

Submission Number	Date Submission Received	Municipality	Submission Author	Link to Submissions with Regional Responses?
Submissions from Landowners and Developers received since November 24, 2009				
D05.2009.1.118	2009-11-25	M	Aird & Berlis LLP (on behalf of Loblaw Properties Ltd)	
D05.2009.1.119	2009-11-25	M	Robert E. Jarvis Q.C. Barrister and Solicitor (on behalf of Cornerstone Christian Church)	
D05.2009.1.120 D05.2009.1.134	2009-11-30 2009-12-03	V	Humphries Planning Group Inc (on behalf of 1539253 Ontario Ltd)	
D05.2009.1.121	2009-12-01	A	McCarthy Tétrault LLP (on behalf of Deltera Inc and Postwood Developments Ltd; Tridel Group of Companies)	D05.2009.1.077
D05.2009.1.122	2009-12-01	YR	McCarthy Tétrault LLP (on behalf of Sanmike Construction Ltd)	D05.2009.1.075
D05.2009.1.123 D05.2009.1.152	2009-12-01 2010-01-04	V	Milani, Cam (on behalf of Rizmi Holdings Ltd)	D05.2009.1.007 D05.2009.1.031 D05.2009.1.032 D05.2009.1.033 D05.2009.1.038 D05.2009.1.094
D05.2009.1.124 D05.2009.1.165 D05.2009.1.171	2009-12-01 2010-02-08 2010-03-23	RH	Aird & Berlis LLP (on behalf of North Leslie Residential Landowners' Group Inc.)	D05.2009.1.044 D05.2009.1.114
D05.2009.1.125	2009-12-01	RH	Aird & Berlis LLP (on behalf of E. Manson Investments)	D05.2009.1.009 D05.2009.1.019 D05.2009.1.057 D05.2009.1.081

D05.2009.1.126	2009-12-01	M	KLM Planning Partners Inc (on behalf of Lasseater Development Inc)	
D05.2009.1.127 D05.2009.1.164	2009-12-01 2010-03-03	V	Humphries Planning Group Inc (on behalf of the Vaughan 400 North Landowners Group)	D05.2009.1.037 D05.2009.1.101
D05.2009.1.128 D05.2009.1.137	2009-12-01 2009-12-14	YR	Rice Commercial Group of Companies	
D05.2009.1.129	2009-12-02	K	Sorensen Gravely Lowes Planning Associates Inc (on behalf of Westlin Farms Inc)	D05.2009.1.030
D05.2009.1.130	2009-12-02	RH	Davies Howe Partners (on behalf of Clearpoint Developments, Upper City Corporation and 775377 Ontario Ltd (Belmont))	D05.2009.1.016 D05.2009.1.020 D05.2009.1.056
D05.2009.1.131	2009-12-02	EG	QX4 Investments Ltd (on behalf of Living Water Faith Fellowship)	D05.2009.1.060
D05.2009.1.132	2009-12-02	M	Richard R. Arblaster Barrister & Solicitor (on behalf of The Mandarin Golf and Country Club Inc and AV Investments II Inc)	D05.2009.1.049 D05.2009.1.076
D05.2009.1.133 D05.2009.1.175	2009-12-02 2010-03-24	M	Aird & Berlis LLP (on behalf of North Markham Landowners' Group)	D05.2009.1.013 D05.2009.1.061 D05.2009.1.062 D05.2009.1.070
D05.2009.1.135	2009-12-03	A	Michael Smith Planning Consultants (on behalf of Karma Tekchen Zabsal Ling)	D05.2009.1.083
D05.2009.1.136	2009-12-09	YR	The TDL Group Corp. (on behalf of Tim Hortons)	
D05.2009.1.138 D05.2009.1.160 D05.2009.1.161 D05.2009.1.166	2009-12-11 2010-02-05 2010-02-11 2010-03-22	A	Davis LLP (on behalf of Aurora 2C Landowners Group) Malone Given Parsons Ltd (on behalf of Aurora 2C Landowners Group)	D05.2009.1.095
D05.2009.1.139	2009-12-14	V	Templeton Planning Ltd (on behalf of Block 40/47 Landowners)	

Do5.2009.1.140 Do5.2009.1.169	2009-12-15 2010-03-22	K	Lacey Real Estate (on behalf of Landowners of the Lands Located in Snowball) Meridian Planning Consultants Inc (on behalf of Landowners of the Lands Located in Snowball)	
Do5.2009.1.141	2009-12-15	EG	IBI Group (on behalf of Dorzil Developments Ltd)	Do5.2009.1.102
Do5.2009.1.142	2009-12-15	M	Malone Given Parsons Ltd (on behalf of Neamsby Investments and Fulton Homes (Rodeo Fine Homes))	
Do5.2009.1.143	2009-12-15	M	Townsend and Associates (on behalf of Aryeh Construction Ltd)	Do5.2009.1.066
Do5.2009.1.144	2009-12-15	M	Bousfields Inc (on behalf of Woodbine International Centre Corporation and Woodbine International Hotel Corporation)	
Do5.2009.1.145	2009-12-15	EG	Weston Consulting Group Inc (on behalf of 1625489 Ontario Inc)	Do5.2009.1.080
Do5.2009.1.146	2009-12-15	RH	Goldberg Group (on behalf of Orlando Corporation)	
Do5.2009.1.147	2009-12-15	V	Velta Mussellam (on behalf of Thornhill Golf & Country Club)	
Do5.2009.1.148	2009-12-15	YR	Davies Howe Partners (on behalf of SmartCentres and Calloway REIT)	
Do5.2009.1.149	2009-12-15	YR	Goodmans LLP (on behalf of Metrus Development Inc)	Do5.2009.1.008 Do5.2009.1.089
Do5.2009.1.150 Do5.2009.1.154 Do5.2009.1.155	2009-12-21 2010-01-05 2010-01-11	WS	Bratty and Partners LLP (on behalf of 11750 Ninth Line Property Inc and 11782 Ninth Line Property Inc) Cornwall Property Consultants (on behalf of 11750 Ninth Line Property Inc and 11782 Ninth Line Property Inc) Evans Planning (on behalf of 11750 Ninth Line Property Inc and 11782 Ninth Line Property Inc)	
Do5.2009.1.151 Do5.2009.1.174	2009-12-24 2010-03-17	EG	Davis Webb Barristers and Solicitors (on behalf of W. J. Smith Gardens Limited) Sciberras Consulting Inc (on behalf of W. J. Smith Gardens Limited)	Do5.2009.1.015 Do5.2009.1.106

Do5.2009.1.153	2010-01-04	EG	Ron Stein (on behalf of 1334618 Ontario Inc)	Do5.2009.1.073
Do5.2009.1.156	2009-01-12	RH	Voice of the Vedas Cultural Sabha Inc.	Do5.2009.1.111
Do5.2009.1.157	2010-01-14	K	Davies Howe Partners (on behalf of Daraban Holdings Ltd)	Do5.2009.1.058
Do5.2009.1.158	2010-01-07		Altus Group (on behalf of Daraban Holdings Ltd)	Do5.2009.1.104
Do5.2009.1.159	2010-02-10	M	Goodmans LLP (on behalf of Minotar Holdings Inc)	Do5.2009.1.040
Do5.2009.1.163	2010-03-01		Goodmans LLP (on behalf of Minotar Holdings Inc, Corlots Development and Cherokee Holdings Inc)	Do5.2009.1.059
Do5.2009.1.177	2010-04-16			
Do5.2009.1.162	2010-02-23	M	PMG Planning Consultants (on behalf of Mahamevna Bhavana Asapuwa Toronto)	
Do5.2009.1.167	2010-03-10	V	Humphries Planning Group Inc (on behalf of Kirwen Developments Inc)	
Do5.2009.1.168	2010-03-22	M	Malone Given Parsons Ltd (on behalf of Times Group Corporation)	Do5.2009.1.091
Do5.2009.1.170	2010-03-23	M	Elizabeth & Frank Markovits, Carol & Lorne Smith, Maria & Mario Frocione, and Sylvia & Jessie Leffering	
Do5.2009.1.172	2010-03-26	EG	Michael S. Manett Planning Services Ltd (on behalf of York Region Equipment Centre)	
Do5.2009.1.173	2010-04-05			
Do5.2009.1.176	2010-04-13	M	Gatzios Planning & Development Consultants Inc (on behalf of Grace Chinese Gospel Church of North York)	
Submissions from Members of the General Public received since November 24, 2009				
Do5.2009.2.017	2009-11-25	M	Youngberg, Bob	
Do5.2009.2.018	2009-11-25	M	Liasi, Eileen	
Do5.2009.2.019	2009-11-30	M	Rapson, Carolyn and Brian	
Do5.2009.2.020	2009-12-04	M	Parish, William	
Do5.2009.2.021	2009-12-05	M	Young, Paul	

