nashville Community to the east. These lands are shown as the "proposed expansion area" on the enclosed "Draft Official Plan Schedule 1 Urban Structure" figure.
- It is our opinion that from a planning perspective, the rail line to the west of the proposed expansion area provides a natural boundary between the existing and proposed residential focused land uses in the Kleinburg-Nashville Community and the future employment uses proposed in northwest Vaughan, as well as any future extension of Highway 427.
- We note that our proposed expansion area has been considered as part of a comprehensive community planning exercise being undertaken through the Kleinburg-Nashville Focused Area

- Study, yet, conversely has been left out of the new Vaughan Official Plan. The lands are shown on the enclosed "Kleinburg-Nashville Workshop 3 Preferred Plans (January 6, 2010)" figure.
- The exclusion of these lands from the proposed urban boundary expansion leaves the door open for a land use conflict between the existing and proposed residential land uses in the Kleinburg-Nashville Community and the future employment uses in northwest Vaughan.
  - Finding a way to recognize the inclusion of these lands for future rounding out of the Nashville Community allows for a complete and not piecemeal approach to community planning. This represents good planning, as it conforms to the concept of "building complete communities" as outlined in the Provincial Policy Statement and the "Places to Grow" Growth Plan for the Greater Golden Horseshoe, as well as being recognized in both the Region of York Official Plan and the City of Vaughan Draft Official Plan.
  - These lands are located within the City's "Whitebelt" lands which the Province through Places to Grow has recognized as places for future urban development.
  - We appreciate the land budget constraints imposed by the Province, in terms of its growth options. However, it is our opinion that these lands can be recognized in some manner as part of the urban boundary expansion and be consistent with Places to Grow. This approach would also recognize the pressures that a minimum target of 45% intensification places on the City. As a result, we would like to work with staff in support of a phasing policy to recognize these constraints.

We request that City of Vaughan Council support good planning by recognizing that the proposed expansion area is an opportunity to complete the Nashville Community and to form a natural boundary between the existing residential community of Nashville and the anticipated employment uses along the future extension of Highway 427.

Please feel free to contact me should you have any questions or would like to discuss this matter in detail.

We would like to thank you again for all your hard work through this Official Plan Review process and appreciate your consideration of our proposal.

Yours truly,

**MMM GROUP LIMITED**



Diana Santo, MCIP, RPP  
Senior Planning Director  
Planning and Environmental Design

Cc:

✓ Mayor Linda D. Jackson  
✓ Regional Councillor Joyce Frustaglio  
✓ Regional Councillor Mario Ferri  
✓ Regional Councillor Gino Rosati  
✓ Councillor Tony Carella  
✓ Councillor Bernie DiVona  
✓ Councillor Sandra Yeung Racco  
✓ Councillor Alan Shefman  
✓ Bryan Tuckey, Region of York  
✓ John Zipay, City of Vaughan  
✓ John Waller, Region of York  
✓ Barbara Jeffrey, Region of York  
✓ Nick DiBattista, DiBattista Farms Ltd. / Signature Developments Inc.  
✓ Anthony DiBattista, DiBattista Farms Ltd. / Signature Developments Inc.  
✓ Sebastian Mizzi, Signature Developments Inc.

Encl.: Draft Official Plan Schedule 1 Urban Structure  
Kleinburg-Nashville Workshop 3 Preferred Plans (January 6, 2010)



**SCHEDULE 1**

**Urban Structure**

**Stable Areas**

- Natural Areas and Countryside
- Community Areas
- Employment Areas

**Intensification Areas**

- Vaughan Metropolitan Centre
- Primary Centres
- Local Centres
- Primary Intensification Corridors

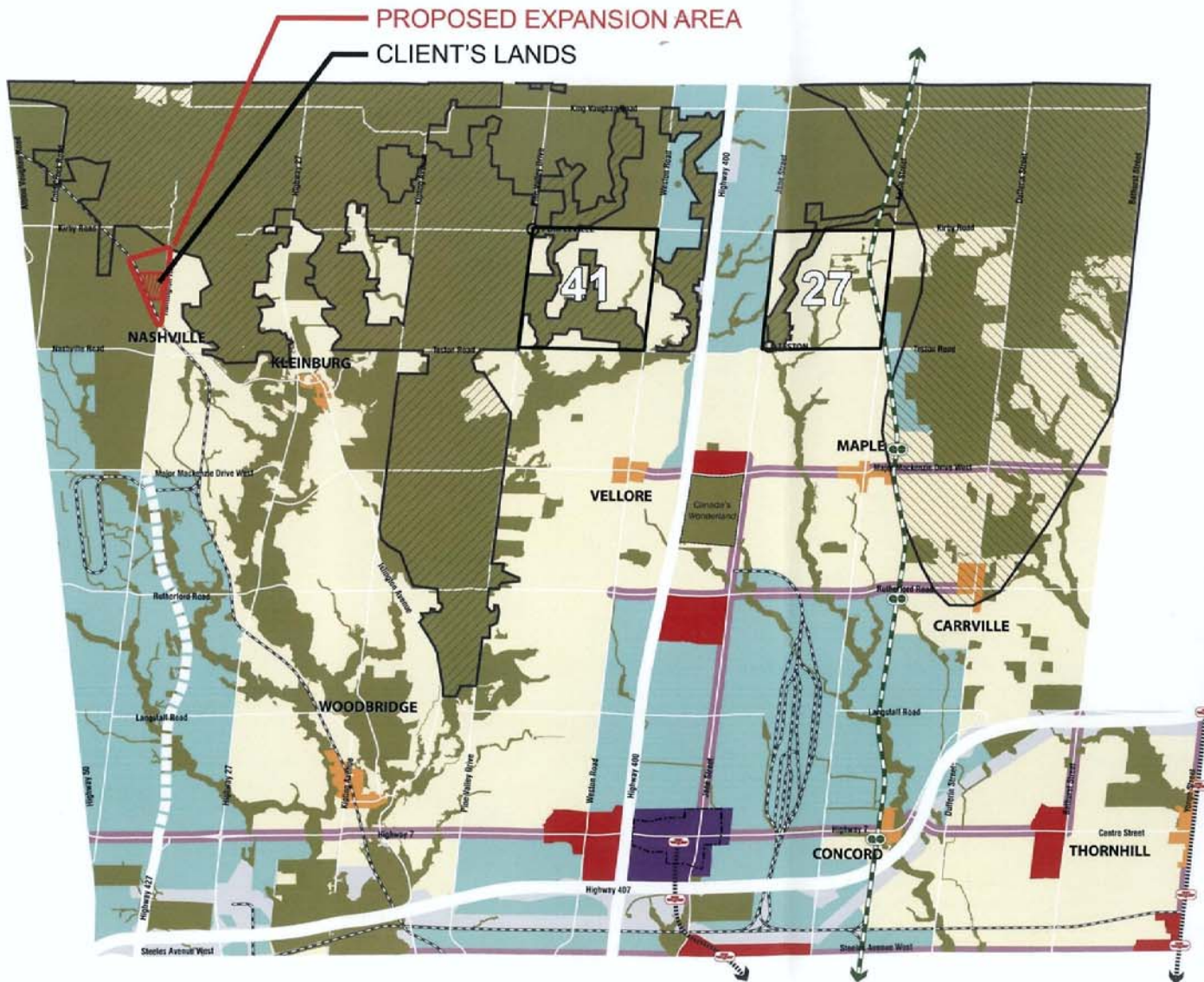
**Regional Centres and Corridors**

Regional Centre: Vaughan Metropolitan Centre  
Regional Corridors: Highway 7 / Centre St / Bathurst St / Yonge St

- Parkway Belt West Lands
- Railway
- Proposed TTC Subway Extension
- Proposed GO Transit Network
- Greenbelt Plan Area
- Oak Ridges Moraine Conservation Plan Area
- Urban Growth Centre Boundary
- Hamlet

April 2010

DRAFT



Excerpt from Kleinburg-Nashville Design Workshop 3 Preferred Plans (January 6, 2010)



**Submission Number**  
D05.2009.1.181

**Date of Submission:**  
May 4, 2010

**Submission Author:**  
Aird and Berlis on behalf of the North Leslie Residential  
Landowners Group Inc.

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**Comments or Requested Change to Draft Official Plan**

**Analysis and Recommendation**

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Have reviewed the proposed modifications to be considered by Regional Planning and Economic development Committee May 5, 2010 and have the following comments:

Disappointed that a clearer statement recognizing the status of the North Leslie Secondary Plan has not been made by modification. Have previously provided suggested modifications to staff.

Remain concerned that the transition provisions do not recognize the approved status of the North Leslie secondary Plan and the policies within the Plan.

Under separate cover landowners will address Figure 2. Support the request that Figure 2 be amended to delete reference to lands in the North Leslie Secondary Plan Area.

Some of the landowners in the North Leslie Residential Landowners Group own land in the Oak Ridges Moraine.

Transition policies are appropriate for York Region as a whole.

