

May 18, 2010

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Minister of Municipal Affairs & Housing  
17th Floor  
777 Bay Street  
Toronto Ontario  
M5G 2E5

Attention: The Honourable James Bradley  
Minister, Municipal Affairs and Housing

**Re: North Markham Landowners' Group  
The Region of York Adopted Official Plan – December 2009  
Request for Changes**

Dear Minister Bradley,

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.

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 Eliminate ROP Policy 5.2.19 which identifies an unpublished document, *Guidelines for Community Development*.

### **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, 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 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.

(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 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 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.

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.

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

NMLG regards the early delivery of higher order transit on 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 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 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.

**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 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 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.

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

**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.**

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.

**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 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.

**Eliminate ROP Policy 5.2.19 which identifies an unpublished document, *Guidelines for Community Development*.**

York Region wishes to ensure the principles of sustainable development are embodied into the design of new communities. NMLG supports the Region's initiative and development of the noted guidelines.

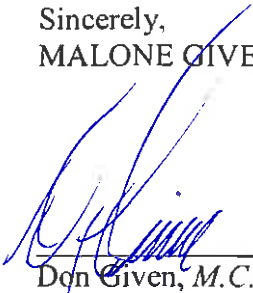
We have two objections to this policy. The first is timing. The Region's process is incomplete and the document *Guidelines for Community Development* does not exist. It is therefore inappropriate to request approval for an official plan policy which incorporates by reference a document which does not 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.

Sincerely,  
MALONE GIVEN PARSONS LTD.



Don Given, M.C.I.P., R.P.P.  
*President*

Cc.

Bruce Macgregor, *Chief Administrative Officer, York Region*

Bryan Tuckey, *Commissioner of Planning and Development Services, York Region*

John Waller, *Director, Long Range and Strategic Planning Branch, York Region*

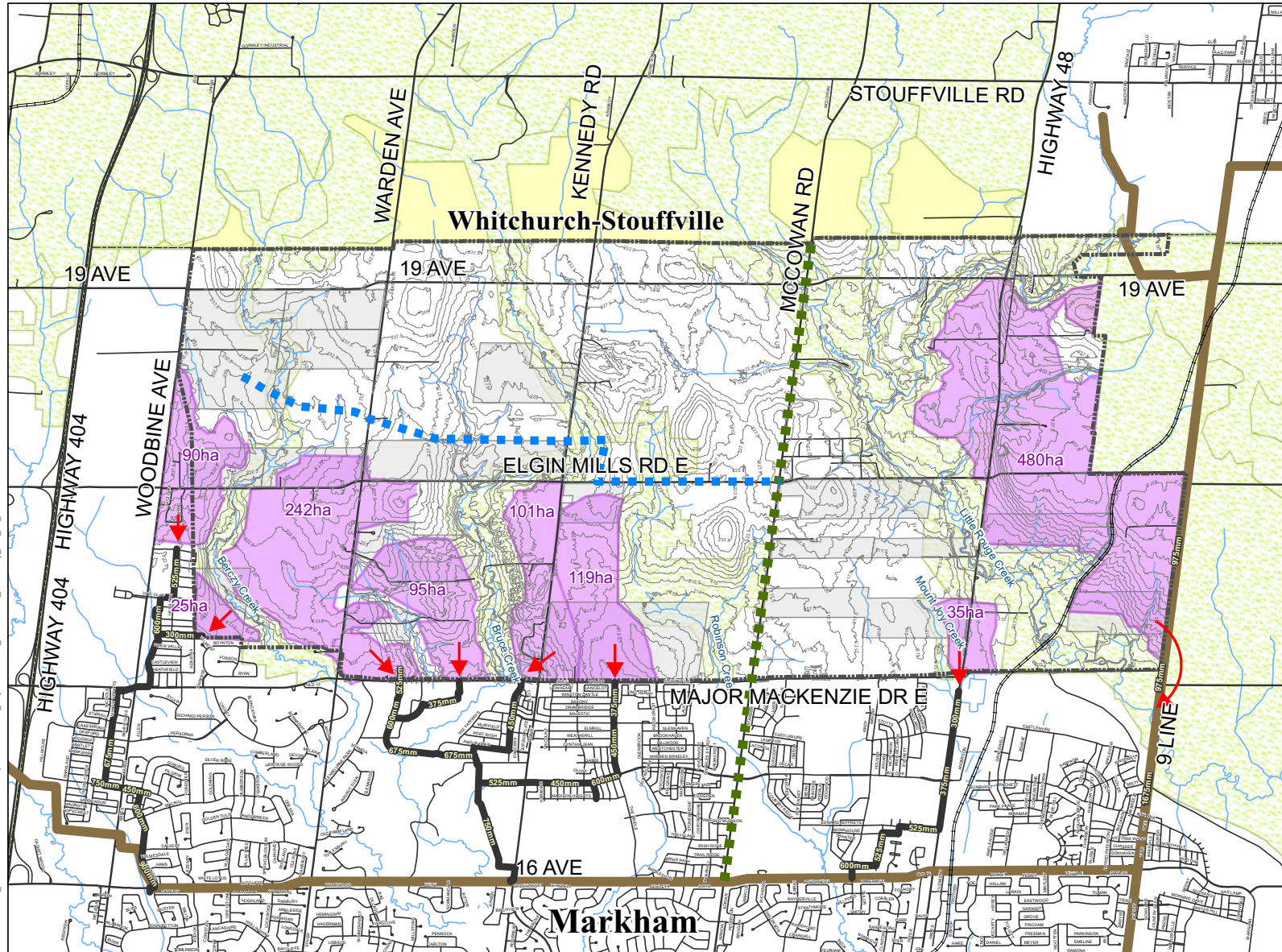
Barbara Jeffrey, *Manager, Land Use Policy and Environment, York Region*

North Markham Landowners' Group

N. Jane Pepino, *Aird & Berlis LLP*

Attachments:

- Serviced Area - Sanitary
- North Markham – Proposed Urban Boundary Expansion.