D05.2009.2.022	2010-01-11	EG	Wight, Karen	D05.2009.2.013
Submission from Public Agencies and Government received since November 24, 2009				
D05.2009.3.029	2009-11-06	YR	Beausoleil First Nation (acknowledgement letter only no analysis required)	D05.2009.3.006
D05.2009.3.030	2009-12-15	YR	Bell Canada	D05.2009.3.002 D05.2009.3.022
D05.2009.3.031	2009-12-18	RH	Town of Richmond Hill	D05.2009.3.019
D05.2009.3.032	2010-03-12	M	Town of Markham	D05.2009.3.025
D05.2009.3.033	2010-02-26	YR	Region of Peel	D05.2009.3.010
D05.2009.3.035	2010-04-23	YR	Toronto and Region Conservation Authority	D05.2009.3.015
Submissions from Ratepayers and Special Interest Groups received since November 24, 2009				
D05.2009.4.010	2009-11-30	M	Markham Village Conservancy	
D05.2009.4.011	2009-12-01	YR	Richmond Hill Naturalists	
D05.2009.4.012	2009-12-02	M	Rouge Fairways Residents' Association	
D05.2009.4.013	2009-12-02	M	Rouge Duffins Greenspace Coalition	D05.2009.4.009
D05.2009.4.014	2009-12-10	YR	Lakewatch Society and North East Sutton Ratepayers Association	D05.2009.4.001
D05.2009.4.015	2009-12-15	M	Unionville Villagers' Association	

Submission Number
D05.2009.1.118

Date of Submission:
November 25, 2009

Submission Author:
Aird and Berlis on behalf of Loblaw Properties Limited

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
Loblaw Properties Limited ("Loblaws"), owner of the property located at the north east quadrant of Major Mackenzie Drive East and Highway 404, in the Town of Markham (the "Subject Property"), as well as other properties throughout the Region of York. Loblaws was engaged with the Town of Markham ("Markham") in a lengthy planning process which resulted in the approval of site specific official plan, secondary plan and zoning by-law amendments for the Subject Property. As part of a settlement with Markham, Loblaws agreed to enhanced landscaping adjacent to Major Mackenzie Drive East. Our clients' agreement with this requirement was based, in part, upon the then required right-of-way width of 36 metres planned for Major Mackenzie Drive East. In addition, our client agreed to convey, at no cost, a 20 metre right-of-way through the Subject Property in order to extend the north bound off ramp from Highway 404 to connect Major Mackenzie Drive East to Markland Street. This future road will further constrain development of the Subject Property. The current York Region Official Plan identifies a "Regional Planned Basic Street Width" of up to 36 metres for the portion of Major Mackenzie Drive East adjacent to the Subject Property whereas the DYROP designates Major	The new Planned Basic Street Widths of "up to 45 metres" on Major Mackenzie Drive a result of the 2006 Regional Council adopted policy defining the Regional Standard for Six Lane Roads. Otherwise referred to as "Towards Great Region Streets – A Pathway to Improvement", the Regional Standard identifies a recommended cross-section which includes a 4 to 6m wide median, a dedicated bicycle lane, a curb lane as an HOV (High Occupancy Vehicle) lane, and two all purpose lanes. To provide an urban design that supports these design elements and to protect for the long term requirements of existing and future utility corridors the design guidelines for 6-lane Regional roads recommended a 43m right-of-way. . The increased rights-of-way were also examined comprehensively through the Region's Transportation Master Plan update. Public consultation on this initiative was coordinated with the Official Plan public engagement over

Mackenzie Drive East as a “Regional Rapid Transit Corridor” with a right-of-width of up to 45 metres.

Detailed policies also allow taking of additional widths for various related elements such as sight triangles, cuts, fills, streetscaping and extra turn lanes at intersections by conveyance at no expense to the Region.

None of these additional takings are known and are therefore incapable of being assessed. The combined effect of these changes would be to significantly and adversely affect our client’s property, even if one assumes that half of the right-of-way would be taken from each side of the street; an assumption that is unlikely to be achieved.

As such, Loblaws objects to the planned right-of-way width and to the related policies that would prohibit compensation for additional land takings.

A number of policies reference different Guidelines and Plans that development is required to implement. These documents are fluid as they can be updated from time to time without amendment to the Official Plan and, as such, could adversely affect our client’s property in a manner which cannot be challenged as part of the usual planning process.

We are also concerned that a portion of the property appears

the past year, leading to the adoption of the Transportation Master Plan by Regional Council in November 2009.

These increased rights-of-way has been incorporated into the ROP.

Transition policy 8.4.15 (formerly 8.4.14) indicates that applications received after the date of the official Plan approval are subject to the policies of the Plan.

The OMB decision in 2005 predates this change in Regional policy. The site plan for the Loblaws property has not been approved at this time. Therefore the additional road widening will be requested when the site plan is applied for.

No change to the adopted Official Plan is required, however, Regional staff will meet with the representatives of the submitter in the near future to discuss issues relating to street widening.

Woodlands shown on Map 5 indicate existing woodland areas

to be designated as "Significant Woodlands". We disagree with the designation and can see no basis for its inclusion in the DYROP.

and not significance which is determined through applications of the criteria in Policy 2.3.39.

Further policies 2.3.40 and 2.3.41 indicate that if site specific studies indicate that the woodland does not qualify as significant, then no amendment is required to remove the woodland from Map 5.

Notwithstanding this however, the woodland on the Loblaws site is small and fragmented from other natural features. and will be subject to significant stress as development occurs on the surrounding lands and grades are changed significantly to accommodate retail development and infrastructure improvements as described below.

In 2005, the OMB approved an official plan amendment designating the entire site for commercial uses. As part of the minutes of settlement on the OMB hearing, Loblaws agreed to contribute \$250,000 at the time of site plan approval to the Environmental Land Acquisition Reserve Fund of the Town of Markham towards the loss of a portion of the woodlot located on the Loblaws lands. In addition, an off-ramp extension through the subject lands from Highway 404 north to join with Markland Boulevard is planned with the EA approved. Loblaws has agreed to dedicate a 20 metre wide corridor for this purpose.

The policies and designations related to the above-noted concerns, include, but are not necessarily limited to the following:

Map 5 have been modified to remove this woodlot feature.

2.2 Natural Features: Components of the Greenlands System – Subsection 33, 34 and 37;

5.2 Sustainable Cities, Sustainable Communities – Subsection

7.1 Reducing the Demand for Services – Subsection 1, 7, and 9

1. 7.2 Moving People and Goods– Subsection 1, 3, 9, 12, 24, 25, 31, 32, 33, 49, 50, 51 and 52;
2. Definitions of Development and Major Development; and
3. The Significant Woodlands, Cycling Facilities on Regional Roads and Right of Ways, Regional Rapid Transit Corridors and Regional Planned Basic Street Widths “Up to 45 metres” designations on Maps 5, 10, 11 and 12

Request Notice of any decision and will attend Planning Committee on December 2, 2009 Notices have been sent as required.

Received November 25, 2009

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

November 25, 2009

BY EMAIL

Dennis Kelly
Regional Clerk
York Region
17250 Yonge Street
Newmarket ON L3Y 6Z1

Dear Sir:

**Re: Planning and Economic Development Committee
Scheduled for December 2, 2009
Proposed Draft York Region Official Plan ("DYROP")**

We act on behalf of Loblaw Properties Limited ("Loblaws"), owner of the property located at the north east quadrant of Major Mackenzie Drive East and Highway 404, in the Town of Markham (the "Subject Property"), as well as other properties throughout the Region of York.

Our client was engaged with the Town of Markham ("Markham") in a lengthy planning process which resulted in the approval of site specific official plan, secondary plan and zoning by-law amendments for the Subject Property. As part of a settlement with Markham, Loblaws agreed to enhanced landscaping adjacent to Major Mackenzie Drive East. Our clients' agreement with this requirement was based, in part, upon the then required right-of-way width of 36 metres planned for Major Mackenzie Drive East. In addition, our client agreed to convey, at no cost, a 20 metre right-of-way through the Subject Property in order to extend the north bound off ramp from Highway 404 to connect Major Mackenzie Drive East to Markland Street. This future road will further constrain development of the Subject Property.