Figure 2 is not an operative part of the York Region Official Plan – December 2009, however, Policy 4.3.21 identifies that Figure 2 will be revised accordingly when the OMB decisions and order are issued.

No order has yet been issued and as such the policy requirements for changes has not yet been fulfilled.

Regional staff will continue to monitor this situation and proposed changes to Figure 2 at the appropriate time.

Policy 8.4.22 was an approved policy in the 1994 Official Plan, as policy 2.5.33. Transition on the Moraine is covered by



Policy 8.4.22 does not fully or properly recognize the fully transitioned status of the lands so affected. Continue to request a policy recognizing the status be incorporated into the Region's Official Plan. Continue to request that a policy recognizing the status be incorporated into the Plan.

Clients concerns over the mapping particularly the proposed new road widths in the vicinity of the secondary Plan area.

Continue to have concerns with 5.2.15 and 5.2.19 and do not believe that the modifications address the concerns expressed previously.

5.2.19 in particular references proposed Guidelines. It is inappropriate to apply or require development to meet "requirements" associated with Guidelines in the absence of being able to review them first.

Have also reviewed staff's response to previously raised issues and note that a number of issues were not addressed through the modifications or through Staff's response document. Concerned about the impact the policies of the Official Plan and inconsistencies with the approved secondary plan for North Leslie.

legislation. Further, the 2006 OMB hearing identified that the North Leslie Secondary Plan is transitioned in terms of the ORMCP. The ORMCP status for any plans in North Leslie is not altered by the new Official Plan.

The policy identifies that rights of way "up to 43 metres" are required. Regional staff will meet with representatives of North Leslie in the near future to discuss the increased rights-of way.

Regional staff proposes to modify Policy 5.2.15 to read as follows:

"To encourage the re-examination of approved secondary plans within the *designated greenfield area* that are not completely built to determine if 50 residents and jobs per hectare in the *developable area* can be achieved."

Regional staff proposes to modify policy 5.2.19 to read: "That the policies of this Plan are supported by the Guidelines for Community Development in York Region. New development shall meet all required items, and be encouraged to achieve all optional items."

In a number of cases issues raised are general concerns about the potential impact of ROP policy on the North Leslie Secondary Plan policies. Staff cannot conjecture about the potential impact of the policies. Regional staff suggest that where a specific issues is raised then Regional comments have been made.

North Leslie Residential Landowners Group Inc. will be advised of the Minister's decision in regard to the York Region Official Plan.

Received May 5, 2010

Patricia A. Foran  
Direct: 416.865.3425  
E-mail: pforan@airdberlis.com

May 5, 2010

File No. 103864

BY EMAIL

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

Dear Sirs and Mesdames:

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

**Planning and Economic Development Committee meeting scheduled for  
May 5, 2010**

**Report of the Commissioner of Planning and Development Services –  
May 5, 2010 – Report No. 3**

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.

We have reviewed the proposed modifications, response document as well as blacklined extracts of the adopted York Official Plan (reflecting proposed modifications) which are to be considered at the May 5, 2010 Planning and Economic Development Committee meeting.

We offer the following comments which are in addition to those previously made respecting the Official Plan:

1. We are disappointed that a clearer statement recognizing the status of the North Leslie Secondary Plan policies has not been made through modification to the adopted Official Plan. We have previously offered suggested revisions to the transition clause in policy 8.4.13 and 8.4.15 to reflect the North Leslie Secondary Plan. We remain concerned that the transition provisions do not adequately and appropriately recognize the approved status of the North Leslie Secondary Plan and the policies within that plan.
2. Under separate cover, affected landowners have or will address Figure 2 and related policies respecting Strategic Employment Land. We support the request that Figure 2 be amended to delete reference to lands in the North Leslie Secondary Plan area.

May 5, 2010

Page 2

3. Some of the landowners in the group own lands that are partially located within the Oak Ridges Moraine (the regulation line). Through previous Ontario Municipal Board Decision(s), the transitioned status of the lands, the secondary plan, and any further applications needed for development to proceed has been recognized by the Board. It is important that the Region's Official Plan continue to fully reflect the status of the North Leslie secondary plan lands. Policy 6.2.13 (proposed to be renumbered 8.4.22) does not fully or properly recognize the fully transitioned status of the lands so affected. We continue to request that a policy recognizing this status be incorporated in the Region's Official Plan.

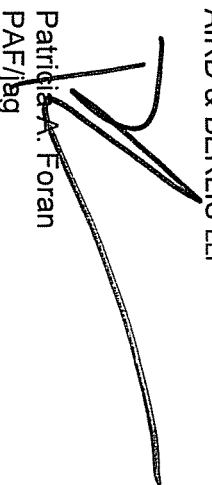
4. Our client's concerns respecting the mapping, including the proposed new road widths in the vicinity of the secondary plan area, remain unresolved and in conflict with the position taken by the Region in the context of the OMB hearing and rehearing respecting the North Leslie secondary plan area. In addition to the foregoing, we note that Maps 10, 11 and 12 are proposed to reflect further modifications and we remain concerned about the potential impact of same.

5. We continue to have concerns with policies 5.2.15 and 5.2.19 and do not believe that the proposed modifications adequately address the concerns expressed previously. With respect to policy 5.2.19 in particular (which references proposed Guidelines), we understand that no such Guidelines exist today. It is inappropriate to apply or require development to meet "requirements" associated with such Guidelines in the absence of being able to review same first.

While we have reviewed Staff's response to previously expressed concerns on behalf of our client, we note that a number of the issues raised are not addressed either through the modifications brought forward or through Staff's response document. We remain concerned therefore with the effect of the policies in the Official Plan and inconsistencies with the approved secondary plan for North Leslie.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran  
PAF/jbg

c. J. Waller, Regional Municipality of York  
A. Madden, North Leslie Residential Landowners' Group Inc.  
W. Sorensen, Sorensen Gravely Lowes Planning Associates Inc.

6691179.1

**AIRD & BERLIS LLP**

Barristers and Solicitors

Submission Number  
D05.2009.1.182

Date of Submission:  
May 5, 2010

Submission Author:  
QX4 Investments Ltd  
(on behalf of Living Water Faith Fellowship)

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Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

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Property: 7.9 acre, L-shaped property located northeast of Green Lane and Leslie Street (18293 Leslie Street); East Gwillimbury.

It is expected the property will become part of East Gwillimbury's future employment land inventory.

Two previous submissions were received dated October 6, 2009 and December 2, 2009 and a meeting with regional staff on February 10, 2010 was held to discuss the proposed use of the property.

Living Water intends to establish a place of worship within a mixed-use building which would contain other uses normally found in employment areas.

As indicated in the previous submission, the current wording of ROP policy 4.3.8 does not preclude institutional uses on employment areas:

That the conversion of employment lands to non-employment land uses is not permitted. For the purposes of this policy:

- a. employment lands are lands that are designated for employment uses including land designated as industrial and business park in local official plans; and,
- b. uses not permitted on employment lands include residential, *major retail* and non *ancillary uses*.

Depending on the application submitted to the Town, the Living Water proposal could be considered an ancillary use. Ancillary uses are defined in the ROP as "Small scale retail and commercial uses that primarily serve the business functions on employment lands."

ROP policies 4.3.11 and 4.3.12 allow for a limited of ancillary



uses on employment lands.

4.3.11:

To allow a limited amount of *ancillary uses* on employment lands, provided that the proposed use is designed to primarily service businesses in the employment lands and that *ancillary uses* collectively do not exceed 20% of total employment in the employment land area.

4.3.12:

To require local municipalities, through official plan policies, to determine the location, amount and size of *ancillary uses* on employment lands that is commensurate with the planned function, size and scale of the overall employment land area.

Living Water requests that a policy(s) be added to section 4.3 of the ROP to promote appropriate mixed-use buildings in employment areas, and that such new policy(s) be forwarded to the Province by staff for approval as a modification to the ROP – December 2009.

As indicated in the previous submission, specific detailed land uses will be dealt with at the local municipal level as part of the secondary plan review process. No change required to policy.

York Region and the Province are working in concert to ensure that all interested parties are kept informed about the status of the Regional Official Plan.

York Region mailed the Notice of Adoption to Mr. Quan on December 18, 2009. This submission will be provided to the Province and presented to Regional Planning and Development committee and Regional Council.

Further, Regional staff met with Mr. Quan subsequent to his deputation to Planning and Development Committee on May 5, 2010.

The Region also recommends that Mr. Quan contact the Province directly to formally request notice of the Province's decision.

Received May 5, 2010

D05.2009.1.182

***QX4 Investments Limited***  
Consulting Services

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e-mail: [ben.quan@rogers.com](mailto:ben.quan@rogers.com)

May 5, 2010

The Regional Municipality of York,  
17230 Yonge St.  
Newmarket, ON  
L3Y 6Z1

Attention: Mr. Bryan Tuckey  
Commissioner of Planning & Development Services

Dear Mr. Tuckey,

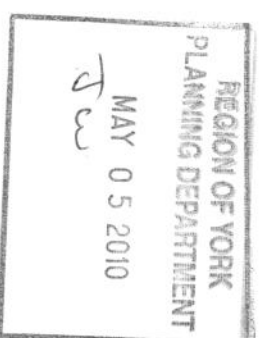
Re: Modifications to York Region Official Plan – December 2009

QX4 Investments Limited – Consulting Services has been retained to represent Living Water Faith Fellowship, owner of a 7.9 ac. property municipally known as 18293 Leslie Street in the Town of East Gwillimbury. It is expected that the property will become a part of East Gwillimbury's future employment land inventory.