- Future Internal Sanitary Subtrunk
- Contour (2.5 M)
- Existing Sanitary Sewer (Regional)
- Existing Sanitary Sewer (Town)
- Proposed North Markham Collector
- Municipal Boundary
- North Markham
- Approx. Development Area Tributary to Existing Sanitary Sewers
- Oak Ridges Moraine
- North Markham Landowners Group
- Railway
- Sanitary Sewer Connection (Approx.)
- Stouffville Whitebelt Development Area
- Watercourse

#### Design parameters

Harmon peaking factor  
Avg. residential flow: 365 L/capita/day  
Max Infiltration Ratio: 0.26 L/sec/ha  
Residential Density: 70 pers/ha



Scale 1:40,000

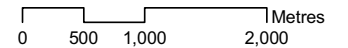


Figure #

**SERVED AREAS - SANITARY  
NORTH MARKHAM  
LANDOWNERS GROUP**



April 7th, 2010  
10-09025

The map displays the Town of Markham with a red boundary indicating the proposed CCMA area. The area is divided into several colored zones: green (likely parks or natural areas), orange (possibly residential or commercial), purple (possibly industrial or commercial), and yellow (possibly residential). Major roads shown include Highway 404, Highway 48, Elgin Mills Road, Warden Avenue, Kennedy Road, McCowan Avenue, and Major Mackenzie Drive. The map also shows the boundaries of the Town of Whitchurch-Stouffville and the Town of Markham. A green circle with 'CC' is located near Major Mackenzie Drive.

 OAK RIDGES MORAINE  
 GREENBELT  
 GOLF COURSES  
 CEMETERIES, PLACES OF WORSHIP  
 COMMUNITY CENTRE, FAIRGROUNDS  
 URBAN BOUNDARY EXPANSION LANDS  
 FUTURE URBAN AREA  
 COMMUNITY CENTRE  
 PROPOSED URBAN EXPANSION BOUNDARY TO 2031  
 ARTERIAL ROAD NETWORK



Scale: 

 MALONE GIVEN PARSONS LTD.

April 8, 2010

07-1717

**Submission Number**  
D05.2009. 1.188

**Date of Submission:**  
May 19, 2010

**Submission Author:**  
Aird and Berlis on behalf of 11160 Woodbine Avenue Limited

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

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**Analysis and Recommendation**

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Letter to MMAH, Larry Clay Regional Director

Act on behalf of 11160 Woodbine Avenue Limited ("11160 Woodbine") which owns 20 hectares (50 acres) of property located north of Elgin Mills Road between Woodbine Avenue and Highway 404 immediately south of the recently constructed Honda head office and within the Highway 404 North Planning District Secondary Plan (OPA 149)

We have recently advised our client that York Region proposes to modify Map 12 to add a series of mid-block flyovers over Highway 404. These flyovers have not been justified through the Environmental Assessment process and should not be included in the York Region OP.

Furthermore, we have learned that the Region now proposes a transportation feasibility study and a class environmental assessment, to assess these flyovers, to be completed by the end of 2011. This represents significant ongoing delay that is unfair, unreasonable and unacceptable.

Our client is most particularly affected by the flyovers located:

- between Herald Road and Mount Albert Road in East Gwillimbury and
- between Elgin Mills Road East and 19<sup>th</sup> Avenue in the Town of Markham.

In our view, this latter proposed flyover is no longer feasible, appropriate or necessary as it would bisect a Natural Heritage System in Richmond Hill and would adversely impact traffic

Flyovers were reviewed as part of the public process. These are shown in the approved Transportation Master Plan. As well they were shown on Map `12 in the Draft Official Plan – June 2009 and were part of the public review and the Statutory meeting held October 7, 2009.

A computer mapping error resulted in a number of the flyovers failing to appear on Map 12 as adopted.

This modification reinserts the flyovers as part of the Regional Official Plan.

Submission not received prior to the adoption of the ROP in December 2009.

patterns in Markham by funnelling Regional road traffic through the hamlet of Victoria Square (The Woodbine Bypass is a \$ 30,000,000 roads initiative whose primary purpose is to keep the growth related traffic out of the hamlet ).

As such, our client opposes the inclusion of these proposed flyovers in the modification suggested by the Region (modification 12 on Map 12).

In addition, our client objects to the process followed in forwarding these modifications to the Minister. By choosing to deal with the flyovers as modifications, the Region has sidestepped a full public process. As such, and for this reason alone, the Ministry should refuse to make these modifications on Map 12 as requested by the Region.

Received May 19, 2010

Steven A. Zakem  
Direct: 416.865.3440  
E-mail: szakem@airdberlis.com

May 19, 2010

**VIA EMAIL: Larry.Clay@ontario.ca**

Larry Clay, Regional Director  
Central Municipal Services Office  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 2<sup>nd</sup> Floor  
Toronto, ON M5G 2E5

Dear Mr. Clay:

**Re: Proposed Regional Modifications - Region of York Official Plan**

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We act on behalf of 11160 Woodbine Avenue Limited ("11160 Woodbine") which owns 20 hectares (50 acres) of property located north of Elgin Mills Road between Woodbine Avenue and Highway 404 immediately south of the recently constructed Honda head office and within the Highway 404 North Planning District Secondary Plan (OPA 149) (the "Subject Lands"). Our client was instrumental in attracting Honda Canada Inc. to the business park, and constructed, secured or funded the required Municipal and Regional road and servicing infrastructure. 11160 Woodbine is interested in developing the subject lands for additional employment uses. We also act for Rice Commercial Group and other related entities who own property throughout York Region.