The current York Region Official Plan identifies a "Regional Planned Basic Street Width" of up to 36 metres for the portion of Major Mackenzie Drive East adjacent to the Subject Property whereas the DYROP designates Major Mackenzie Drive East as a "Regional Rapid Transit Corridor" with a right-of-width of up to 45 metres. Detailed policies also allow taking of additional widths for various related elements such as sight triangles, cuts, fills, streetscaping and extra turn lanes at intersections by conveyance at no expense to the Region. None of these additional takings are known and are therefore incapable of being assessed. The combined effect of these changes would be to significantly and adversely affect our client's property, even if one assumes that half of the right-of-way would be taken from each side of the street; an assumption that is unlikely to be achieved. As such, Loblaws objects to the planned right-of-way width and to the related policies that would prohibit compensation for additional land takings.

A number of policies reference different Guidelines and Plans that development is required to implement. These documents are fluid as they can be updated from time to time without amendment to the Official Plan and, as such, could adversely affect our client's property in a manner which cannot be challenged as part of the usual planning process.

November 25, 2009

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We are also concerned that a portion of the property appears to be designated as "Significant Woodlands". We disagree with the designation and can see no basis for its inclusion in the DYROP.

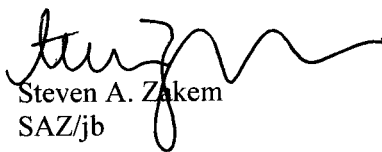
The policies and designations related to the above-noted concerns, include, but are not necessarily limited to the following:

1. 2.2 Natural Features: Components of the Greenlands System – Subsection 33, 34 and 37;
2. 5.2 Sustainable Cities, Sustainable Communities – Subsection 8;
3. 7.1 Reducing the Demand for Services – Subsection 1, 7, and 9;
4. 7.2 Moving People and Goods– Subsection 1, 3, 9, 12, 24, 25, 31, 32, 33, 49, 50, 51 and 52;
5. Definitions of Development and Major Development; and
6. The Significant Woodlands, Cycling Facilities on Regional Roads and Right of Ways, Regional Rapid Transit Corridors and Regional Planned Basic Street Widths "Up to 45 metres" designations on Maps 5, 10, 11 and 12.

Please provide the undersigned with notice of any decision of Regional Council with respect to this matter. We will be in attendance at the December 2, 2009 Planning Committee Meeting, at which time we will speak to our client's issues regarding this matter.

Yours truly,

AIRD & BERLIS LLP



Steven A. Zakem
SAZ/jb

c Mario Fatica
Steve Thompson
Barbara Jeffrey, Manager, Land Use Policy and Environment
Karin Price, Committee Co-ordinator

6021481.1

Submission Number
Do5.2009. 1.119

Date of Submission:
November 29, 2009

Submission Author:
Robert Jarvis, Q.C. on behalf of Cornerstone Christian Church

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Represent Cornerstone Christian Church with respect to a proposed Church and Community Life Centre to be located within the Markham Greensborough Planning District on lands located north of the intersection of Donald Cousins Parkway and 9th line on the east side of Donald Cousins Parkway and west side of the relocated 9th Line north of 16th Ave.

Request confirmation that site is designated Urban Area on Map 1

Lands are designated Urban on all maps showing urban areas or Urban Transit Service Area.

Lands are also partially within the Greenbelt Plan and policy 8.4.18 (formerly 8.4.17) reflects primacy of local plan site specific amendments that came into force prior to the Greenbelt Plan.

Map 11 designates Ninth Line, Major Mackenzie Drive, and the portion of Donald Cousins Parkway abutting our site as Regional Rapid Transit Corridor with a planned basic Road width of 45 metres.

Regional staff met with representatives of Cornerstone Church in February 2010 to discuss this property and a further meeting is planned to discuss the potential for acquisition of surplus regional property in the vicinity.

Question the impact of this widening on the Church property vis a vis access and the ability to build a Church and Community Life Centre as well as the following.

Surveys of the property and additional Regional lands in the area have been sent to the Cornerstone representatives and a meeting has been scheduled with the Region's Realty Services Branch to determine whether there are suitable surplus lands in the area to consider an alternative access.

What would happen to the historic building?

Did the original transportation planners, just a few years ago, get it all wrong when they built the Parkway and moved the Ninth Line?

Widening to permit a 36 metres right of way and construction of Donald Cousins Parkway at that width have already been taken and the historic building was not

Why was the Markham Official Plan Amendment 51 approved by the Region?

affected. further widening to 45 metres would affect the historic structure and would require it's removal. However, the further widening is unlikely unless future Planning Applications are brought forward and Region has plans to further widen the roadway

The new Planned Basic Street Widths are a result of the 2006 Regional Council adopted policy defining the Regional Standard for Six Lane Roads. Otherwise referred to as "Towards Great Region Streets – A Pathway to Improvement", the Regional Standard identifies a recommended cross-section which includes a 4 to 6m wide median, a dedicated bicycle lane, a curb lane as an HOV (High Occupancy Vehicle) lane, and two all purpose lanes. To provide an urban design that supports these design elements and to protect for the long term requirements of existing and future utility corridors the design guidelines recommended increased rights-of way.

The increased rights-of-way were also examined comprehensively through the Region's Transportation Master Plan update. Public consultation on this initiative was coordinated with the Official Plan public engagement over the past year, leading to the adoption of the Transportation Master Plan by Regional Council in November 2009.

These increased rights-of-way have been incorporated into the ROP.

Draft June policy 8.4.10 (Revised December policy 8.4.14, now 8.4.15) indicates that applications received on or after the date of the approval are subject to the policies of the Plan. This would include the Planned Basic Road Widths on Map 12.

Notwithstanding this, Draft June policy 8.4.11 (Revised December policy 8.4.15, now policy 8.4.16) states:

8.4.16 That proponents with pending applications at the time of this Plan's approval be encouraged to work with the Region to re-examine the proposed applications based on the policies in this Plan.

York Region will continue to work with the Town of Markham and the proponent with respect to the road widths on the subject lands. Regional staff will be in touch with Mr. Jarvis in regard to this issue

No further change required.

Must be addressed by Regional staff before this Plan goes to Council for approval. And request opportunity to address issues

Lands are Urban. Policies in section 8.4. Identify applicability of new ROP.

Request Notice of future meetings and Notice of Decision

Will be given when Plan adopted

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ROBERT E. JARVIS Q.C.

Barrister and Solicitor

105 Confederation Way
Thornhill, Ontario
Canada, L3T 5R4
Phone : (905) 763-5998
Fax : (905) 763-1439

November 25, 2009

File 9-009

Mr. Denis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge St.,
Newmarket, Ontario, L3Y 6Z1

**Re: Cornerstone Christian Church
and Community Life Centre:
Proposed York Region Official Plan
June 2009 Draft: Notice of Interest and
Request for Notice of all Further Meetings,
Public Deliberations and Notice of Decision**

Dear Sir;

We have been retained by the Cornerstone Christian Church with respect to a proposed Church and Community Life Centre to be located within the Markham Greensborough Planning District on a somewhat isolated promontory of land bounded by the intersection of Donald Cousins Parkway and relocated 9th Line north of 16th Ave. (see attached location map). The lands in question appear to have been designated (Map 1 enlarged) as Urban Area and Regional Rapid Transit Corridor (Map 11). In addition the site has on it an historical building which our client proposes to retain and incorporate into the proposed Centre.

A review of your proposed new Official Plan (June 2009) causes our client some concerns which we believe can readily be addressed with some minor adjustments to the Draft Plan.