By letter dated October 6, 2009 we outlined Living Water's concerns in respect of Draft York Region Official Plan – June 2009. Subsequently, by letter dated December 2, 2009, we provided further comment on the evolving new York Region Official Plan and, on February 10, 2010, we met with your staff to discuss my client's proposed use of its property.

Living Water intends to establish a place of worship use within a mixed-use building which would contain other uses normally found in employment areas. In this regard, this proposed innovative concept envisages a 4-storey office building wherein such non-worship activities as a daycare centre, business and professional offices, a commercial school and a food bank are contemplated. Attached hereto is a more detailed description of the development concept which we submitted to Mr. John Waller following our February 10 meeting.

We understand the thrust of Section 4.3 (Protecting Employment Lands) of the new Official Plan is to prevent non-employment land uses on employment lands. We believe Living Water's proposed development does not detract from the intent of the Official



Plan but rather makes enhanced use of scarce land and infrastructure resources by utilizing an office building for worship and community purposes during evenings and

weekends when employment lands usually sit idle. This innovative approach to development allows for the implementation of such environmentally sustainable concepts as shared parking, off-peak traffic management, off-peak use of servicing infrastructure and, increased security during non-work hours. We submit that such mixed-use proposals maximize efficiency and should be encouraged. Accordingly, we hereby respectfully request that a policy(s) be added to Section 4.3 to promote appropriate mixed-use buildings in employment areas and, that such new policy(s) be forwarded to the Province by staff for approval as a modification to York Region Official Plan – December 2009.

Yours truly,



Ben Quan

cc: John Waller, Director of Long Range & Strategic Planning ✓  
Barb Jeffrey, Manger of Land Use Policy & Environment  
Denis Kelly, Regional Clerk  
Dan Stone, Manager of Policy Planning, East Gwillimbury  
Pastor Johan du Toit

bq/dq

**Conceptual Requirements:**

Overall, this will be a multi-storey building housing both a place of worship on the lower levels, and commercial/professional suites on the upper levels. At this time it is envisaged that the building will be comprised of four stories to optimize the usage of available parking space.

1. The church (Living Water Faith Fellowship) will occupy the first two floors of the building.

a. The first floor will comprise a sanctuary plus associated reception/fellowship area, some administration facilities, and youth and multipurpose spaces to support the usual activities and programs run by a church.

It will have a high ceiling for both the sanctuary area and the entrance lobby.

It is also envisaged that some of the facilities will be adaptable or dedicated for use in community outreach programs, of which a daycare facility might be a prime example. If a daycare facility is provided it would be housed on the first floor.

Washrooms will be provided on the main floor and these will include those needed for the daycare facility.

b. The second floor would house office space for use by the church staff, as well as classrooms and meeting facilities. A youth venue will also be provided here.

2. The commercial/professional suites on the upper floors will be made available to tenants/owners under either a rental arrangement or as condominium units. Only one of these options will be chosen and is yet to be determined. Note that this type of usage for the upper floors will allow for efficient use of shared parking space since the church activities usually take place in off-business hours.

At this time at least 2 commercial/professional floors are envisaged. It is understood at this time that there are no restrictions on overall height.

3. As architectural work progresses, it may be deemed necessary and feasible to incorporate a basement area which could be configured as an alternative fellowship area (rather than on the ground floor) with additional related uses. It could also house utility rooms and storage space. An adjacent kitchen would be required.

4. An elevator will be provided to service both the second floor (church) and the commercial floors. If a basement is incorporated into the design, the elevator will service it as well.

5. The commercial units will be sized appropriately. If the condominium option is chosen, unit owners will be able to provide input into the size and configuration of their properties.

6. The outer appearance of the building will not resemble a traditional church building. It will be the architect's responsibility to create a design that will minimize energy use, provide proper sound in the sanctuary and be esthetically pleasing to the immediate location.

7. The building will be managed by a company distinct from the church and with appropriate expertise in the field.

**Submission Number**  
D05.2009.1. 183

**Date of Submission:**  
May 5, 2009

**Submission Author:**  
Davies Howe Partners on behalf of Clearpoint Developments,  
Upper City Cooperation and 775377 Ontario Limited

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**Comments or Requested Change to Draft Official Plan**

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**Analysis and Recommendation**

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Further comments may be forthcoming based on review of the modifications, however, initially concerned about Modifications 23 (deletion of policy 4.3.21 and related policies including modifications 18 and 19).

Modifications 23 deletes policy 4.3.21 which identified that Figure 2 would be revised once the Board decisions and order was issued for North Leslie.

The OMB decision was issued for the majority of the North Leslie lands, but not parcels A1 and A2 immediately adjacent to Highway 404 and owned by clients. The Board suggested that the Town, Region and clients meet and attempt to identify the appropriate designation but the decision was clear that employment uses were not an option for these parcels.

Therefore none of the client lands have been identified as "Strategic Employment Lands" as reflected on Figure 2 and the policies as modified in section 4.3.6 and 4.3.7 (modifications 18 and 19) should not apply.

No rationale was provided for the deletion of policy 4.3.21.

Therefore request that Council not adopt Modifications 23 and direct staff to prepare for adoption modified Figure 2

Figure 2 will be revised accordingly when the OMB decisions and order are issued.

No order has yet been issued and as such the policy requirements for changes has not been fulfilled.

Regional staff will continue to monitor this situation and proposed changes to Figure 2 at the appropriate time.



removing identification of the clients lands as strategic employment lands.

Clients also object to the proposed locations of a flyover Highway 404 (Modification 12 (a) ). OMB determined that that it was inappropriate to reflect a flyover on the mapping for the North Leslie Secondary Plan and that there is a significant questions based on the Board's decisions about the need and appropriateness of a flyover in the proposed location. The flyover should be deleted from the Schedule. Further policies reflecting the opportunity for these mid-blocks collectors should reference the requirements to show need and appropriateness in accordance with an environmental assessment

Flyover in this location is consistent with the approved Transportation Master Plan. Policy 7.2.40 b. references the completion of the necessary planning and environmental assessment studies for each project.

Received May 5, 2010

D05.2009.1.183

Please refer to: **Susan Rosenthal**  
e-mail: [susanr@davieshowe.com](mailto:susanr@davieshowe.com)



D a v i e s  
H o w e  
P a r t n e r s

May 5, 2010

By E-Mail Only to [Regionalclerk@york.ca](mailto:Regionalclerk@york.ca)

L a w y e r s

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[davieshowe.com](http://davieshowe.com)

Regional Planning and Economic Development Committee  
c/o Denis Kelly, Regional Clerk  
Corporate Services Department  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1

Dear Mr. Kelly:

**Re: Planning and Economic Development Committee  
Agenda Item D.3 – York Region Official Plan – December 2009  
Report of the Commissioner of Planning and Development  
Services – May 5, 2010**

As you are aware, we are counsel to 775377 Ontario Limited (Belmont), Clearpoint Developments Ltd. and Upper City Corporation, owners of lands located within the southeast quadrant of Leslie Street and 19<sup>th</sup> Avenue, in the Town of Richmond Hill. These lands are located in the North Leslie Secondary Plan Area.

We have previously corresponded with the Region with respect to both the June 2009 and December 2009 drafts of the York Region Official Plan to express issues and concerns about the proposed policies. We have also had the opportunity to participate in discussions with Regional Planning staff with respect to these concerns. We are writing this letter in response to modifications to the Region's adopted Official Plan proposed in the above noted staff report. Our comments are in addition to previous comments provided to the Region on behalf of our clients.

I would note that I was away on holidays when the modifications were posted and have just returned and received a copy of the report. As such, I have not had an opportunity to review the modifications in great detail and further comments may be forthcoming.



My brief review of the proposed report and modifications discloses two significant changes which require immediate comment and objection on my clients' behalf. The first is Modification 23 relating to the policy for North Leslie, and in particular my clients' lands, with respect to its identification as a location of strategic employment lands on Figure 2 (modification 23) and related policies thereto including modifications 18 and 19. The second is the inclusion of fly-over mapping.

#### Modification 23 and its related Modifications

The proposed modification suggests deletion of the adopted policy which recognized that the Ontario Municipal Board will determine the detailed land use designations for my clients' lands and that Figure 2 will have to be reviewed and revised accordingly on issuance of the Board Decision.

The Board Decision and Order has now been issued and Board has determined that the majority of my clients' lands should be designated for residential uses. The Board has not yet issued a decision with respect to 2 parcels of land (A1 and A2) immediately adjacent to Highway 404, suggesting that the Town, Region and my clients meet and attempt to identify the appropriate designation, but the Decision was clear that employment land employment uses were not an option for these parcels. Thus none of my clients' lands have been determined by the Board to be "strategic employment lands" as reflected on Figure 2 and the policies, as modified in section 4.3.6 and 4.3.7 should not apply to my clients' lands.