Our client and its related entities have been monitoring the progress of the York Region Official Plan and provided written submissions prior to its adoption. We have recently advised our client that York Region has proposed modifications which have the potential to significantly and adversely affect our client's properties. In particular, the Region now proposes to modify Map 12 to add a series of mid-block flyovers over Highway 404. These flyovers have not been justified through the Environmental Assessment process and should not be included in the York Region OP. Furthermore, we have learned that the Region now proposes a transportation feasibility study and a class environmental assessment, to assess these flyovers, to be completed by the end of 2011. This represents significant ongoing delay that is unfair, unreasonable and unacceptable.

Our client is most particularly affected by the flyovers located between Herald Road and Mount Albert Road in East Gwillimbury and between Elgin Mills Road East and 19<sup>th</sup> Avenue in the Town of Markham. In our view, this latter proposed flyover is no longer feasible, appropriate or necessary as it would bisect a Natural Heritage System in Richmond Hill and would adversely impact traffic patterns in Markham by funnelling Regional road traffic through the hamlet of Victoria Square (The Woodbine Bypass is a \$ 30,000,000 roads initiative whose primary purpose is to keep the growth related traffic out of the hamlet). As such, our client opposes the inclusion of these proposed flyovers in the modification suggested by the Region (modification 12 on Map 12). In addition, our client objects to the process followed in forwarding these modifications to the Minister. By choosing to deal with the flyovers as modifications, the Region has sidestepped a full

May 19, 2010

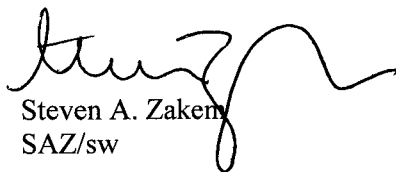
Page 2

public process. As such, and for this reason alone, the Ministry should refuse to make these modifications on Map 12 as requested by the Region.

Would you kindly consider the foregoing comments in conjunction with your assessment of the requests by the Region for the modifications to its approval of the York Region OP.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem  
SAZ/sw

cc. Denis Kelly, Clerk, Regional Municipality of York  
Barbara Jeffrey, Regional Municipality of York

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|---------------------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Submission Number</b><br>Do5.2009. 1.189 | <b>Date of Submission:</b><br>May 19, 2010 | <b>Submission Author:</b><br>Davies Howe Partners.<br>On behalf of Yonge Bayview Holdings Inc. ("Yonge Bayview") |
|---------------------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------|

| <b>Comments or Requested Change to Draft Official Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Analysis and Recommendation</b>                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Yonge Bayview is the owner of lands in the Town of Richmond Hill within the areas bounded by Yonge Street, High Tech Road, Highway 7 and Bayview Avenue, and controls the largest landholding within the Richmond Hill portion of the Richmond Hill/Langstaff Gateway Regional Centre.</p> <p>Yonge Bayview requests that Regional Council defer approval of any proposed policies in the Plan regarding the Richmond Hill portion of the Centre.</p> <p>Regional Council adopted staff recommendations to proceed with the completion of a number of studies and further analysis in respect of the Centre including a Centre-wide transportation study. Upon completion of the various studies and further analysis, a draft Regional Official Plan Amendment for the Centre will be brought forward. Thus, Yonge Bayview is of the opinion that it would be appropriate to defer the approval of the Plan's policies regarding the Richmond Hill portion of the Centre.</p> | <p>The adopted Regional Official Plan contains general policies for all four Regional Centres intended to achieve the most intense concentrations of development within the Region. Additional studies identified are carried out subsequent to the overall Regional Official Plan framework.</p> <p>Recommend no changes to the Plan.</p> |



Davies  
Howe  
Partners

Lawyers

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Toronto, Ontario  
M5V 3P8

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davieshowe.com

Please refer to: **Mark Flowers**  
e-mail: markf@davieshowe.com

May 19, 2010

**By E-Mail**

Chair Bill Fisch and Members of Regional Council  
The Regional Municipality of York  
17250 Yonge Street  
Newmarket, Ontario  
L3Y 6Z1

**Attention: Denis Kelly, Regional Clerk**

Dear Mr. Kelly:

**Re: Proposed Modifications to the York Region Official Plan  
Submissions on behalf of Yonge Bayview Holdings Inc.**

We are counsel to Yonge Bayview Holdings Inc. ("Yonge Bayview"). Yonge Bayview is the owner of lands in the Town of Richmond Hill within the area bounded by Yonge Street, High Tech Road, Highway 7 and Bayview Avenue, and controls the largest landholding within the Richmond Hill portion of the Richmond Hill / Langstaff Gateway Regional Centre (the "Centre").

Our client has and continues to participate in the various on-going planning initiatives associated with the Centre.

We understand that at its meeting on May 20, 2010, Regional Council will be considering a staff recommendation proposing a number of modifications to the York Region Official Plan, as adopted in December 2009 (the "Plan"). Further, we understand that, if adopted, these proposed modifications would then be forwarded to the Ministry of Municipal Affairs and Housing (the "Minister") for his consideration as the approval authority for the new Plan.

On behalf of Yonge Bayview, we are writing to request that Council also consider additional modifications to the Plan, as outlined below.

First, Yonge Bayview requests that Regional Council ask that the Minister defer approval of any proposed policies in the Plan regarding the Richmond Hill portion of the Centre.



Davies  
Howe  
Partners

We understand that as recently as April 22, 2010, Regional Council adopted staff recommendations to proceed with the completion of a number of studies and further analysis in respect of the Centre; most notably, a Centre-wide transportation study to be led and funded by the Region.

As referenced in the report from the Commissioners of Transportation Services and Planning and Development Services to the Transportation Services Committee dated March 11, 2010, the objectives for the Centre-wide transportation study are very broad, including "the development of a complete, integrated, and strategic transportation network plan that will accommodate and support the land use plan of the [Centre]". Likewise, the scope of work that is contemplated for the transportation study is extensive, encompassing, among other things, preparation of a transportation network plan, a transportation demand management plan, a parking strategy, an infrastructure phasing plan, and an implementation strategy.