The issues which need to be addressed prior to adoption of the New Plan include:

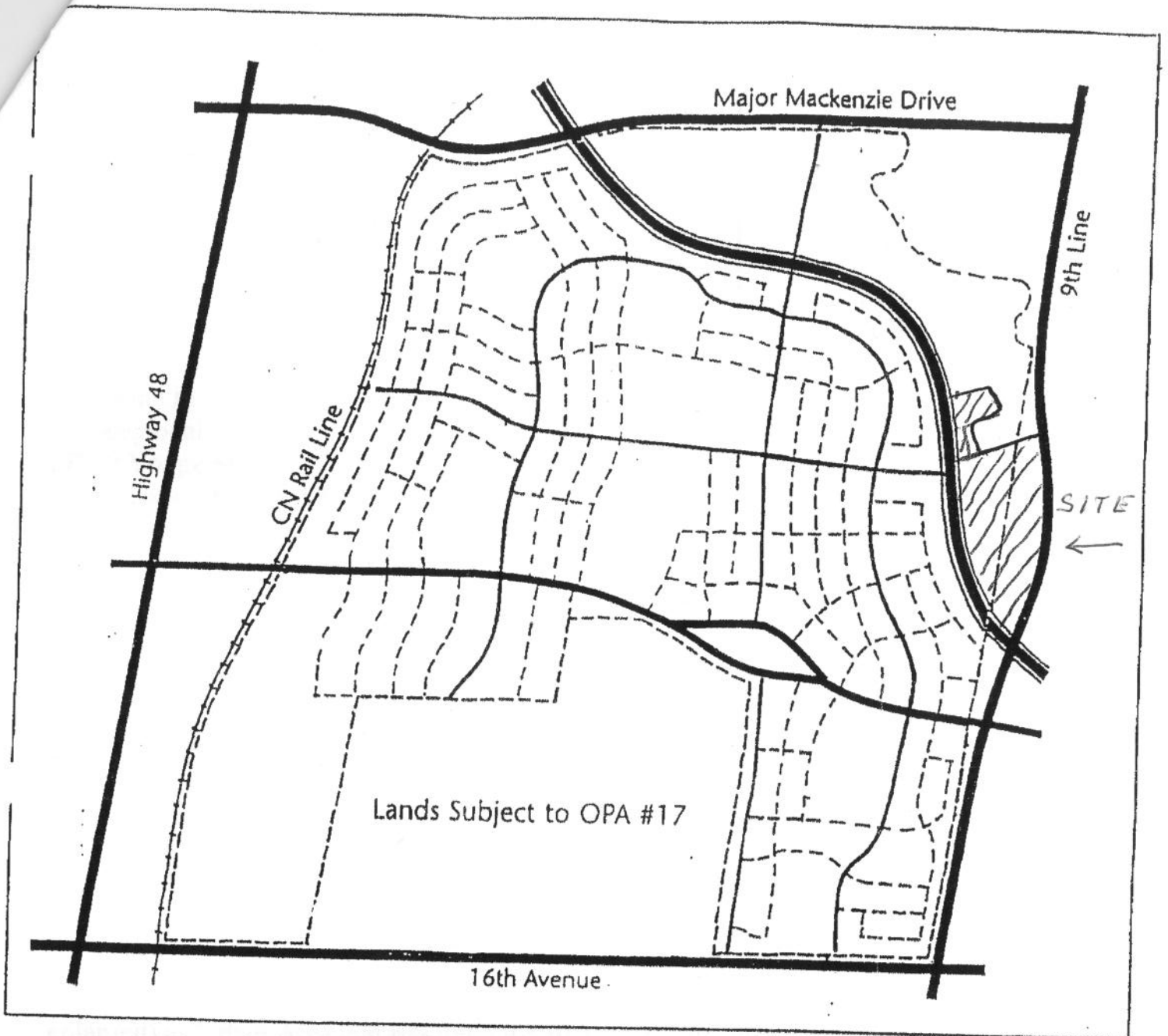
- i) Confirmation that the site is designated “Urban Area”. The maps attached to the Draft Plan are very difficult to read. We had to blow up Map 1 and then use a magnifying glass to determine that the lands were designated “Urban Area”. Given that the new Official Plan is a guide for the public to follow your mapping is inadequate. We still need your confirmation that we have read Map 1 correctly.
- ii) Map 11 designates Ninth Line, Major Mackenzie Drive, and the portion of Donald Cousins Parkway abutting our site as Regional Rapid Transit Corridor. The policies where lands are adjacent to such corridors seem clear, namely, that such lands are to be developed at medium to high density urban standards
- iii) The new Plan should also make it clear that a Church and Community Life Centre is permitted on this site.
- iv) The Draft Plan proposes that Donald Cousins Parkway be widened to 45 metres; is this widening really needed? Has anyone considered the impact such a widening would have on the Church site in terms of access and the ability to build a Church and Community Life Centre? What would happen to the historic building? Did the original transportation planners, just a few years ago, get it all wrong when they built the Parkway and moved the Ninth Line? Why was the Markham Official Plan Amendment 51 approved by the Region? This is another area that needs to be addressed by Regional staff before this Plan goes to Council for approval.
- v) And all other issues which should be addressed prior to adoption of the new Official Plan.

We look forward to being given an opportunity to address the above issues prior to the Draft Official Plan being forwarded to Council. We are also requesting that we be given Notice of all future meetings regarding this matter and Notice of Decision when this matter is dealt with by Council.

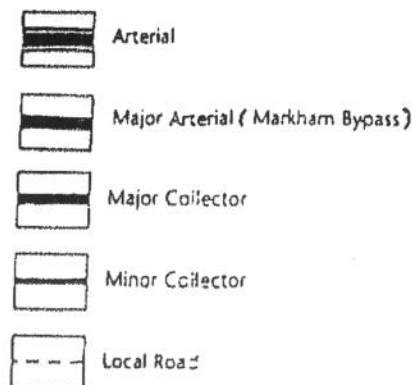
Yours very truly,

Robert E. Jarvis Q.C.

- cc. Mr. Bryan Tuckey, Commissioner of Planning and Development Services
- cc. Ms. Barb Jeffrey, Manager of Land Use Policy & Environment
- cc. Mr. Ben Quan, Planning Consultant
- cc. Charles Sutherland, Cornerstone Christian Community Church



**Schedule 'BB' - Transportation Plan
Secondary Plan for the
Cornerstone Planning District**



Submission Number
D05.2009.1.120
D05.2009.1.134

Date of Submission:
November 30, 2009

Submission Author:
Humphries Planning on behalf of 1539253 Ontario Limited

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Humphries Planning represents 1539253 Ontario Limited who wish to develop a multi-use recreational facility on approximately 200 acres of land on the east side of Kipling Avenue north of Teston Road.

The lands are designated Rural in the existing Region of York Official Plan and are proposed to be designated Agricultural in the new Official; Plan.

The applicant objects to this designation.

Since applications were filed in advance of the new official plan being approved. Humphries Planning is seeking confirmation that the applications are transitioned pursuant to Policy 8.4.14 of the new Regional official Plan

Policy 8.4.15 (formerly 8.4.14) of the Adopted Regional Plan indicates that applications received on or after the date of approval of this Plan (i.e. the York Region Official Plan – December 2009) are subject to the Plan.

Further, Policy 8.4.16 (formerly policy 8.4.15) indicates that applications with pending approvals at the time the York Region Official Plan is approved will be encourages to re-examine the proposed applications based on policies of the Plan.

This application was received by the City of Vaughan in September 2009 and the Transition policy (8.4.15, formerly 8.4.14) would apply and the proposal would be considered in accordance with the existing Regional Official Plan policies in Section 5.9 of the Regional official Plan and the Greenbelt Plan.

The existing Region of York Official Plan designation for thee lands is Rural Area. Policy 5.9.3 of the existing ROP indicates that recreation uses are permitted subject to the criteria in policy 5.9.2, which include, but are not limited to need and demand for the use in the location, appropriateness of the use and impact of the use on the agricultural land base and farming activities among others.

The Greenbelt Plan policies also apply to these lands and will be required to be met, since the application is not transitioned under the Provincial Plan.

City of Vaughan staff is currently assessing the application to determine conformity with the Greenbelt Plan policies and objectives.

No modifications to the Adopted Regional Plan are required.

HUMPHRIES PLANNING GROUP INC.

Regional Clerk
Region of York, Corporate Services Department
17250 Yonge Street, 4th Floor
York Region Administrative Building
Newmarket, Ontario L3Y 6Z1

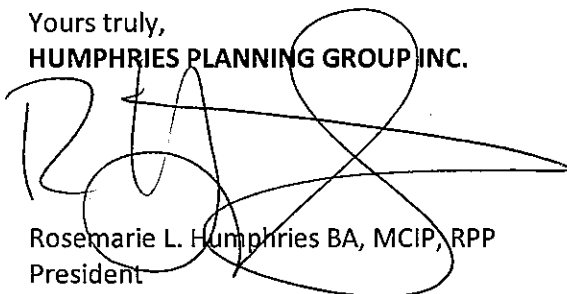
Attn: Mr. Denis Kelly

**Re: December 2, 2009 – Planning & Economic Development Committee Meeting
Report D1.- York Region Official Plan**

Humphries Planning Group Inc. represents 1539253 Ontario Limited, owners of land located in Part of Lots 27 and 28, Concession 7 at 10951 Kipling Avenue in the City of Vaughan.

