



MEMORANDUM

TO: Planning and Economic Development Committee

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

DATE: March 6, 2013

RE: **Status Update - Appeals of the York Region Official Plan 2010 and ROPAs 1, 2 and 3**

This memorandum provides an update regarding the ongoing Ontario Municipal Board (OMB) hearing process dealing with the York Region Official Plan (2010) and Regional Official Plan Amendments 1, 2 and 3, the urban area expansion amendments in East Gwillimbury, Vaughan and Markham respectively.

Majority of the Official Plan 2010 now approved and in-force

On January 17, 2013 the Ontario Municipal Board issued an Order bringing into force additional large portions of the new Official Plan. The issuance of the January 17th Order, in combination with Orders issued previously means the vast majority of the Official Plan is now in-force Region-wide. Of the 60 appeals originally filed with the OMB, including the appeals of ROPAs 1, 2 and 3, eight remain (not including the remaining nine site specific appeals).

York Region has requested OMB issuance of the final Order bringing into force ROPA 1 (East Gwillimbury Urban Area Expansion)

On December 13, 2012 the OMB issued a 'conditional' decision approving ROPA 1, as modified through minutes of settlement with the appellants. The first of two conditions was the conveyance, free of cost, of road widenings (and related easements) along 2nd Concession, from Rice Commercial Group of Companies and Pick et al. This condition has now been met.

The second condition required that the 'urban-related' policies of the ROP 2010 be approved and in-force. The purpose of this condition was to ensure that all the land use policies in the new Official Plan, which will guide development within the new ROPA 1 expansion area, are fully in-force prior to ROPA 1 being finally approved. While the majority of the Official Plan is now in-force, a limited number of urban-related policies remain under appeal and/or are approved, but not yet in force. The majority of these policies have been maintained under appeal by the appellants of ROPA 3 (Markham Urban Area Expansion).

To avoid the ROPA 3 hearing holding up finalization of ROPA 1, the appellants and parties to ROPA 1 signed an agreement with York Region committing their prospective developments to conform with all policies of the new Official Plan, as modified, including those remaining under appeal or not yet in-force. On this basis York Region advised the OMB that the second condition is met and requested that the OMB issue the final Order bringing ROPA 1 into force. We anticipate the issuance of that Order shortly.

The ROPA 2 (Vaughan Urban Area Expansion) parties have made the same commitment with respect to abiding by the policies remaining under appeal or not yet in-force.

Unresolved appeals will be subject to a Phased Hearing

The approach to deal with the unresolved appeals is through a phased hearing as follows:

- Phase 1: Determination of Growth Management and Land Needs – this Phase is only relevant to the City of Markham given the resolution of ROPAs 1 & 2
- Phase 2: This Phase is no longer required. ROPA 1 is settled
- Phase 3: Determination of appropriate location of urban expansion in Markham
- Phase 4: Resolution of remaining Official Plan policies under Region-wide appeal – this includes a limited number of urban area related policies as well as the majority of Chapter 6, Agricultural and Rural Areas
- Phase 5: Remaining site-specific appeals (at this time 9 site specific appeals remain)

Phase 1 of the OMB Hearing well underway

Phase 1 of the OMB Hearing commenced on January 16, 2013 and ended on February 7, without the Region's case being completed. The OMB has scheduled additional time in May (May 13 – 24, 2013 and May 30 & 31, 2013) to complete Phase 1.

The Phase 1 Hearing involves two appellants: Trinison (formally known as Colebay Investments Inc., Highcove Investments Inc., Firwood Holdings Inc., Major McCowan Developments Limited, and Summerlane Realty Corp) and Minotar (formally known as Minotar Holdings Inc., Cor-lots Developments, Cherokee Holdings, and Halvan 5.5 Investments Limited). It should be noted that on January 8, 2013, prior to commencement of the Phase 1 hearing, a further OMB mediation session was held with owners and legal counsel for Trinison and Minotar, in an effort to resolve the hearing. No resolution was reached at that time and the hearing proceeded on January 16, 2013.

Both appellants are arguing that the Region did not designate sufficient new urban area expansion lands. The urban expansion in the City of Markham as adopted by Regional Council through ROPA 3 and the ROP 2010 provides for 1010 hectares of developable lands as required by the land budget. Trinison is arguing that 1222 hectares of land is required plus an additional contingency factor relating to Threatened and Endangered Species and local Natural Heritage linkage enhancement areas. Minotar is also arguing for an additional contingency related to a potential increase in the size of stormwater management ponds and in recognition of the increased width of Regional roads. Appended as *Attachment 1* is a map showing the location of the lands owned by the appellants participating in Phase 1 of the OMB hearing.

To date, 13 of 14 Regional witnesses and the City of Markham's retained planning consultant have taken the stand.

When the Hearing resumes on May 13, the Panel will hear from York Region's final planning witness, followed by the North Markham Landowner Group (NMLG) witness (if necessary), a Ministry of Municipal Affairs and Housing (MMAH) planner, and then Trinison (3 expert witnesses) and Minotar (1 expert witness).

York Region, with the support of the City of Markham and MMAH, who are aligned in defense of ROPA 3 as adopted by Regional Council, are endeavoring to clearly describe to the OMB panel the comprehensive and consultative nature of the public planning process that produced the Regional land budget and ROPA 3/Markham Urban Expansion Area.

The NMLG, while no longer objecting to ROPA 3, is participating in Phase 1 of the hearing in order to protect their interests as set out in their settlement agreement with the Region.