No rationale has been provided for the deletion of this policy, nor has a revised Figure 2 been issued reflecting Council's adopted policy requiring the Figure be amended on issuance of the Decision. We therefore request that the Committee not adopt modification 23 and direct staff to prepare, for adoption, an amended Figure 2 removing identification of my clients' lands as strategic employment lands from Figure 2.

#### Flyover Identification

As previously noted in my October 6, 2009 letter to Mr. Tuckey, my clients object to the inclusion on the mapping of a flyover in the vicinity of my clients' lands, together with its companion policies. Not only did the Ontario Municipal Board determine that it was inappropriate to reflect a potential flyover on the mapping for the North Leslie Secondary Plan Area, there is a significant question based on the Board's Decision about the need for and appropriateness of a flyover in the proposed location. The flyover or crossing should be deleted from the Schedule.



Davies  
Howe  
Partners

Furthermore, policies reflecting the opportunity for these midblock crossings should reference the requirement to show need and appropriateness in accordance with an environmental assessment.

Yours sincerely,  
**DAVIES HOWE PARTNERS**

A handwritten signature in purple ink, appearing to read 'Susan Rosenthal', written over a faint rectangular stamp.

Susan Rosenthal

copy: Mr. John Waller, Director of Long Range and Strategic Planning, Region  
Mr. Warren Sorensen  
Clients

**Submission Number**  
Do5.2009. 1.184

**Date of Submission:**  
May 12, 2010

**Submission Author:**  
Claudio Brutto  
on behalf of the Aurora Leslie Landowners Group

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**Comments or Requested Change to Draft Official Plan**

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**Analysis and Recommendation**

Just following up to my recent presentation, on behalf of the Aurora Leslie Landowners Group, east of Leslie in Aurora, to Planning and Economic Development Committee regarding the modifications to the Regions Official Plan. I have had an opportunity to review the material attached as it pertains to our clients property which are the proposed changes to Map 2 Regional Greenlands System and Map 5, Woodlands. With respect, the modifications are not clear and what I can discern lead me to believe that further review of these modifications is needed because there appear to be inconsistency in the identification of the environmental areas and their make up. I would like an opportunity to meet with you and your environmental experts to sort this out as soon as possible before the matter goes back to Council for ratification. Looking forward to your earliest response.

Regional Staff met with landowner representatives and Town of Aurora staff on May 19, 2010 to discuss the issues relating to the delineation of the Regional Greenlands System on the subject lands.

Modifications recommended to Map 2 to reflect the agreed limits of the natural heritage system for the subject lands.

Regional staff also ensured the landowner representatives that further refinements to the Regional Greenlands System are permitted in accordance with the policies in Section 2.1 of the Regional Official Plan, without amendment.



Received May 12, 2010

D05.2009.1.184

From: Claudio Brutto [<mailto:cbrutto@bruttoconsulting.ca>]  
Sent: Wednesday, May 12, 2010 11:56 AM  
To: Jeffrey, Barb; Waller, John  
Cc: 'Mark Schollen'; jdougan@dougan.ca; mking@bruttoconsulting.ca; jokawa@bruttoconsulting.ca  
Subject: FW:

Hello Barb. Hope all is well. Barb, just following up to my recent presentation, on behalf of the Aurora Leslie Landowners Group, east of Leslie in Aurora, to Planning and Economic Development Committee regarding the modifications to the Regions Official Plan.

I have had an opportunity to review the material attached as it pertains to our clients property which are the proposed changes to Map 2 Regional Greenlands System and Map 5, Woodlands.

With respect, the modifications are not clear and what I can discern lead me to believe that further review of these modifications is needed because there appear to be inconsistency in the identification of the environmental areas and their make up. I would like an opportunity to meet with you and your environmental experts to sort this out as soon as possible before the matter goes back to Council for ratification.

Looking forward to your earliest response. Thanks in advance

Claudio



# Details on Modification 2 (a) to Map 2 Regional Greenlands System and 5 (a) to Map 5 Woodlands

- Modified Significant Forest Boundary
- Modified Greenland System
- Original Greenland System
- Original Significant Forest Boundary

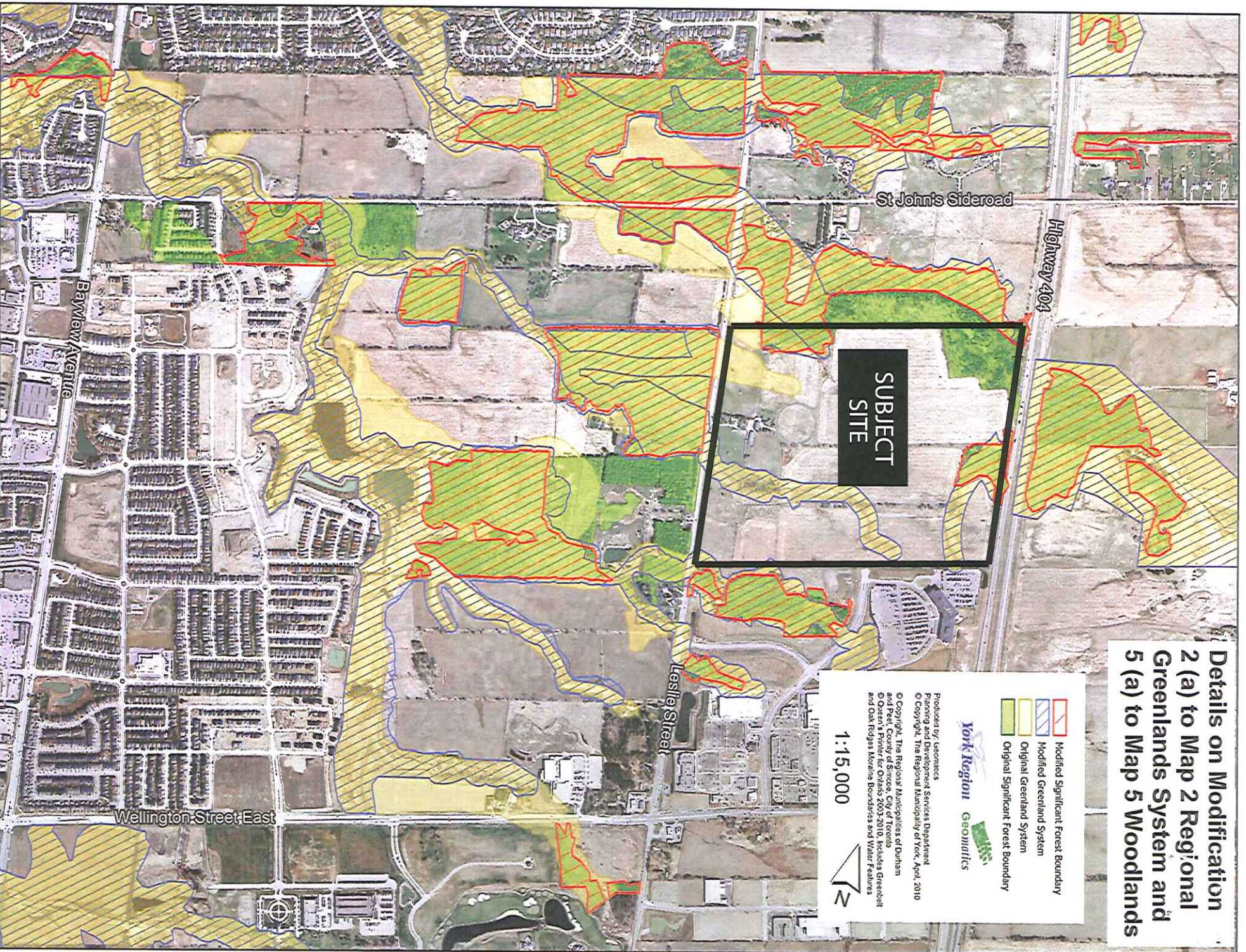
York Region Geomatics

Produced by: Geomatics  
Planning and Development Services Department  
© Copyright, The Regional Municipality of York, April, 2010  
© Copyright, The Regional Municipality of Durham  
and Peel, County of Simcoe, City of Toronto  
© Queen's Printer for Ontario 2003-2010. Includes Greenbelt  
and Oak Ridge/McKenzie Boundaries and Water Features