Both the Region of York and City of Vaughan existing Official Plans designate the subject land as Rural and applications have been filed with the City of Vaughan for recreational uses which are permitted within the Rural Designation. We are formally advising the Region that a change in land use designation as contemplated in the proposed Regional Official Plan from Rural to Agricultural is not supported. In review of the Regions most recent draft Official Plan document, Section 8.4.14 states that applications received on/or after the date of the Plan's approval are subject to the policies of the plan. We therefore confirm with you at this time, that the existing applications are not subject to the Regions proposed draft Official Plan schedules or its policies.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



Rosemarie L. Humphries BA, MCIP, RPP
President

cc. 1539253 Ontario Limited

HUMPHRIES PLANNING GROUP INC.

December 3, 2009
HPGI File: 09211

City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attn: Mayor and Regional Members of Council

Re: 1539253 Ontario Limited
OPA 09.003 and Z.09.026
10951 Kipling Avenue, City of Vaughan

As you are aware, applications have been submitted by 1539253 Ontario Limited which propose a multi-use recreational facility on approximately 200 acres of land. The land is currently designated as Rural in both the Region of York and City of Vaughan Official Plans. Recreational uses are currently permitted subject to a local Official Plan and zoning by-law amendment. Applications have been circulated and a public hearing has been held. The applicant looks forward to working with the Area Ratepayers Association and City of Vaughan in refining the development concept to address requests made by the community.

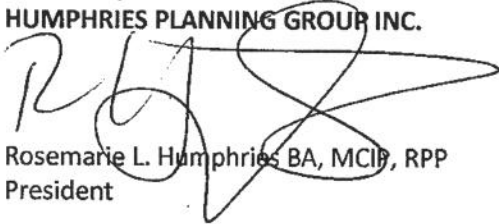
We have corresponded with staff at the Region of York on two occasions. We have requested confirmation that as the applications were filed prior to the proposed new Regional Official Plan coming into effect, that the existing Official Plan policies would continue to apply for this application process. Such an approach is in accordance with the proposed Transitional policies of the New Regional Official Plan as contained within Section 8.4.14 which states "*that applications received on/or after the date of this Plan's approval be subject to the policies of this Plan.*" We await confirmation of such and request your assistance in obtaining a response in this regard.

The proposed New Regional Official Plan is scheduled to be considered for adoption within the next several weeks by Regional Council. If approved in its current form, the new plan would redesignate the subject land from Rural to Agricultural. As a result, the proposed development would require an amendment to the New Official Plan. The applicant does not support a change in land use designation and has advised the Region to such effect. We take this opportunity to express our appreciation for your

consideration of the proposed Multi- Use Recreational application as related to the Regions New Official Plan.

Yours truly,

HUMPHRIES PLANNING GROUP INC.

A large, stylized handwritten signature in black ink, appearing to be 'RH' followed by a large loop and a horizontal stroke.

Rosemarie L. Humphries BA, MCIP, RPP
President

Encl.

cc. 1539253 Ontario Limited, Mr. Goffredo Vitullo
Mr. Bryan Tuckey, Region of York Commissioner of Planning & Development
Services
Mr. Augustine Ko, Region of York Planning & Development Department
Mr. John Zipay, City of Vaughan Commissioner of Planning

HUMPHRIES PLANNING GROUP INC.

Regional Clerk
Region of York, Corporate Services Department
17250 Yonge Street, 4th Floor
York Region Administrative Building
Newmarket, Ontario L3Y 6Z1

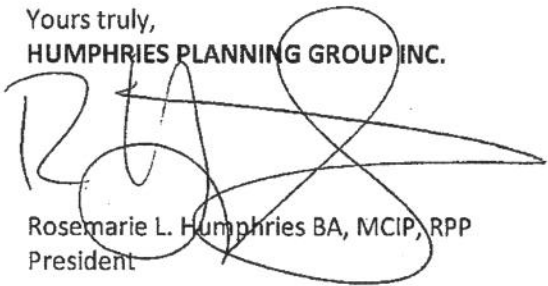
Attn: Mr. Denis Kelly

Re: December 2, 2009 – Planning & Economic Development Committee Meeting
Report D1.- York Region Official Plan

Humphries Planning Group Inc. represents 1539253 Ontario Limited, owners of land located in Part of Lots 27 and 28, Concession 7 at 10951 Kipling Avenue in the City of Vaughan.

Both the Region of York and City of Vaughan existing Official Plans designate the subject land as Rural and applications have been filed with the City of Vaughan for recreational uses which are permitted within the Rural Designation. We are formally advising the Region that a change in land use designation as contemplated in the proposed Regional Official Plan from Rural to Agricultural is not supported. In review of the Regions most recent draft Official Plan document, Section 8.4.14 states that applications received on/or after the date of the Plan's approval are subject to the policies of the plan. We therefore confirm with you at this time, that the existing applications are not subject to the Regions proposed draft Official Plan schedules or its policies.

Yours truly,
HUMPHRIES PLANNING GROUP INC.



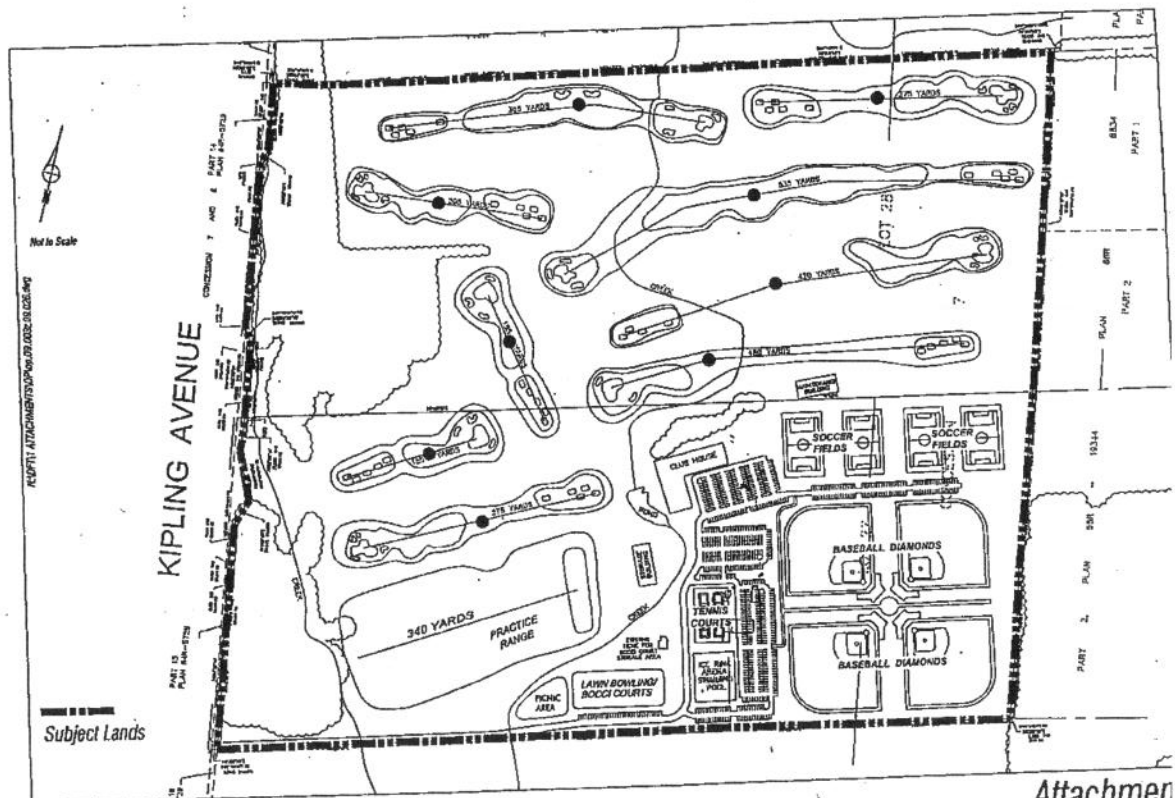
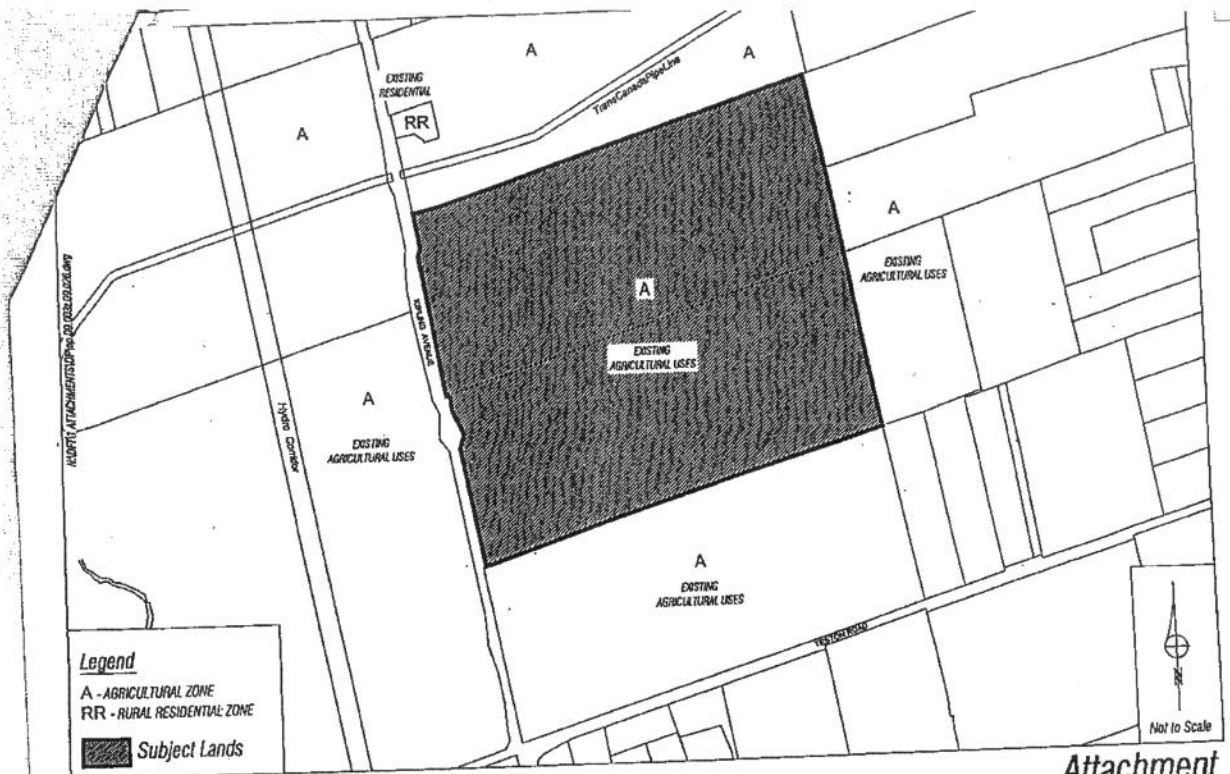
Rosemarie L. Humphries BA, MCIP, RPP
President