Further, in the related report from the Commissioner of Planning and Development Services to the Planning and Economic Development Committee dated March 5, 2010, staff noted that "the recommendations of the [Centre-wide transportation] study will form part of the Region's planning and approval framework for the Secondary Plans for the Centre, and subsequent development approvals. The study will also inform the assumptions for the recommended comprehensive fiscal analysis of the Centre."

In fact, we understand that Regional Council also adopted a staff recommendation to prepare a draft Regional Official Plan Amendment for the Centre, intended to "provide detailed Regional policies to support and guide the planning and implementation of the Centre", following the completion of the various studies and further analysis that are now underway and anticipated for completion by the end of this year.

Thus, given the highly integrated and inter-dependent nature of the matters identified above, Yonge Bayview is of the opinion that it would be appropriate to defer the approval of the Plan's policies in relation to the Richmond Hill portion of the Centre.

Secondly, we have serious concerns regarding various policies in the Plan that purport to require conformity or adherence to guidelines and/or other documents that are beyond the Plan and could therefore be amended outside of a *Planning Act* exercise. For example, there are a number of policies (eg. 5.2.8(g), 5.3.5, 7.1.7 and 7.2.25(i)) that purport to require development applications to adhere to the Transit-Oriented Development Guidelines, which we understand to be a



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document that was endorsed by Regional Council in 2006 and is anticipated to be amended in the future. Similarly, the Plan purports to require new development to satisfy the requirements of the Guidelines for Community Development (5.2.19), which we understand have not yet even been prepared. Thus, Yonge Bayview requests that Regional Council direct further modifications to the Plan to delete or revise any policies that purport to require development proposals to satisfy the requirements of documents that are outside of the Official Plan.

Thirdly, the Plan proposes to require new buildings to achieve energy and water efficiency standards beyond those set out in existing regulatory documents (i.e., the Model National Energy Code for Buildings ("MNECB") and the Ontario Building Code ("OBC")) (5.2.20 and 5.2.21). We question the Region's authority to mandate such requirements. Further, even if such efficiency benchmarks were appropriate, the requirements could change as the policies do not propose to fix the efficiency standards to a particular version of either the MNECB or the OBC. Accordingly, Yonge Bayview requests that these policies be modified to simply "encourage" such efficiency standards and to tie the standards to the versions of the MNECB and the OBC as they exist at this time.

Fourthly, whereas the Region-wide target for affordable housing is proposed to be 25% (3.5.6), the Plan proposes that a minimum of 35% of new housing units in the Regional Centres and key development areas be affordable (3.5.7). Yonge Bayview sees no basis for this higher threshold and therefore requests that the proposed policy be modified accordingly.

Fifthly, the policies that purport to authorize the Region to secure or require the dedication of lands for "public transit rights-of-way and lands for related facilities" (7.2.31) and various other transit facilities (7.2.32), "at no expense to the Region", are beyond the authority of the municipality and should therefore be modified to be in accordance with the *Planning Act* and any other applicable statute(s).

We trust that Regional Council will give due consideration to these comments as it considers various proposed modifications to the Plan.



Davies  
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Page 4

Kindly ensure that we are notified of any further reports and/or public meetings regarding this matter and that we receive notice of any decision(s) made by Regional Council pertaining to this item.

Yours truly,

**DAVIES HOWE PARTNERS**

Mark R. Flowers

copy: Barbara Jeffrey, Region of York  
Town Clerk, Town of Richmond Hill  
Ana Bassios, Town of Richmond Hill  
Client

| <b>Submission Number</b><br>Do5.2009.1.091                 | <b>Date of Submission:</b><br>May 20, 2010 | <b>Submission Author:</b><br>Michael Smith Planning (on behalf of Mohinder Sud Oxford Homes) |
|------------------------------------------------------------|--------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Comments or Requested Change to Draft Official Plan</b> |                                            | <b>Analysis and Recommendation</b>                                                           |

Property: Property located on the south side of Black River Road in east Sutton (Part of Lot 3, Concession 7(G)); Georgina.

Request modifications to Map 4- Key Hydrological Features – to reflect approved land uses on the Jackson's Landing development in the community of Sutton.

Agreed. Revision to Map 4 to reflect approvals have been made.

*Michael Smith*

Planning Consultants;  
Development Coordinators Ltd.

461 The Queensway South, Suite 3  
Keswick, Ontario L4P 2C9  
Tel. (905) 989-2588  
Fax (905) 989-2488  
info@msplanning.ca  
www.msplanning.ca

May 19<sup>th</sup>, 2010

Our File No. 375-00

Harold Lenters, M.C.I.P., R.P.P.  
Director of Planning and Building  
Town of Georgina  
26557 Civic Centre Road, RR#2  
Keswick, Ontario, L4P 3G1

Dear Mr. Lenters:

Re: Request for Modification to Draft Sutton/Jackson's Point Secondary Plan  
Mohinder Sud (Oxford Homes)  
Part of Lot 3, Concession 7 (G)  
Black River Road, Sutton, Town of Georgina

The draft Sutton/Jackson's Point Secondary Plan, April 2010, at Appendix 1: Map 2 identifies "Key Hydrologic Features". My client's land has been designated, in part, as "wetland" in an area which is subject to draft plan approval for residential lots (19T-90033) and is being made ready for development purposes. Accordingly, please modify Appendix 1 to remove this designation from my client's lands.

These lands are further addressed pursuant to Section 9.2.5.2.1 New Residential Area designation - Special Provisions. I note that the description of the land should be Part Lot 3, Concession 7 (G).