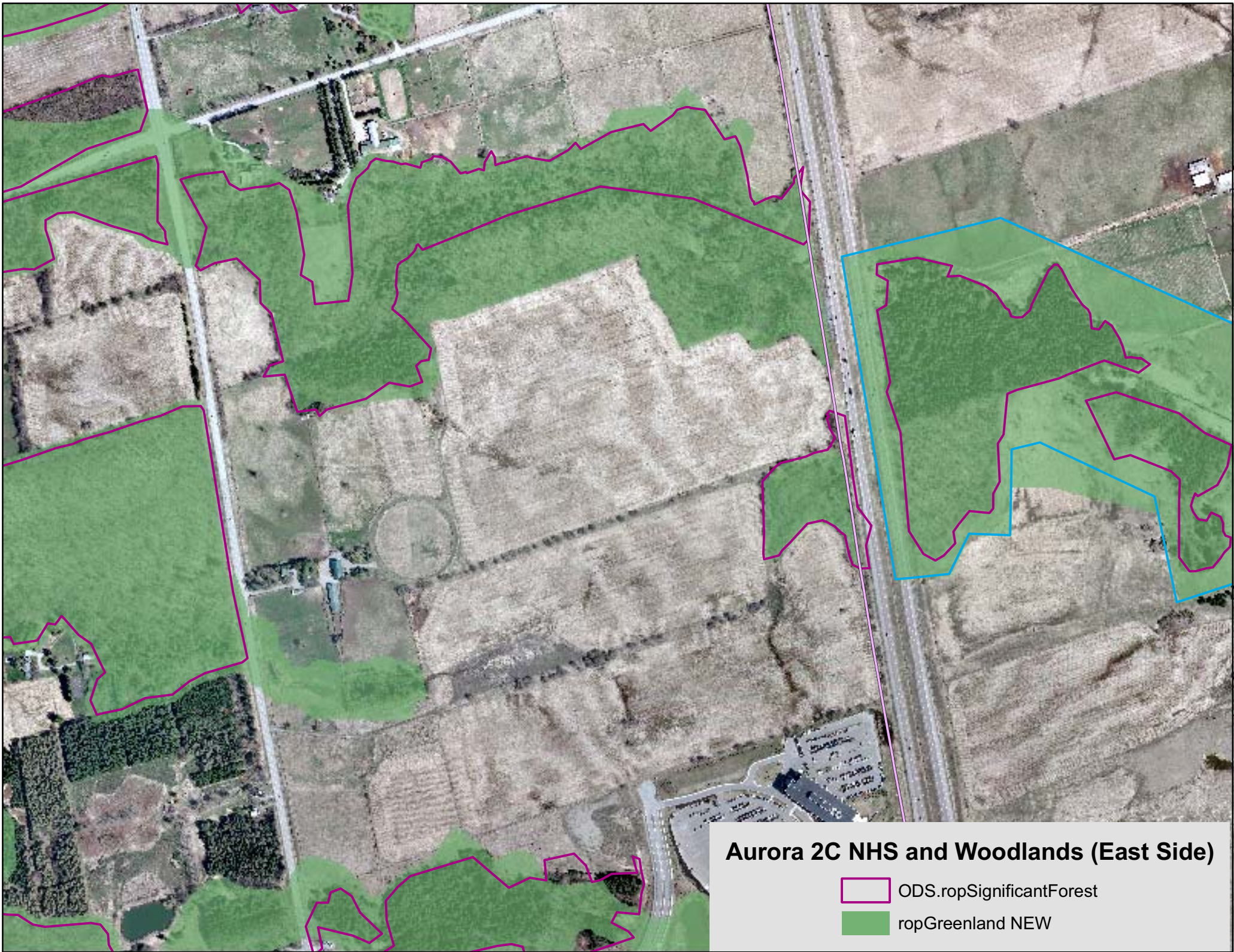
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SUBJECT  
SITE







**Aurora 2C NHS and Woodlands (East Side)**

- ODS.ropSignificantForest
- ropGreenland NEW



**Submission Number**  
D05.2009. 1.185

**Date of Submission:**  
April 23, 2010

**Submission Author:**  
Ontario Restaurant Hotel and Motel Association

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**Comments or Requested Change to Draft Official Plan**

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**Analysis and Recommendation**

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Requests Written Notification by Registered Mail of any and all future studies, Official Plan and By-Law Amendments considered by Council or any Committee, and the opportunity to make representations prior to passage, or to assist the Region in providing industry input respecting the following:

- Proposed By-Laws or By-Law Amendments respecting restaurants of all types.
- Proposed By-Laws or By-Law Amendments respecting drive-through restaurants.

Amendments to the Official Plan with respect to restaurants, drive-throughs, sustainability policies, auto-dependent uses, vehicular idling, or exterior design, including sustainable site/building/other design.

Region does not undertake notification of bylaws or bylaw amendments, which is a local municipal responsibility. Notification of changes to Regional Official Plan are placed in local newspapers and on the Region's website.

Alternatively Tim Horton's/TDL may review agenda's of Planning and Economic Development Committee to determine whether there are matters of interest to them.

The following analysis refers to the appropriate policies in the ROP as adopted by Council on December 16, 2009.

The ROP does not contain policies that specifically reference restaurants and drive-thrus. However, priority is placed on mobility systems that emphasize pedestrian, cycling and transit as per policy 5.2.3. Section 7.1 emphasizes trip reduction and requires appropriate transportation demand management measures to reduce single occupancy automobile trips in transportation studies and in development applications (7.1.1).

Section 3.2 outlines Regional efforts to address air quality and climate change which includes reducing vehicle emissions through pedestrian and transit-oriented design and transportation demand management initiatives (3.2.3).

Section 5.2. contains Sustainable Building policies that require progressively higher standards in energy and water efficiency, including mitigation of urban heat island effects.

Local Municipal Official Plans, Secondary Plans and zoning provisions may address these policies in more details.

The passage or amendment of any by-law passed pursuant to S.41(2) of the Planning Act.

Local Municipalities consult with the Region on proposed site plans that are located on roads under Regional jurisdiction as per Section 41(8) of the Planning Act.

ROP policies that could affect all site plan control areas can be addressed in Local Municipal Official Plan and secondary plan policies, and zoning provisions. This includes Section 5.2 Sustainable Building policies.

Requests that the Region advise when the next 5-year review of the Official Plan and the 5-year review of the Zoning bylaw is to take place.

Regional staff has advised in the acknowledgement letter to the ORHMA that the new Official Plan represents the 5-year of the Official Plan and that the Region, as an upper tier municipality does not pass zoning bylaws. And further that Notices for Amendments are placed in local newspapers and on the Region's website and the Region does not send registered individual notices for amendments.

Received April 29, 2010

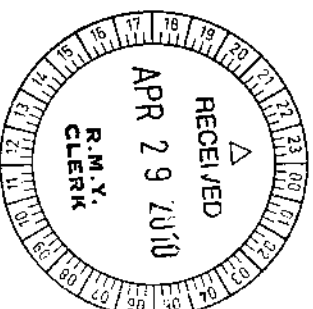
D05.2009.1.185

ORHMA  
ONTARIO RESTAURANT  
HOTEL & MOTEL ASSOCIATION

RECEIVED  
CLERK'S OFFICE  
FILE No. - D05

April 23, 2010

Denis Kelly  
Regional Clerk  
Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario L3Y 6Z1



Dear Clerk:

Re: Request for Notice By Registered Mail  
Proposed Amendments To Official Plans, Various By-Laws

On behalf of the Ontario Restaurant Hotel and Motel Association (ORHMA) and its member organizations as well as the TDL Group (TDL) operator and licensor of the Tim Hortons system of restaurants, McDonald's Restaurants of Canada Ltd., Wendy's Restaurants of Canada, Inc., A&W Food Services of Canada Inc., we hereby request written notification of any and all policy discussions, future studies, Official Plan and By-Law Amendments considered by Council or any Committee thereof, and the opportunity to make representations prior to passage, respecting:

1. Proposed By-Laws or By-Law Amendments respecting restaurants of all types;
2. Proposed By-Laws or By-Law Amendments respecting drive-through restaurants;
3. Proposed By-Laws or By-Law Amendments respecting vehicular idling;
4. Amendments to the Official Plan with respect to restaurants, drive-throughs, sustainability policies, auto-dependent uses, vehicular idling, or exterior design, including sustainable site/building/other design; and
5. The passage or Amendment of any By-Law passed pursuant to s.41 of the Planning Act.

The ORHMA requests that, when available, a copy of any relevant staff recommendation, staff report, or direction from Committee of Council or Council be included in the notification. Additionally, should your municipality be contemplating any changes as suggested above we would like to offer our assistance in providing industry input and consultation. The Planning Act requires each municipality to review its Official Plan every five years. Can you advise us when your municipality has its next review scheduled? The Planning Act requires each municipality to review their zoning by-laws within three years of completing an Official Plan review. Can you advise us when your municipality has its next review scheduled?

Should you require any further information or clarification, please do not hesitate to contact myself or our Public Affairs Department at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Elenis".

Tony Elenis  
President & CEO

cc. Planning Department

**Submission Number**  
Do5.2009. 1.186

**Date of Submission:**  
May 18, 2010

**Submission Author:**  
S. Milton Snow on behalf of 583753 Ontario Limited – North  
Leslie secondary Plan area

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**Comments or Requested Change to Draft Official Plan**

**Analysis and Recommendation**

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Own 38 ha. land on west side of Leslie Street south of 19<sup>th</sup> Avenue in the North leslie secondary Plan area.