cc. 1539253 Ontario Limited

216 Chrislea Road
Suite 103
Vaughan, ON
L4L 8S5

T: 905-264-7678
F: 905-264-8073

www.humphriesplanning.com



Submission Number
D05.2009.1.121

Date of Submission:
December 1, 2009

Submission Author:
McCarthy Tétrault LLP
(on behalf of Deltera Inc and Postwood Developments Ltd)

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Property located at 145 Wellington Street West; Aurora.

On the basis of the limited review possible with the time available, it appears to our clients that some attempt has been made to acknowledge some of its concerns. That said, these attempts have focussed on the implementation aspects of the policies and it does not appear that the underlying principles have been adequately addressed.

These principles range from the fundamental, such as conformity with the Growth Plan for the Greater Golden Horseshoe and the cost associated with affordable housing, to specific concerns about the approach still being taken on some implementation details, for example, the apparent intent to elevate the status of guidelines or other instruments in the process.

Our clients' would welcome the opportunity to participate in a more focussed consultation process to seek a mutually satisfactory resolution. At this juncture its previous concerns generally remain.

Previous analysis and recommendations regarding submission 1.077 remain.

Regional staff have met with Mr. Dawson to clarify issues and will schedule another meeting to determine if issues remain .

McCarthy Tétrault

McCarthy Tétrault LLP
Box 48, Suite 5300
Toronto Dominion Bank Tower
Toronto, ON M5K 1E6
Canada
Telephone: 416 362-1812
Facsimile: 416 868-0673
mccarthy.ca

John A. R. Dawson
Direct Line: 416 601-8300
Direct Fax: 416 868-0673
E-Mail: jdawson@mccarthy.ca

December 1, 2009

VIA FACSIMILE, PRIORITY POST & E-MAIL

Chair and Members of Regional Council
The Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1

Attention: Mr. John Waller
Director, Long Range and Strategic Planning

Dear Sirs/Mesdames:

Re: Proposed New Region of York Official Plan (the "Draft")

We are the solicitors for Deltera Inc. and Postwood Developments Limited. We write further to our clients' letter dated October 7, 2009, and the revised Draft OP just released.

On the basis of the limited review possible with the time available, it appears to our clients that some attempt has been made to acknowledge some of its concerns. That said, these attempts have focussed on the implementation aspects of the policies and it does not appear that the underlying principles have been adequately addressed. These principles range from the fundamental, such as conformity with the Growth Plan for the Greater Golden Horseshoe and the cost associated with affordable housing, to specific concerns about the approach still being taken on some implementation details, for example, the apparent intent to elevate the status of guidelines or other instruments in the process.

Our clients' would welcome the opportunity to participate in a more focussed consultation process to seek a mutually satisfactory resolution. At this juncture its previous concerns generally remain.

McCarthy Tétrault

December 1, 2009

- 2 -

Thank you for your kind consideration.

Yours very truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in black ink, appearing to read 'J. Dawson', with a long horizontal flourish extending to the right.

John A. R. Dawson
JARD/skf

c: Denis Kelly

Submission Number
D05.2009.1.122

Date of Submission:
December 1, 2009

Submission Author:
McCarthy Tétrault LLP
(on behalf of Sanmike Construction Ltd)

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Property located on the east side of Bayview Avenue, just south of Elgin Mills Road; Richmond Hill.

Our client's previous comment about the "de-linking" of infrastructure and land use, particularly between transit infrastructure and "Local Corridors" has not been positively addressed. Similarly, our client's previous comments about the inappropriateness of a "one size fits all" approach to urban design and the imposition of higher costs on development remains.

We note that our client's concern about retro-activity appears to have been at least partly addressed. We will seek further clarification from staff in that regard.

It is our respectfully submission that the Growth Plan for the Greater Golden Horseshoe, in the context of the latest amendments to the *Planning Act*, represents a change from previous practice. Its direction to "optimize" the use of land and infrastructure should be implemented with clear language linking transit infrastructure to intensification which now is missing at the "local corridor" level. The deletion of the "local corridor" designation in the Draft OP represents a step backward in terms of the Growth Plan's directions.

Previous analysis and recommendations regarding submission 1.075 remain.

Regional staff to meet with submission representatives to discuss issues.

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Previous analysis and recommendations regarding submission 1.075 remain.

Map 11 'Transit network' identifies Regional Rapid Transit Corridors, and both existing and proposed Regional Transit Priority Networks. Bayview Avenue from Steeles to 19th is included in the Regional Transit Priority Network.

Each local municipality will identify intensification areas and key development areas as part of their local intensification strategy work.

Accordingly, we respectfully suggest that staff be directed to report back to Committee with recommendations on how to implement this important principle prior to adoption of any revised Plan. As it is currently constituted our client's overall objection to the Draft OP remains.

Regional staff to meet with submission representatives to discuss issues.

McCarthy Tétrault

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Telephone: 416 362-1812
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mccarthy.ca

John A. R. Dawson
Direct Line: 416-601-8300
Direct Fax: 416-868-0673
E-Mail: jdawson@mccarthy.ca

December 1, 2009

VIA FACSIMILE, E-MAIL & PRIORITY POST

Chair and Members of Regional Council
Regional Municipality of York
17250 Yonge Street
Newmarket ON L3Y 6Z1

Attention: John B. Waller
Director, Long Range and Strategic Planning

Dear Sirs/Mesdames:

Re: Proposed New Region of York Official Plan ("Draft OP")

We are the solicitors for Sanmike Construction Limited. Further to their letter to you dated October 7, 2009 (the receipt of which you have acknowledged), our client has quickly reviewed the revised draft of the Draft OP in the limited time since it has been made available and would like to take this opportunity to provide additional comments.