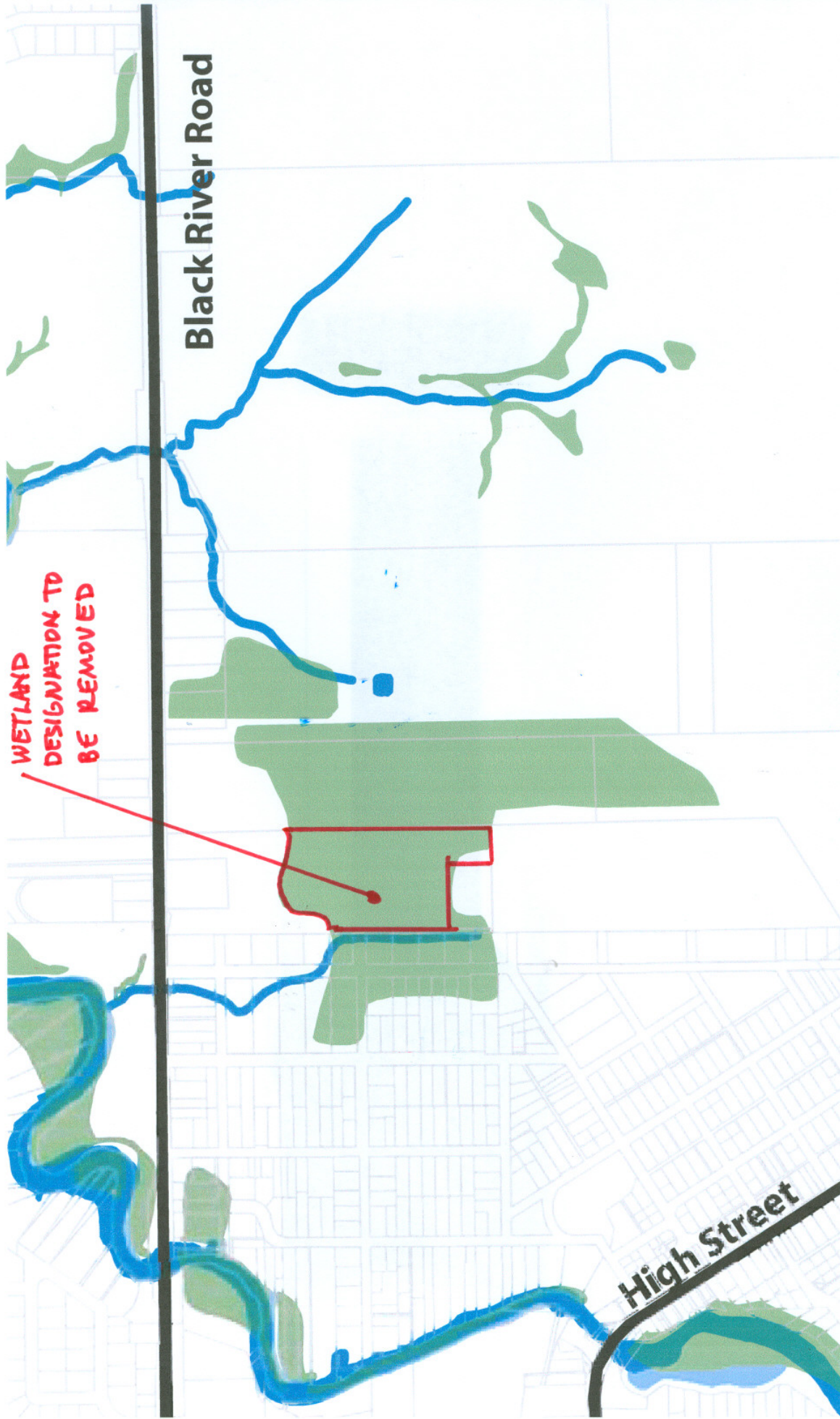
Yours truly,

*Michael R. Smith*

Michael Smith  
Planning Consultant

c. Jackie Burkart, LSRCA  
Mohinder Sud  
Stephen Meyer

enclosure



WETLAND  
DESIGNATION TO  
BE REMOVED

Black River Road

High Street

**Submission Number**                      **Date of Submission:**                      **Submission Author:**  
 Do5.2009.1.092                      May 21, 2010                      Michael Smith Planning (on behalf of Jackson's Landing)

---

**Comments or Requested Change to Draft Official Plan**                      **Analysis and Recommendation**

---

Property: Jackson's Landing Adult Lifestyle Community (Part of Lot 5, Concession 8 (G); Georgina.

Request modifications to Map 4- Key Hydrological Features – to reflect approved land uses on the Jackson's Landing development in the community of Sutton.                      Agreed. Revision to Map 4 to reflect approvals have been made.

**Michael Smith**

Planning Consultants;  
Development Coordinators Ltd.

461 The Queensway South, Suite 3  
Keswick, Ontario L4P 2C9  
Tel. (905) 989-2588  
Fax (905) 989-2488  
info@msplanning.ca  
www.msplanning.ca

May 31st, 2010

Our File No. 721-00

Harold Lenters, M.C.I.P., R.P.P.  
Director of Planning and Building  
Town of Georgina  
26557 Civic Centre Road, RR#2  
Keswick, Ontario, L4P 3G1

Dear Mr. Lenters:

Re: Request for Modification to Draft Sutton/Jackson's Point Secondary Plan  
Jackson's Landing (Alliance Homes – Alex Troop)  
Part of Lot 5, Concession 8 (G)  
Black River Road, Sutton, Town of Georgina

The draft Sutton/Jackson's Point Secondary Plan, April 2010, at Appendix 1: Map 2 identifies "Key Hydrologic Features". My client's land has been designated, in part, as "wetland" in an area which is subject to draft plan of Vacant Land Condominium 19CDM 06G01 and is being made ready for development purposes. Accordingly, please modify Appendix 1 to remove this designation from my client's lands.

These lands are further addressed pursuant to Section 9.2.5.2.1 (c) New Residential Area designation - Special Provisions.