After a lengthy OMB hearing, a large part of the land holdings were designated for residential uses and a portion of the land holding at the southwest corner of Leslie and 19<sup>th</sup> were designated for employment uses.

Support the comments made by Aird and Berlis (P. Foran) in respect to the North leslie Landowners Group, but are particularly concerned with the proposed identification of the lands as "Strategic" employment lands and the proposed modifications to related policies in section 4.3. At no time did the OMB identify these lands as "strategic employment lands" in official plans.

Therefore request that the identification of the lands as Strategic Employment Lands be deleted from Figure 2.

Figure 2 is not an operative part of the York Region Official Plan – December 2009, however, Policy 4.3.21 (which is proposed to be deleted) identifies that Figure 2 will be revised accordingly when the OMB decisions and order are issued.

No order has yet been issued and as such the policy requirements for changes has not yet been fulfilled.

Regional staff will continue to monitor this situation and proposed changes to Figure 2 at the appropriate time.



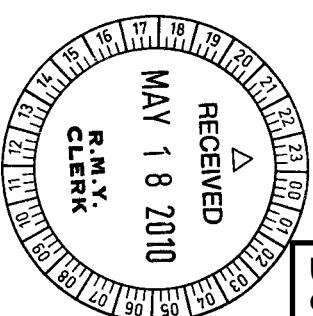
# 2033 246

Received May 18, 2010

D05.2009.1.186

**583753 ONTARIO LIMITED**

2221 YONGE STREET, SUITE 606  
TORONTO, ONTARIO  
M4S 2B4  
PHONE - (416)486-9876 FAX (416)486-7965



May 18<sup>th</sup>, 2010

Regional Chair and Members of regional Council  
The regional municipality of York  
17250 Yonge Street,  
Newmarket, ON. L3Y 6Z1

Attn.: Mr. Denis Kelly, Regional Clerk

REGION OF YORK  
CLERK'S OFFICE

FILE NO. -

P03  
.B.TUCKER

Re: May 20, 2010 Council Agenda - Item 6- Report No.4 of the Planning and Economic Development Committee. Report of the Commissioner of Planning and Development Services  
- May 5, 2010 with respect to Proposed Modifications to the Regional Official Plan.

Dear Sir,

583753 Ontario Limited is the owner of land within the North Leslie Secondary Plan area in the Town of Richmond Hill located immediately west of Leslie Street and south of 19<sup>th</sup> Avenue. Our total landholdings are approximately 38 hectares. Like other lands in the North Leslie Secondary Plan Area, the designation of our lands were the subject of a lengthy Ontario Municipal Board hearing which resulted in a Decision dated November 23, 2006. A large part of our landholdings were designated for residential uses and a portion of the lands of the southwest corner of Leslie Street and 19<sup>th</sup> Avenue were designated for employment uses.

You have received correspondence with respect to the Region's Official Plan from Ms. P. Foram with respect to our residentially designated lands as part of her correspondence on behalf of the North Leslie residential Landowner's Group. We are writing this additional letter in connection with our landholding designated by the Board for employment purposes although we would note that many of the comments raised by Ms. Foram in her letters are equally applicable to the lands designated employment and we adopt them for purposes of this letter.

In addition, we are particularly concerned with the proposed identification of the lands as "strategic" employment lands, and the proposed modifications to related policies (Section 4.3). At no time did Ontario Municipal Board identify these lands as "strategic employment lands" in official plans.

We therefore, request that the identification of our lands as Strategic Employment Lands be deleted from "Figure 2".

Yours truly,

**583753 ONTARIO LIMITED**

Per:

A handwritten signature in dark ink, appearing to read "S. Milton Snow", written over a horizontal line.

**S. MILTON SNOW**  
Manager

SMS/sg

**Submission Number**  
Do5.2009. 1.187

**Date of Submission:**  
May 18, 2010

**Submission Author:**  
Malone Given Parsons Ltd.  
On behalf of North Markham Landowner's Group  
(Letter to Minister of Municipal Affairs and Housing)

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**Comments or Requested Change to Draft Official Plan**

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**Analysis and Recommendation**

The North Markham Landowners' Group (NMLG) is a group of developers and interested landowners that own or control approximately 930 hectares in North Markham in an area bounded by Major Mackenzie Drive to the south, the Markham municipal boundary to the north, Woodbine Avenue on the west and 9<sup>th</sup> Line on the east. Their holdings represent approximately 23 percent of the gross total area commonly referred to as the Markham Whitebelt.

NMLG has closely followed the Region's development of its now adopted Regional Official Plan, and when opportunities were presented by York's process, has actively participated in public sessions and provided its comments. In general, NMLG regards the adopted Official Plan, now before you, as an excellent example of what can be accomplished through extensive stakeholder consultation, thorough study and thoughtful analysis. The Region of York is to be commended for their efforts in preparing their new Official Plan.

There remain a number of concerns that we feel merit your consideration prior to any decision being made respecting the adopted Plan.

Regional staff have met with and been working with the North Markham Landowner's Group and their representatives throughout the ROP process.

On NMLG's behalf, Malone Given Parsons Ltd. respectfully requests the following changes to the York Region Official Plan adopted on December 16, 2009.

1. Identify the urban boundary expansion line required in Markham on Map 1 to fully accommodate growth to 2031.
2. Revise policies 2.2.5 and 2.1.11 and Map 2 *Regional Greenlands System* regarding the expansion and definition of the Regional Greenlands System to exclude all proposed local natural heritage systems which have yet to be adopted following a full public planning process at the local level.
3. Revise the criteria as noted in ROP policies 39 d) ii and 44 d) for determination of whether NHS features are to be included in the Greenlands System to determine their significance so as to exclude any description of the Greenlands System and the use of Map 2 *Regional Greenlands System* and Map 5 *Woodlands* from the actual criteria.
4. Revise ROP Policy 7.2.86 to reflect the Provincial Policy Statement 1.6.7.2 , and in particular 1.6.7.2 a).

See comments on these in the discussion section below.

The proposed urban expansion area and boundary and boundary in Markham is identified through Proposed ROPA 3, which will be the subject of the statutory public meeting on June 16, 2010.

Policies in the Adopted York Region Plan – December 2009 identify that where local Greenlands systems are refined through the process, no amendment will be required to the Regional Official Plan to modify the areas and the Greenlands boundaries.

Once refinements have been made to the Natural Heritage System in Markham, these refinements will be reflected in the Regional Official Plan. See detailed comments below.

See detailed comments below however, given the uncertainty surrounding the Pickering Airport, the use of the IAPA standard at this time is prudent and conservation on an airport where the operating parameters are unknown. This policy, like others will be reviewed at least every 5 years to determine it's validity.

5. Eliminate ROP Policy 5.2.19 which identifies an unpublished document, *Guidelines for Community Development*.

Policy has been modified to remove the provision that the guideline document can be amended from time to time without amendment to the Plan. Review of guidelines document will be subject to stakeholder involvement in the same fashion as the ROP

**Discussion:**

**Identify the urban boundary expansion line required in Markham to fully accommodate growth to 2031 (Map 1).**

In its Land Budget report of March 2010, the Region of York identified that 1,010 hectares of land beyond Markham's current settlement area would be required to accommodate growth to 2031. This quantity of new development lands would be required despite also establishing an intensification target for Markham of 52%, well beyond the Growth Plan's minimum of 40%.

NMLG is concerned that the adopted York Official Plan may receive Ministerial approval without the urban boundary expansion required in Markham being fully delineated in it. In its absence, NMLG would regard the Official Plan as incomplete and not in compliance with the principles and intent of the Growth Plan. Simply put, the final urban boundary expansion line for Markham should appear in the approved Official Plan.

In Map 1 – Regional Structure, there is no potential urban expansion shown for Markham. Such potential expansions are indicated via an asterisk for East Gwillimbury and Vaughan. Yet, simultaneously, 3 ROPAs are being initiated by the Region for urban area expansions in all three municipalities. The absence of an asterisk for Markham,

Regional Official Plan Amendment 3 for the urban expansion in the Town of Markham was introduced at the May 5, 2010 Planning and Economic Development Committee and is scheduled for a statutory public meeting on June 16, 2010.

The Ministry of Municipal Affairs and Housing in their draft decision letter to the Region has acknowledged that Proposed ROPA's 1, 2 and 3 are part of the Region's comprehensive municipal review and when approved will satisfy the 2031 land budget requirements as indicated in the March, 2010 land budget refinement report

See Proposed ROPA 3 to the York Region Official Plan which identifies the proposed urban expansions area for the Town of Markham. As well, the Town of Markham in early May chose to proceed with the Markham Growth Management alternative which supports urban expansion into generally the same areas as Proposed ROPA 3.



coupled with failure or delay of the ROPA for an urban boundary expansion in Markham would seriously compromise the region's ability to satisfy the requirements of the Growth Plan and Table 1 of the adopted Official Plan.

NMLG is concerned that the Region, in its reports of March 3, 2010, *Preliminary Urban Expansion Areas in the Town of East Gwillimbury, City of Vaughan and Town of Markham*, and May 5, 2010, *Proposed Amendments to the Regional Official Plan – December 2009, ROPA 1 through 3*, appears to have reflected less than the identified requirement of 1,010 hectares as the urban area expansion for Markham.