Our client's previous comment about the "de-linking" of infrastructure and land use, particularly between transit infrastructure and "Local Corridors" has not been positively addressed. Similarly, our client's previous comments about the inappropriateness of a "one size fits all" approach to urban design and the imposition of higher costs on development remains.

We note that our client's concern about retro-activity appears to have been at least partly addressed. We will seek further clarification from staff in that regard.

It is our respectfully submission that the Growth Plan for the Greater Golden Horseshoe, in the context of the latest amendments to the *Planning Act*, represents a change from previous practice. Its direction to "optimize" the use of land and infrastructure should be implemented with clear language linking transit infrastructure to intensification which now is missing at the "local corridor" level. The deletion of the "local corridor" designation in the Draft OP represents a step backward in terms of the Growth Plan's directions.

December 1, 2009

- 2 -

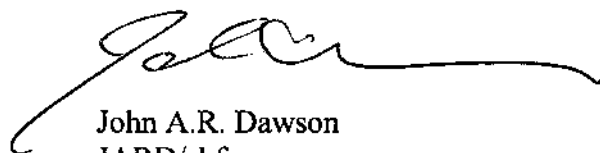
John B. Waller

Accordingly, we respectfully suggest that staff be directed to report back to Committee with recommendations on how to implement this important principle prior to adoption of any revised Plan. As it is currently constituted our client's overall objection to the Draft OP remains.

Yours very truly,

McCarthy Tétrault LLP

Per:

A handwritten signature in black ink, appearing to read 'John A.R. Dawson', with a long horizontal flourish extending to the right.

John A.R. Dawson

JARD/skf

c: Denis Kelly

Submission Number

Do5.2009.1.123

Do5.2009.1.152

Date of Submission:

December 1, 2010

January 4, 2010

Submission Author:

Cam Milani (on behalf of Rizmi Holdings Ltd)

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
<i>Addressed to York Region:</i> We have reviewed the Draft Regional Official Plan. We continue to disagree with the land use designations you are proposing on the attached lands that we own. Our lands are part of an OMB Hearing that has been stayed by the Minister of Municipal Affairs and the Regional Official Plan Review should not prejudice that matter in any way. We respectfully request that our lands as shown on the attached mapping be deferred pending the resolution of the matters that have been stayed and which remain subject to determination by the OMB. This approach would represent an appropriate carry forward of the approach taken by the Minister with respect to our lands under ROPA 41.	All of Mr. Milani's lands are located within the Oak Ridges Moraine Conservation Plan, with a majority of the parcels designated as Natural Core Area and Natural Linkage Area. The parcels are also subject to key natural heritage and hydrologically sensitive features identification, which prohibits development and site alteration in the features and minimum vegetative buffer. The Minister's decision on the Regional Official Plan ORMCP designation is only outstanding for the west half, Lot 30, Concession 2 parcel. The City of Vaughan Council has established a Council Committee to try to resolve the ongoing issues relating to the concrete recycling on the Rizmi Lands in the west half, Lot 30, Concession 2 parcel. Regional staff is represented on this committee, however Regional staff maintain its position that development that is inconsistent with the ORMCP is not permitted on the subject lands.
<i>Addressed to the Province:</i> We have received the notice from the Region that they have adopted their official plan and forwarded it to your office for final approval. We own some 260 acres of land on Dufferin Street at Kirby Sideroad in Vaughan and have been part of	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.

the Regional process thus far. Please notify us at the address in the letterhead above of your decision as we have concerns over the adopted plan and would like to appeal to the OMB.

The Province will provide Mr. Milani with notice of their decision regarding York Region's Official Plan.

From: Cam Milani [mailto:cammilani@bellnet.ca]
Sent: Tuesday, December 01, 2009 1:37 PM
To: Regional Clerk
Subject: Planning and Economic Development Committee Meeting Dec 2, 2009 Item 1 -
Regional OP

Dear Mr. Kelly,

Please include this email for Planning Committee consideration on the above noted item.

We have reviewed the Draft Regional Official Plan. We continue to disagree with the land use designations you are proposing on the attached lands that we own. Our lands are part of an OMB Hearing that has been stayed by the Minister of Municipal Affairs and the Regional Official Plan Review should not prejudice that matter in any way. We respectfully request that our lands as shown on the attached mapping be deferred pending the resolution of the matters that have been stayed and which remain subject to determination by the OMB. This approach would represent an appropriate carry forward of the approach taken by the Minister with respect to our lands under ROPA 41.

Cam Milani
Rizmi Holdings Limited

11333 Dufferin St.
PO Box 663
Maple, ON L6A 1S5
Phone (905) 417-9591
Fax (905) 417-9034



Rizmi Holdings Limited

11333 Dufferin St
PO Box 663
Maple, ON L6A 1S5
(905) 417-9591 Fax (905) 417-9034

January 4, 2009

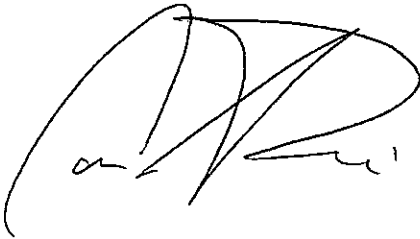
Larry Clay, Regional Director
Central Municipal Services Office
Ministry of Municipal Affairs and Housing
777 Bay St. 2nd Floor
Toronto, ON M5G 2E5

Re: Region of York Official Plan

We have received the notice from the Region that they have adopted their official plan and forwarded it to your office for final approval. We own some 260 acres of land on Dufferin St at Kirby side road in Vaughan and have been part of the Regional process thus far. Please notify us at the address in the letterhead above of your decision as we have concerns over the adopted plan and would like to appeal to the OMB. Thanks.

Yours Truly,

Rizmi Holdings Limited

A handwritten signature in black ink, appearing to be 'Cam Milani', written over a large, stylized, looped signature that is likely the company's signature.

Per. Cam Milani

Cc. Barb Jefferies, Region of York

Submission Number	Date of Submission:	Submission Author:
D05. 2009.1.124	December 1, 2009	Aird and Berlis on behalf of North Leslie Landowners group
D05. 2009.1.165	February 8, 2010	
D05. 2009.1.171	March 23, 2010	

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
<i>Submission 1.124</i> Despite changes prior to Council consideration have the following concerns: Transition Policy for North Leslie Need a clear Transition Policy for the North Leslie Secondary Plan Proposed policies seek to have plans revisited within secondary plans that are not built out – in the North Leslie case the policies have been recently approved by the OMB. • E.g. Proposed ROP requires that development applications within 120 metres of the regional Greenlands System be accompanied by an EIS – approved North Leslie policies do not impose this distance for a supporting EIS and recognize that the policies may be scoped. • Transition policies in the proposed plan do not address this concern. Request modification to insert following clause in section 8.4: 8.4.16 Notwithstanding Sections 8.4.14 and 8.4.15, for the lands included within the area of the North Leslie Secondary Plan in the Town of Richmond Hill, the consideration and approval of applications for subdivision, zoning or other matters pursuant to implementation of that Secondary Plan, whether such	<i>Comments on Submission 1.124</i> Transition policies are appropriate for York Region as a whole.

applications have been submitted or are subsequently submitted, shall be in accordance with the provisions of the North Leslie Secondary Plan.

Environmental and Greenway Policies – North Leslie Secondary Plan established and extensive natural heritage and open space system and subject to an agreement between landowners, the Town, Region and TRCA.

See detailed comments below

Remain concerned that that the new ROP policies not introduce new or additional requirements respecting the agreed upon natural heritage system that were approved at the OMB.
e.g. the North Leslie secondary plan contemplates SWM facilities in certain situations. To the extent that the draft ROP contain policies that might have the potential to relocate such uses or introduces new tests the client objects.

See detailed comments below

Oak Ridges Moraine policies

Some of the lands within the secondary plan have transition status under the ORMCP. Expect that the transitioned status of the development would continue to be recognized
Request specific reference to the transitioned plans be inserted in the Plan to remove any further question.

Transition on the Moraine is covered by legislation. Further, the 2006 OMB hearing identified that the North Leslie Secondary Plan is transitioned in terms of the ORMCP.

Map 12 and related policies

Have previously expressed clients concerns with respect to the increased roads rights of way from 36 metres to 43 metres.