Yours truly,

*Michael R. Smith*

Michael Smith  
Planning Consultant

c. Barbara Jeffrey, Region of York  
Jackie Burkart, LSRCA  
Alex Troop

enclosure

Park Road

Black River Road

WETLAND  
DESIGNATION TO  
BE REMOVED



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Submission Number</b><br>Do5.2009.3.037                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Date of Submission:</b><br>May 4, 2010 | <b>Submission Author:</b><br>Town of East Gwillimbury; resolution dealing with W. J. Smith Gardens                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Comments or Requested Change to Draft Official Plan</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                           | <b>Analysis and Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>Smith Gardens own approximately 2,100 acres of land (of which approx 875 acres is currently farmed) in the Holland Marsh Specialty Crop Area in the Town of East Gwillimbury (west of the 2<sup>nd</sup> Concession south of Ravenshoe Road).</p> <p>Counsel for the Smiths appeared at East Gwillimbury Council on May 3 in support of the Town's report recommending support for the expansion of the Smith farming operation subject to the MNR and MMAH review and acceptance of the conclusions and recommendations as outlined in the Environmental Impact Statement.</p> <p>East Gwillimbury Council requests the Region to undertake a peer review of the EIS undertaken for Smith Gardens.</p> |                                           | <p>Regional Planning and Economic Development Committee at its meeting of May 5, 2010 endorsed the following recommendations with respect to the East Gwillimbury resolution:</p> <ol style="list-style-type: none"> <li>1. The Region of York and Town of East Gwillimbury engage the consulting firm of North South Environmental Inc. to peer review the Environmental Impact Statement for Smith Gardens, prepared by Savanta Inc, dated February 2010.</li> <li>2. The results of that review be submitted to the Province of Ontario in support of the Smith's request to expand their agricultural operations within the Holland Marsh Specialty Crop Area.</li> <li>3. Regional staff continues to assist the Smiths and their consultants in discussion with the Province, where possible and appropriate.</li> </ol> <p>Regional staff will consult with Town staff and consultants for the Smith's in determining the scope of the peer review. It is anticipated that the peer review can be completed before the end of July, 2010.</p> |



CWC 2010 \_\_\_\_\_

## COMMITTEE OF THE WHOLE COUNCIL

### PLANNING & BUILDING SERVICES

MOVED BY

DATE: May 3, 2010

BE IT RESOLVED THAT Planning and Building Services, dated May 3, 2010, regarding the Proposed Holland Marsh Farm Operation Expansion for W. J. Smith Gardens Limited, be received;

THAT the Town's New Official Plan acknowledge the importance of the Holland Marsh farming community and supports a policy approach which recognizes and protects agriculture as an important component of the Town's economy;

THAT the Town support the proposed expansion of the W.J. Smith Gardens Limited farming operation subject to the Region's, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing's review and acceptance of the conclusions and recommendations for expansion as outlined in the Environmental Impact Study, prepared by Savanta Inc., dated February 2010;

THAT the Clerk forward a copy of this report to the Region of York, Lake Simcoe Region Conservation Authority, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources; *and an MPP*.

THAT Council request that the Region of York undertake a peer review of the Environmental Impact Study completed by Savanta Inc., in consultation with the Town of East Gwillimbury, to assist with the Province's consideration of the Region of York's and the Town's draft Official Plan policy approach.

CARRIED

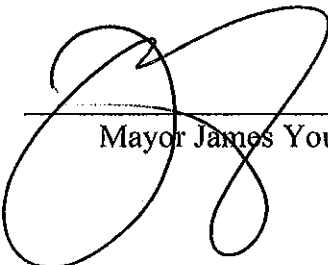


DEFEATED



TIED (LOST)



  
\_\_\_\_\_  
Mayor James Young, Chair



# Town of East Gwillimbury

## **PLANNING & BUILDING SERVICES REPORT P2010-39**

To: Committee of the Whole Council

Date: May 3, 2010

Subject: W.J. Smith Gardens Limited  
Proposed Holland Marsh Farm Operation Expansion

Origin: Planning & Building Services,  
Policy Planning Branch

---

### **RECOMMENDATION**

1. THAT Planning & Building Services Report P2010-39, dated May 3, 2010, regarding the Proposed Holland Marsh Farm Operation Expansion for W. J. Smith Gardens Limited, be received;
2. THAT the Town's New Official Plan acknowledge the importance of the Holland Marsh farming community and supports a policy approach which recognizes and protects agriculture as an important component of the Town's economy.
3. THAT the Town support the proposed expansion of the W.J. Smith Gardens Limited farming operation subject to the Region's, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing's review and acceptance of the conclusions and recommendations for expansion as outlined in the Environmental Impact Study, prepared by Savanta Inc., dated February 2010;
4. THAT the Clerk forward a copy of this report to the Region of York, Lake Simcoe Region Conservation Authority, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources.

### **PURPOSE**

The purpose of this report is to respond to the deputation by W. J. Smith Gardens at the April 19 Committee of the Whole Council meeting and the direction for staff to provide information and make a recommendation regarding an issue raised by W. J. Smith Gardens Limited (Smith Farm), with respect to the proposed expansion of its farming operations located within the Holland Marsh.

## **BACKGROUND**

### **Location**

Smith Farms is comprised of 850 ha (2,100 acres) located within the Holland Marsh of which approximately 364 ha (900 acres) are being actively farmed. The lands are generally described as being located north of Holborn Road, west side of 2<sup>nd</sup> Concession Road, south of Ravenshoe Road, and east of the Holland River, (refer to Appendix 1 and 2).

### **History of the Smith Gardens Farm Operations (provided by the applicant)**

The Smith Farms is currently the largest, family owned, farming business within the Holland Marsh, and is the largest producer of carrots and onions within the Province supplying local, provincial, national and international markets. The Smith family has farmed the subject lands since the early 1940's, and play a leading role in the Holland Marsh Growers' Association and, are actively involved with the University of Guelph in the testing of a variety of field management practices.