Further, York Region Staff, through proposed modification #72, noted in their May 5, 2010 report to the Planning and Economic Development Committee, identify that any urban area expansion required beyond that identified in the three pending ROPAs require a regional municipal comprehensive review. This would be required even if those additional lands were identified in the just-completed regional municipal comprehensive review and the updated Land Budget report.

NMLG estimates the Region's proposed urban area expansion to only cover approximately 950 hectares, and potentially even less if full redevelopment of golf courses is not possible within the planning period. Proceeding with less than a full 1,010 hectare urban area expansion introduces an unacceptable level of uncertainty into the long term development process, impacts the provision of needed infrastructure, and introduces an undesirable level of risk to investment decisions for the Region, the municipality and developers alike.

The better strategy is for the Region to identify the entire

The urban area proposed for all Amendment areas is close to that which is required for 2031 and calculated with the Provincial methodology for land budgets. Where there is an under-assignment of lands, area municipalities have more flexibility for changing circumstances.

ROPA's 1, 2 and 3 do not require an additional comprehensive review as these are part of the current work justified by the Regional comprehensive review.

The difference is 60 hectares between the 1010 ha land budget requirements and what the NMLG calculate. Land Budgets and well as population and employment forecast will be updated every 5 years

quantum of lands required for growth to 2031, and to control the pace of growth through corresponding phasing policies and plans.

When establishing the urban boundary expansion line, the Region will make adjustments for the Oak Ridges Moraine and the protected countryside of the provincial Greenbelt. NMLG believes that the Region must also make allowance for the province's *Red Side Dace Recovery Strategy* and its pending Regulation. This could be accomplished by either incorporating in their calculations now an estimate of the additional lands to be protected, or adding a reference to a future OPA to appropriately adjust the line in the future once the extent of the Red Side Dace habitat to be protected is better understood. NMLG favours the former approach. Based on its preliminary work and its proposed urban boundary expansion discussed later, NMLG estimates that the north Markham urban boundary expansion should be adjusted to allow for approximately 70 hectares of red side dace habitat protection in the 2006-2031 growth period.

There are several other factors that NMLG requests the Region and your Ministry consider when establishing an urban boundary expansion line in Markham.

The Redside Dace is found in many small and medium coolwater streams flowing south off the Oak Ridges Moraine (and a few flowing northwards). The protection and restoration of this species would be captured in the protection and restoration of streams, riparian areas and groundwater. Fish habitat is protected under some of the strongest environmental legislation in the country (Fisheries Act Canada). Recovery plans speak to both protection and restoration of elements such as groundwater protection (recharge/discharge), stream and riparian areas. These elements will be dealt with through the appropriate level of planning at an appropriate time.

Ultimately the ESA will prescribe what needs to be done for the species and populations through the appropriate process. The idea that the Region should designate additional urban lands in the expectation of meeting Provincial requirements cannot be supported.

(i) Suggested Alternative Urban Boundary Expansion Area and Sequence:

NMLG suggests that the urban boundary expansion to accommodate growth to 2031 in Markham should be as shown on the attached drawing *North Markham – Proposed Urban Boundary Expansion*. This proposal addresses the concerns and suggestions noted above. More importantly, it is based on a master planning perspective for the entire Markham Whitebelt towards its eventual full build-out. This proposal would add 1152 hectares of developable land to Markham's settlement area and would address the issues discussed further below.

This approach is consistent with and respects the Region's long term planning and financing for strategic infrastructure such as roads, transit, sewers and treatment facilities, and water supply. The Markham Whitebelt is a finite resource, and a critical component in planning long term growth in the GGH. It warrants planning on the broadest scale and in the context of its ultimate use. Planning on a new community by new community, or concession by concession basis, is an incremental and short-term approach that should be avoided in this case. The design of the Markham Whitebelt is the final building block in defining Markham itself.

NMLG acknowledges the Planning Act and the Growth Plan and the limitation they place on the planning forecast, in this case to 2031. Having a master plan for the entire Whitebelt does not conflict with establishing a 2031 growth boundary. Having the master plan provides a superior basis for managing growth. It reduces the need to start future development planning from scratch, reduces future efforts

The urban expansion area for the town of Markham is shown in proposed ROPA 3. This generally coincides with that supported by the Town of Markham in their growth management work.

and expenses, quickly provides the proper perspective on emerging trends and initiatives, and firmly establishes the broadest context for making decisions on the designation of future development areas. This approach also serves to ensure the permanence of the provincial Greenbelt by providing landowners, potential investors and the public with a higher degree of certainty as to the future land uses and the limits for development.

Growth must be managed through strong and effective sequencing policies and plans. Phasing policies should relate to the ability to deliver required infrastructure, community and public services in a timely and cost-effective manner. Those policies must be technically sound and robust enough to respond to unanticipated future circumstances. Phasing plans and related criteria should be part of an active administrative process and working plan that is managed on an ongoing basis in consultation with the key stakeholders.  
(ii) Servicing Constraints/Opportunities Best Addressed by Enclosed Alternative:

Documents released by the Town of Markham and the Region identify an urban boundary expansion in Markham occurring in the north west and western portion of the Markham Whitebelt area, with development proceeding eastward. This approach does not align with available servicing capacity and the efficient use of existing infrastructure, nor does it reflect the historical patterns of growth in Markham.

NMLG engaged The MMM Group, Infrastructure to analyse servicing of the lands in Markham north of Major Mackenzie Drive. Analysis by the MMM Group has identified a significant servicing shortfall that must be considered in any

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proposed urban boundary expansion.

NMLG believes any development north of Major Mackenzie Drive should maximize the use of the current available servicing capacity. The lands west of Berczy Creek, for which servicing capacity is available, are logical extensions for development of the Victoria Square and Cathedral Town communities. However, available capacity elsewhere would support development along Major Mackenzie Drive in a northward progression.

The Region has identified the concession in northwest Markham bounded by Woodbine Avenue, Warden Avenue, Elgin Mills Road and the northern municipal boundary as the preferred location for a large new employment area. This area would be served by a future interchange at 19<sup>th</sup> Avenue and Highway 404, and an extension of the Donald Cousens Parkway.

In the attached drawing, *Serviced Area – Sanitary*, the MMM Group has identified the available sewer capacity for the north Markham lands. It can be readily seen that there is no sewer capacity available for development of the proposed new employment lands. Further review by MMM identified that when the 16<sup>th</sup> Avenue Regional sewer was built a connection was constructed on the north side of 16<sup>th</sup> Avenue at McCowan Road with the specific intention of constructing a future sewer northward along McCowan Road to provide the necessary servicing capacity for the north Markham lands north of Major Mackenzie Drive. This future sewer is identified in the Region's 2009 Water-Waste Water Master Plan as the North Markham Collector Sewer, with construction planned for the 2016-2021 period at a cost of \$79 million.

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The sewer is essential to, and the correct engineering approach to, bring the new employment lands on line. Servicing the new employment lands requires construction of this regional sewer north along McCowan Road to 19<sup>th</sup> Avenue, plus the construction of a local sewer along Elgin Mills Road, westward to the previously described new employment lands concession.

Consideration should be given to inclusion of additional lands between Major Mackenzie and Elgin Mills along McCowan Road for development. Approval for development along McCowan Road would support advancing delivery of the needed employment lands, while providing financial support to the Region and the Town and leverage the investments in the required sewers.

A phase of growth, focused north of Major Mackenzie, radiating eastward and westward from McCowan, coincides with and complements the centre of growth that has occurred south of Major Mackenzie in the new communities of Cornell, Greensborough, Wismer and Berczy Village.

Further support for this phasing can be found in the Region's 2009 Transportation Master Plan which identifies Major Mackenzie Drive as the primary mid-Regional rapid transit route serving east-west travel demands from Weston Road in Vaughan to the Donald Cousens Parkway in Markham by 2021.

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(iii) Higher Order Transit Best Supported by Enclosed Alternative:

NMLG regards the early delivery of higher order transit on

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the Major Mackenzie corridor as essential if the Region is to achieve its vision for the new, compact and sustainable communities in north Markham. Compact communities must have transit available early in their development to foster a move away from travel by private vehicles, and transit success requires higher levels of ridership. Therefore, early development at transit-supportive densities along the length of Major Mackenzie to the current terminus of the Donald Cousens Parkway east of Highway 48 would support both of these objectives.

NMLG further suggests that the Region make allowances for higher density growth post-2031 along Major Mackenzie Drive. A review of the Region's traffic zone data, prepared in support of the Region's Transportation Master Plan, identifies considerable higher density commercial employment occurring north of Major Mackenzie Drive in the 2031-2051 period.

Allowance should be made for this future employment growth to concentrate on the north side of Major Mackenzie Drive and thereby support and take full advantage of the planned Higher Order Transit planned along Major Mackenzie. Estimated at some 10,000 major office jobs, efforts should be made within the scope of this current ROP to maximize the potential for and to attract these future office jobs to locate along the Major Mackenzie higher order transit corridor, rather than have it locate further north and outside of a reasonable walking distance from this key transit link.