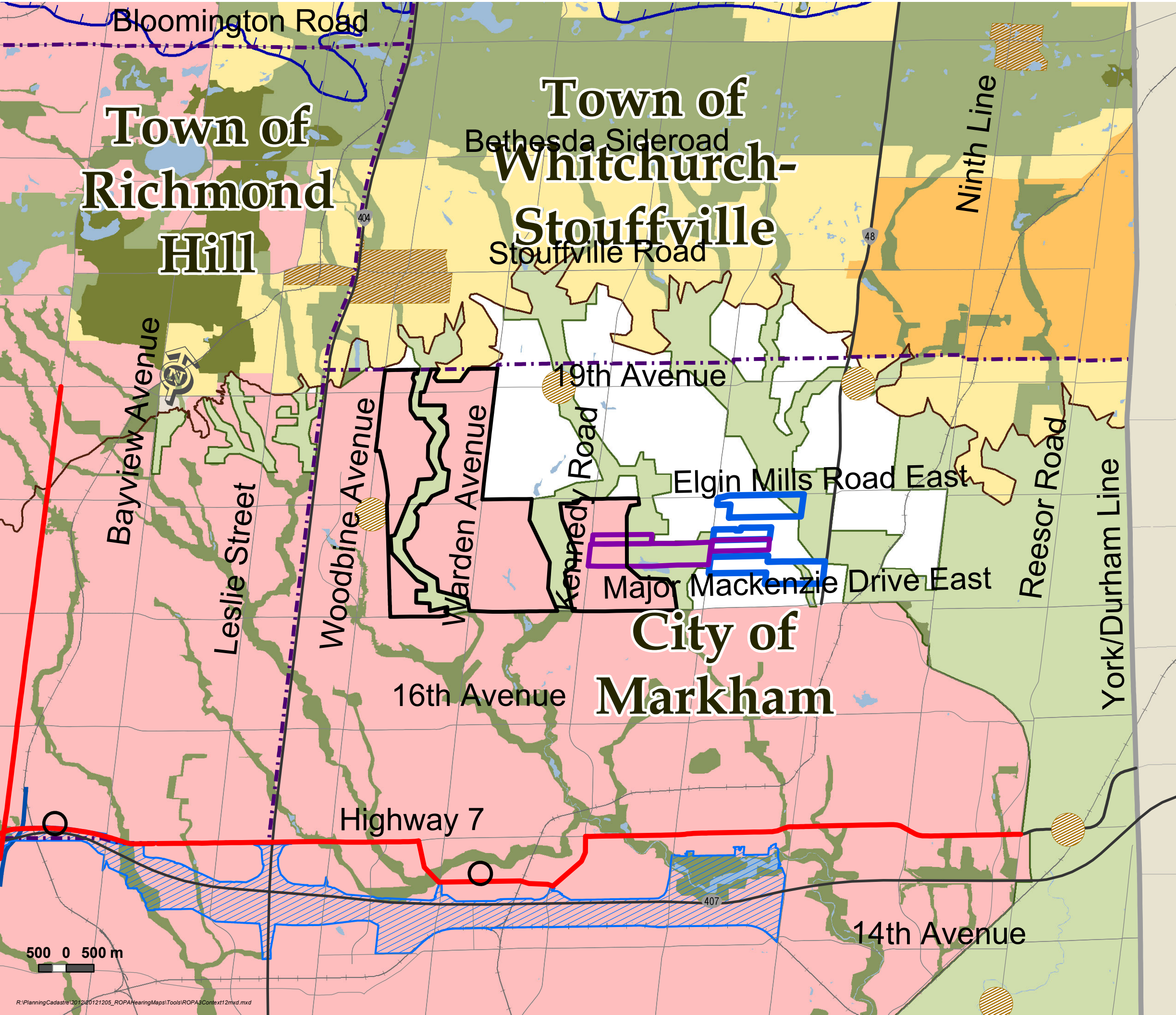
Next Steps

Given the extended time period until the Phase1 Hearing resumes on May 13, 2013 staff intends to explore opportunities for settling, where possible, those outstanding matters subject to Phases 4 and 5 of the Hearing.

It is anticipated that a further status update will be provided to Committee and Council following conclusion of the Phase 1 hearing.

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

Attachment 1: Location of Phase 1 Appellants' lands



ROP A 3

Appellant Context

-  Trinison
-  Minotar Holdings et al

EXCERPT FROM MAP 1

REGIONAL STRUCTURE

-  Regional Centre
-  Regional Corridor
-  Subway Extension
-  Urban Area
-  Towns and Villages
-  Regional Greenlands System (Schematic, See Map 2 for details)
-  Oak Ridges Moraine Conservation Plan
-  Oak Ridges Moraine Boundary
-  Natural Core Area Designation
-  Natural Linkage Area Designation
-  Countryside Area Designation / Hamlet
-  Greenbelt Plan
-  Greenbelt Plan Area Boundary
-  Greenbelt Protected Countryside / Hamlet
-  Holland Marsh Specialty Crop Area
-  Area Subject to the Lake Simcoe Protection Plan
-  Parkway Belt West Plan
-  Ministers Decision on ORMCP Designation Deferred
-  Provincial Highways
-  Existing
-  Controlled Access Highway
-  Under Construction
-  Planned Corridors - Transportation
-  Proposed - EA Approved
-  Conceptual - Alignment Not Defined
-  Municipal Boundary
-  Regional Boundary

Note: For detailed land use designations outside of the Urban Area, Towns & Villages and Natural Core and Natural Linkage Areas of the Oak Ridges Moraine Conservation Plan see Map 8 - Agricultural and Rural Area and policy 5.1.12



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