The first parcel of land purchased by William J. Smith was located at the south west corner of Boag Road and 2<sup>nd</sup> Concession Road in 1937. At that time Boag Road was the only access available to the property as Ravenshoe Road was yet to be constructed. Additional properties were acquired over the years with the most recent acquisitions occurring in 1997. Canal systems were constructed around the property at the time between 1937 and 1951. Approximately 160 ha (400 acres) of farmland were in production at that time. The arrival of Hurricane Hazel in 1954 destroyed all of the crops, filled in canals and levelled dykes. All of the development of the farm land at that time had been in the mid-easterly area of the current farm. In or around 1962, Ravenshoe Road was extended to Yonge Street making that the preferred access to the Smith property.

Utilizing best management practices the entire Smith farm has never been under cultivation at one time. Lands originally farmed and dyked were left fallow with the intention that they would be re-opened over time. As the Smith operation has grown it has become increasingly necessary to open up new lands for cultivation in order to provide appropriate crop rotation, etc. and maintain adequate production to meet market demand.

### **Current Situation**

In 2008, the landowners proceeded to re-open a contiguous parcel of land for farming that had been dyked and cultivated prior to Hurricane Hazel. During the preparation of the lands they were advised by the Lake Simcoe Region Conservation Authority that the clearing and filling of the property was in contravention of Provincial Regulation 179/06. The Smiths were advised that notwithstanding their lands are located within the Holland Marsh and designated as "Specialty Crop" within The Greenbelt Plan; the lands were also identified as a Provincially

Significant Wetland (PSW) by the Ministry of Natural Resources. The PSW designation affects the entire Smith Farm property with the exception of those lands actively being farmed at this time (364 ha). Savanta Inc. has been retained to complete an Environmental Impact Study (EIS) to determine the extent of the PSW and assess opportunities to expand the farming operation in a manner that would avoid, minimize and/or mitigate potential effects on the natural features and functions of the property.

Numerous meetings and discussions have been held between the Smiths and their consultants and the Conservation Authority, Town Staff, the Region of York, MNR, MMAH and the OMAFRA to resolve this issue and determine how the expansion of the farm operation could be facilitated in consideration of the Provincial policy framework. It was agreed in the early fall of 2009 that the matter should be considered from the context of a detailed Environmental Evaluation of the affected wetland and associated environmental areas. In March 2010 the Savanta EIS Report was distributed to all stakeholders for review and comment. Qualified staff with the Region of York, LSRCA and Provincial Ministries are in the process of reviewing the E.I.S. At this time, the applicant has not requested that the Town conduct an independent Peer Review through the Town's Environmental Consultant, Beacon Environmental.

### Proposal

The Smith's original intention was to bring their entire landholdings into active farm production over time. With the assistance of the Savanta EIS work, the owners recognize the importance and significance of the wetland and natural heritage features of the property and acknowledge there is an opportunity for preservation and enhancement of certain areas. It is the landowner's intention to reach a reasonable compromise for the expansion of the farming operation while preserving and enhancing the most significant areas of the PSW, as recommended in the E.I.S.

## **ANALYSIS**

### **The Greenbelt Plan**

The subject property is located within an area affected by the Provincial Greenbelt Plan. The subject property is located in the “Protected Countryside” of the Greenbelt Plan; and, is further designated as a Specialty Crop Area within the “Holland Marsh”. The Greenbelt Plan was approved by the MMAH February 28, 2005. A portion of the lands are also identified as being within the Greenbelt “Natural Heritage System”.

The Greenbelt Plan policies for “Specialty Crop Areas” are as follows:

#### *3.1.2 Specialty Crop Area Policies*

- 1. Within specialty crop areas, normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.*
- 2. Lands within specialty crop areas shall not be redesignated in municipal official plans for non-agricultural uses, with the exception of those uses permitted in the general policies of sections 4.2 to 4.6.*
- 3. Towns/Villages and Hamlets are not permitted to expand into specialty crop areas.*
- 4. New land uses, including the creation of lots, as permitted by the policies of this Plan, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*

The Natural Heritage System policies state:

- 1. The full range of existing and new agricultural, agricultural-related and secondary uses and normal farm practices are permitted subject to the policies of 3.2.2.2 below.*
- 2. New buildings or structures for agriculture, agricultural-related and secondary uses are not subject to the Natural Heritage System policies below, but are subject to the policies on key natural heritage features and key hydrologic features as identified in the natural features policies of section 3.2.5.*

### **Regional Municipality of York Official Plan**

The subject lands are designated “Holland Marsh Specialty Crop Area” in the Region of York Official Plan recently adopted by Regional Council in December, 2009 and pending Minister’s approval. The new Official Plan includes the following policy as recommended by Regional Staff in their report of November 25, 2009.

6.3.13

*"That within the Holland Marsh Specialty Crop Area, the Region will encourage and support the Province in balancing continued agricultural production and potential expansion with natural heritage values and policies."*

As part of the associated staff report addressing submissions from the applicant in relation to the Draft Regional O.P., Regional Staff stated that:

*Regional staff is confident that the above noted new policy addresses the issues related to the W.J. Smith Gardens Limited property with respect to the Speciality Crop designation and wetland identification in the Regional Official Plan. This policy would allow for the assessment of the site, and potential expansion to operations, subject to approval by the appropriate provincial authorities.*

Town of East Gwillimbury Official Plan – OPA 95

The northwest quadrant of the subject property is designated "Agriculture Area" and "Environmental Protection Area" within Official Plan Amendment No. 95. The area of the lands designated as "Environmental Protection Area" is further identified as being "Core Areas" on Schedule B – Natural Heritage System of OPA 95.