Our last comment on an urban boundary expansion in Markham relates to risk. The plans completed by the Region in support of its adopted Official Plan, and by the Town of

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Markham in their studies as they work towards a new local Official Plan, are acknowledged to contain some very aggressive targets. Those targets appear in the form of greatly increased modal splits for new transit systems, residential intensification plans well above the Growth Plan's 40 percent requirement, high employment lands job densities, and a dramatic and unprecedented shift in housing form from ground-related to apartments and condominiums. Both the federal and provincial governments are struggling with substantial deficits brought on by the recent world-wide economic crisis, putting in jeopardy, their ability to fund transit and needed infrastructure. Local municipalities and environmental organizations are seeking to further expand natural heritage systems.

On the basis of these plans, the Region has undertaken multi-year, multi-billion dollars commitments for growth-related infrastructure. Markham will be making major commitments at the local level once their new Official Plan is in place. These commitments are accompanied by substantial risk.

If the transit funding does not materialize, the market shift to apartments will be compromised, leaving the Region and the Town with significant financial exposure. The costs of the infrastructure commitments will have to be borne by the taxpayers.

Not to be ignored is our concern regarding the affordability of future housing and the desirability of maintaining a balanced housing stock. Policies must provide for an appropriately broad range of affordability, selection and choice to people and businesses wishing to locate in Markham, along with the opportunity for more, rather than fewer, players and locations in the active marketplace. In a

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recent report to the Town, Hemson Consulting Ltd. identified that the move to more apartments penalizes young families seeking ground-related units. A comparably-sized apartment is at least 50 percent more expensive than an equivalent townhouse. Similarly, the future residents and employees that Markham seeks to attract will continue to prefer ground related housing units.

In an artificially constrained environment, prices escalate inordinately, and people and businesses ultimately go wherever their preferences can be best realized. NMLG suggests that when defining the urban boundary expansion for Markham, the Region should err on the side of caution.

NMLG further suggests that the urban boundary expansion in north Markham would best be delineated if it conformed to a more traditional and observable feature such as a regional arterial road rather than a subjective line dividing a concession block, or individual parcels of land or following a natural heritage system feature the boundary of which may not be easily discernable upon the landscape.

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**Revise policies 2.2.5 and 2.1.11 and Map 2 *Regional Greenlands System* regarding the expansion and definition of the Regional Greenland System to exclude all proposed local natural heritage systems which have yet to be fully tested through the local planning processes.**

The identification and subsequent protection of natural heritage features must be based on sound science. Yet, in these ROP policies and mapping, the Region has included potential NHS features identified by Markham in its Environmental Policy Review and Consolidation (EPRC) report and the Markham Small Streams Study. Both the report and

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ROP Policy 2.1.5 allows for the finalization of Markham's Environmental Policy Review and Consolidation to occur, and any refinements to the natural heritage system in Markham will be reflected in the Regional Official Plan.

Policy 2.1.5 states:

That the Regional Greenlands System on Map 2 includes local municipal greenlands systems schematically. Once approved at a local level, revisions to local greenlands systems will be included within this Plan without amendment.

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study are based on desktop reviews and include limited, if any, field work to substantiate their conclusions or the estimated magnitude and locations of their enhanced NHS.

In addition to the above, further refinements to the Regional Greenlands System are permitted through policy 2.1.6.

In contrast, NMLG has completed 2 years of ecological field work in north Markham and has a technical basis to counter portions of the Town's recommendations.

Further, the science around linkage creation and effectiveness as espoused by the Region and Markham is not conclusive. The area of linkage development and implementation needs further thought by the Region and needs to be considered in the context of the urbanizing versus rural landscapes. An emphasis upon extensive linkages in an urbanizing landscape can unduly fragment otherwise developable lands in the Region, compromising the Region's other goals. This introduces inefficiencies and runs counter to the adopted ROP goals and policies encouraging vibrant, sustainable communities, efficient transit networks and the delivery of infrastructure.

NMLG is concerned that expansion of the Regional Greenlands system will further fragment the developable lands adding to infrastructure costs and isolating new communities. Inclusion of untested NHS features serves to heighten this concern.

The appropriate forum to raise these concerns is through the Town's growth management initiative and developments of its new official plan, expected to occur by 2011/2012. It is therefore inappropriate for the adopted Regional Official Plan to give credence and planning status to any natural heritage features or systems without the proper due diligence afforded by the Planning Act.

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NMLG requests that all such in-process NHS features and text be removed from the policies and mapping of the adopted ROP.

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**Revise the criteria as noted in ROP policies 39 d) ii and 44 d) for determination of whether NHS features are to be included in the Greenlands System, or to determine their so as to exclude any description of the Greenlands System and the use of Map 2 *Regional Greenlands System* and Map 5 *Woodlands* from the actual criteria.**

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As stated above, once refinements have been made to the Natural Heritage System in Markham, these refinements will be reflected in the Regional Official Plan.

As stated in the above concern, the adopted ROP includes, in policy and mapping, local NHS features that have not yet proceeded through the full and proper planning process. In the noted policies and mapping, the Region now seeks to use those untested portions of the local NHS as criteria for determining significance of woodlands and in the determination of whether development or site alteration will be permitted.

Again, until the legitimacy of those local NHS features have been confirmed through the local planning process, it is improper to include those features into policies and mapping of the adopted ROP.

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**Revise ROP Policy 7.2.86 to reflect the Provincial Policy Statement 1.6.7.2.**

The Region's adopted policy 7.2.86 states:

"That upon finalization of the Pickering Airport Operating Area, development of residential and other sensitive land uses shall be prohibited within the

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Policy 7.2.86 (now proposed to be numbered 7.2.87 with Provincial modifications included) prohibits the approval of residential land uses within the Interim Airport Protection Area (IAPA) from the GTAA Pickering Airport Draft Plan. PPS policy 1.6.7.a) prohibits new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP. Given the uncertainty surrounding the Pickering Airport, the use of the IAPA standard at this time is prudent

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appropriate updated *Noise Exposure Forecast* contour, consistent with Transport Canada guidelines.”

The Provincial Policy Statement 1.6.7.2 a) establishes the 30 NEF/NEP noise contour as the criteria for considering the locations for residential and noise sensitive lands uses in proximity to airports.

The Region’s adopted policy exceeds the Provincial Policy Statement. Transport Canada guide TP 1247 recommends the 25 NEF noise contour as the guideline to follow when locating noise sensitive uses. TP 1247, being a federal document, is outside of the control of the province and can be changed without regard to PPS.

The effect of including the Transport Canada guideline is to greatly expand the influence of a potential future airport in Pickering, and remove substantial land area in Markham for consideration for development in addressing the provincial Growth Plan. Couple this with the uncertainty of whether or when an airport in Pickering might proceed as well as the fact that, if it did proceed, final noise contours would not be defined until a decision is made by the federal government and the design of the airport proceeds to defining runway locations and the projected aircraft fleet, and significant uncertainty is introduced into the planning process.

We respectfully request that ROP policy 7.2.86 be revised to conform to PPS.

and conservation on an airport where the operating parameters are unknown. This policy, like others will be reviewed at least every 5 years to determine it’s validity. Policy has been modified to remove the provision that the guideline document can be amended form time to time without amendment to the Plan. Review of guidelines document will be subject to stakeholder involvement in the same fashion as the ROP

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**Eliminate ROP Policy 5.2.19 which identifies an unpublished document, *Guidelines for Community Development*.**

York Region wishes to ensure the principles of sustainable

This policy has been modified to read:

That the policies of this Plan are supported by the Guidelines for Community Development in York Region. New

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development are embodied into the design of new communities. NMLG supports the Region's initiative and development of the noted guidelines.

We have two objections to this policy. The first is timing. The Region's process is incomplete and the document *Guidelines for Community Development* does not exist. It is therefore inappropriate to request approval for an official plan policy which incorporates by reference a document which does not exist and has not been seen by the public. When or if the guidelines have been published and stakeholders provided the opportunity to review it, then it would be appropriate to include the guidelines into the Official Plan through an OPA.

In addition, NMLG objects to policy text indicating that future revisions to the *Guidelines* can be made without an OPA. Our expectation is that the *Guidelines* will be a substantive document, having significant impact on built form and new community design. In our opinion, revisions to such an important document should be subject to the same rigour and due diligence as the initial document. A formal stakeholder review and OPA process is warranted.

We understand that Region Staff will be presenting a proposal to Council to address the latter policy and to eliminate the statement that the *Guidelines* may be amended without an amendment to the Plan. We support Staff's proposal on this matter.

We trust you will find our stated concerns meaningful, and presented in support of improving the Region's adopted Official Plan. NMLG's representatives are available to consult with your Staff, at your convenience.

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development shall meet all required items, and be encouraged to achieve all optional items.

The guideline document will not impose addition requirements for development, however, it will provide more detail for policy implementation.