Section 4.2.2 in OPA 95 regarding lands designated "Agricultural Area" states *"that the predominant use of land is for farming and accessory uses, including dwellings accessory to a farm use and additional residential structures for farm help if grouped with existing farm structures."*

The permitted uses within "Environmental Protection Area" are:

- i) Existing legally established uses, including agricultural uses;
  - ii) Forest, wildlife and fisheries management;
  - iii) Archaeological activities;
  - iv) Non-intensive recreation uses such as nature viewing and pedestrian trail activities;
- and,
- v) Watershed management and flood and erosion control projects carried out or supervised by a public authority.

The area subject to the proposed agricultural expansion is within the "Environmental Protection Area" of the existing O.P which provides for the following:

The *Environmental Protection Area* designation means that the permitted uses shall be limited to:

- (i) existing legally established uses, including agricultural uses;
- (ii) forest, wildlife and fisheries management;
- (iii) archaeological activities;
- (iv) non-intensive recreation uses such as nature viewing and pedestrian trail activities; and,
- (v) watershed management and flood and erosion control projects carried out or supervised by a public authority.

The expansion is for cultivation purposes only and no buildings are being proposed. Under the existing approved policies of the OP, an approved OPA would be required to facilitate expansion of the farm operation as proposed.

#### East Gwillimbury Official Plan – Draft

The Town is currently in the process of its Official Plan Review. A draft Official Plan has been prepared and a number of Public Open Houses and Public Meetings have taken place. Consistent with the Provincial Greenbelt Plan, Provincial Policy statement and the Region of York Official Plan, the subject property is designated “Specialty Crop Area (Holland Marsh) with a NHS level A feature (wetland) on-site.

It is expected that the draft Consolidated Official Plan will be finalized over the next two months with a Statutory Public Meeting of Council and consideration of adoption of the draft Consolidated Official Plan by Council to occur in June, 2010. The Draft policy approach being proposed by staff will generally follow the adopted policy of the Regional Plan with the overall objective of encouraging the careful balancing between environmental protection (wetland) and supporting agricultural uses and food productions for Holland Marsh agricultural operation to expand where appropriate without the need for amendment.

#### Zoning By-law

The subject property is currently zoned “Open Space (O1)” with an easterly portion of the site zoned “Rural (RU)”, by the Town’s Zoning By-Law 97-50, as amended.

Both zones permit agricultural uses and therefore an amendment would not be required for the expansion of the Smith Farms operations.

## **DISCUSSION**

A deputation on behalf of W. J. Smith Gardens Limited was made to Committee of the Whole on April 19<sup>th</sup>, 2010 which provided a brief overview of the issues being experienced by Smith Farms with respect to their intent to expand and re-instate farming operations on the subject property; and, the conflict between Provincial Policy, the intent to support agriculture, and Greenbelt Plan policies and MNR policies regarding Provincially Significant Wetlands.

Through its Provincial Policy Statement and Greenbelt Plan, the Province has recognized the importance of the agricultural industry and its sustainability. It has established very specific policies for the protection of agricultural lands and, more importantly, specialty crop areas. In addition, the Province has also established similar policies to recognize the importance of natural heritage resources and to ensure their protection. The PPS includes agricultural lands within the natural heritage resource category; and, states that *“management of these resources over the long term is a key provincial interest”*.

The Greenbelt Plan states that the Natural Heritage System is not a designation in and of itself but *“rather, it functions as an overlay on top of the prime agricultural and/or rural area designations contained within municipal official plans.”*

There is no indication in either of the Provincial policy documents that one of these two resources supersedes the other. Rather, it appears more appropriate to review both and consider opportunities for reasonable compromise.

The Savanta EIS has provided an analysis of existing features in and around the subject site and has identified areas that are particularly significant from an environmental perspective. Conversely, the EIS has identified areas that exhibit potential for farm expansion. The EIS further details how suitable farm expansion would be subject to certain measures designed to enhance the habitat for certain species. The Study identifies opportunities for restoration and enhancement that can improve the wetland function itself thereby creating a net benefit to the overall area.

Collaboration between Smith Farms, the Town, Region, LSRCA and provincial governments will be critical to not only addressing the issues being faced by Smith Farms but also to seize an opportunity to enhance a significant environmental feature now and into the future.

As the Town is in the process of finalizing its Draft Comprehensive Official Plan, policies could be proposed to reflect the Town’s intentions; and, the request made to the Province through the Region of York in this regard.

### **NEED FOR PUBLIC CONSULTATION**

There is no need for public consultation as a result of the recommendations of this report.

### **FINANCIAL IMPLICATIONS**

There are no anticipated budgetary implications which would result from this report.

### **ALIGNMENT WITH THE STRATEGIC PLAN**

Council endorsed a Strategic Plan for the Town of East Gwillimbury in November 2005. This Strategic Plan represents Council's vision for the future direction of the Corporation and establishes the framework for all projects and plans to be undertaken by the Town.

### **ATTACHMENTS**

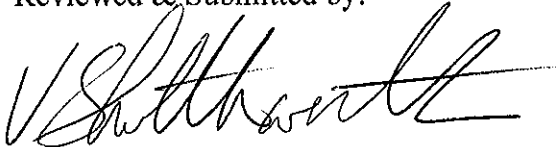
Appendix 1 – Locate Map

This report has been reviewed by the Senior Management Team.

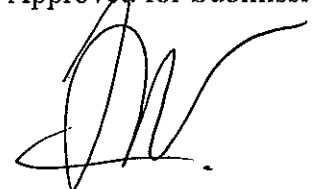
Prepared & Recommended by:

  
 Dan Stone, MCIP, R.P.P.  
Manager, Policy Planning

Reviewed & Submitted by:

  
Valerie Shuttleworth, MCIP, RPP  
General Manager, Planning & Building  
Services

Approved for Submission:

  
Thomas R. Webster,  
Chief Administrative Officer