The policy identifies that rights of way “up to 43 metres” are required.

Region and the Town participated in the North Leslie Rehearing where road policies were examined. As recently as August 2009 the region continued to support secondary plan policies which provided road rights of way on Leslie, 19th Avenue Bayview, and Elgin Mills of 36 metres not 43 metres.

Regional staff will meet with representatives of North Leslie in the near future to discuss the increased rights-of way.

Clients strongly object to the basis and imposition of the road rights of way being imposed for North Leslie

Figure 2

Employment target for Richmond Hill has been reduced in table 1. Not aware of any reconsideration of lands proposed to be identified either as employment or strategic employment area to determine whether such designation or identification continues to be warranted in light of the reduction in the overall job number for Richmond Hill.

Have noted previously, concerns with the basis for Figure 2 and the identification of strategic employment lands, particularly beyond 2031, which is the planning period dictated by the Places to Grow Act and the Growth Plan.

Despite policy 1.4, which suggests that Figure 2 is conceptual and non-operative, references to Figure 2 in such policies as 4.3(4), the Figure no longer remains inoperative, but becomes part of the operative part of the plan through policy references.

We do not agree with the wording provided in policy 4.3(21) and have advised your Staff of our concerns regarding this policy. The effect of the policy is to suggest that the strategic employment designation for North Leslie was the subject of an OMB hearing/rehearing. The only matter considered by the OMB was the local official plan designation, which remains outstanding on certain parts of the North Leslie secondary plan area. The merits of the identification of some of the lands as "strategic employment" and the ability of the Region to designate lands for employment purposes beyond 2031, were not before the

Figure 2 is not part of the Plan and will be modified once the North Leslie OMB decision of March 16, 2010 is finalized and further discussions are held with the parties to the hearing.

Regional staff recommends deletion of policy 4.3.21 with renumbering of the subsequent policy.

Board.

The wording of policy 4.3(21) is therefore misleading.

We would request that Figure 2 be deferred as it would relate to the North Leslie secondary plan area, for a proper determination pending release by the OMB of its decision on the local employment designation.

Housing Supply

We note the proposed wording change suggested in policy 5.1(5), following Table 1. Our clients would support the reinsertion of the wording as set out in the previous draft, as the local municipality which is best able to ensure the policy objective of maintenance of an adequate residential housing supply is met.

Policy was modified at the request of local municipalities to read:

"To maintain a housing supply of 3 to 7 years in registered and draft approved plans of subdivisions, condominium plans and/or site plans."

Other Policies

Policy 3.3(13)

We are not aware of any support for Policy 3.3(13) which requires Regional Council to consider the introduction of social housing and hospital development charges, despite the provisions of the Development Charges Act. We would suggest that any policy must also acknowledge the legislation and any restrictions within that legislation within the body of the Plan.

Policy indicates that Council will consider this in the future.

At present the legislation does not recognize such charges and the introduction of such charges would not be undertaken unless the legislation permitted this.

Policy 5.2.(15)

We do not support the requirement that approved secondary plans be re-examined under policy 5.2(15). We would suggest that the policy be reworded to simply encourage landowners to address the 50 residents and jobs per ha requirement.

Regional staff proposes to modify the 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."

Policy 5.2.19

We are particularly concerned that the reference to the Guidelines for Community Development in 5.2(19) includes a reference to the ability of the guidelines to change without amendment to the Plan. Any amendment to a guideline sought to be imposed through policy should be subject to the full public process associated with amendments to an official plan as set out under the Planning Act, to ensure fairness to affected landowners.

Submission 1.165

2.1.1 To protect and enhance the Regional Greenlands System and its functions shown on Map 2 and to direct new development and site alteration away from the System.

Detailed policies of the agreed-upon/approved North Leslie Secondary Plan prohibit or restrict development and site alteration within and in proximity to the identified Natural Heritage System (NHS), but does not direct it away in all circumstances.

2.1.8 That development applications within 120 metres of the Regional Greenlands System shall be accompanied by an environmental impact statement. This statement shall detail the impact of the development on the Regional Greenlands System and shall provide details of enhancement opportunities and any mitigative measures...

North Leslie Secondary Plan has numerous detailed policies for Environmental Impact Statements. These were agreed-upon and form part of the approved Secondary Plan. These may be in conflict with this ROP clause.

Regional staff proposes to modify policy 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."

Comments on Submission 1.165

North Leslie Lands outside of the Greenbelt Plan Area are designated Urban Area in the ROP. The Regional Official Plan recognizes the agreed upon Natural Heritage System for North Leslie within the Regional Greenlands System. This policy appears to be consistent with policy 3.2.2.k of the North Leslie Secondary Plan.

Regional staff has reviewed section 3.2.1 of the North Leslie Secondary Plan and does not believe the Secondary conflicts with the Regional Official plan.

2.1.10 That in *new community areas*, local official plans shall include policies, programs and initiatives to link and enhance the Regional Greenlands System through community design and the development process. Enhancement opportunities shall be focused on the Natural Heritage System within the Protected Countryside of the Greenbelt.

See definition of "new community areas". If North Leslie is intended to be excluded, then more explicit definition needed.

Agreed-upon North Leslie Secondary Plan has policies for enhancement of NHS but may not be entirely consistent with this ROP clause.

2.1.11 That local greenlands systems within new community areas, identified in accordance with policies 2.1.4 and 2.1.10, and shown schematically on Map 2 of this Plan within the Regional Greenlands System, shall be permanently protected from development and site alteration.

See comment under 2.1.10 regarding definition of "new community areas".

This ROP clause appears to be in conflict with the comparable agreed-upon policies of the North Leslie Secondary Plan.

2.1.12 That notwithstanding policy 2.1.11, within the Regional Greenlands System in new community areas, non-motorized trails, community gardens, passive recreational uses, and new infrastructure required to service the community including stormwater management systems/facilities, water and wastewater systems, and streets shall be permitted within the Regional Greenlands System subject to the policies of the Greenbelt Plan, and that no other practical location exists for this infrastructure.

The North Leslie Secondary Plan area is not a new community area

The New Community definition is being modified to read:

NEW COMMUNITY AREAS

Lands added to the Urban Area through a Regional municipal comprehensive review, for community purposes including residential and population-related employment, beyond those designated as Urban Area at the date of approval of this Plan.

As above, North Leslie is not a *new community area*.

As above, North Leslie is not a *new community area*.

See comment under 2.1.10 regarding definition of new community areas.

Additionally, Greenbelt Plan requires only that infrastructure:

- “minimize disruption and impacts and “avoid key natural heritage features or key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative”

(4.2.1.2 a & d)

- SWMPs are at least 30 m from key natural heritage feature or key hydrologic feature (4.2.3.1) -Agreed-upon/approved North Leslie Secondary Plan is entirely consistent with the Greenbelt Plan.

2.1.13 To require a Regional Greenlands System Plan as a component of secondary plans within new community areas that is consistent with policy 5.6.14 of this Plan.

See comment under 2.1.10 regarding definition of new community areas

Not included in agreed-upon/approved North Leslie Secondary Plan.

As above, North Leslie is not a *new community area*.

2.1.22 To ensure that within ... Natural Heritage System of the Protected Countryside within the Greenbelt: a. the full range of existing and new agricultural ... uses and normal farm practices is permitted

Because of the configuration of Greenbelt fingers extending into North Leslie’s residential areas, permitting a full range of existing and new agricultural uses is inappropriate and inoperable.

The Greenbelt fingers in North Leslie are not designated Rural or Agricultural. Comment does not apply.

2.2.28 That every application for development or site

alteration on the Oak Ridges Moraine shall identify planning, design and construction practices that ensure that no buildings or other site alterations impede the movement of plants and animals between key natural heritage features, key hydrologic features and adjacent lands within the Natural Core Area and the Natural Linkage Area as identified on Map 1.

Need to accommodate transition recognition in ROPA

41.

Not included in agreed-upon/approved North Leslie Secondary Plan. This ROP clause does not acknowledge the specific transitioned status of lands within the ORM, and may also exceed any requirement in the ORMCP itself.

2.2.34 To prohibit development or site alteration within wetlands as shown on Map 4, notwithstanding policy 2.2.4 of this Plan, and to require a minimum vegetation protection zone of 30 metres from any part of the feature.

There are detailed policies in the agreed-upon/approved North Leslie Secondary Plan that deal with wetlands, individually as well as collectively, which may not necessarily require 30 m in every case.

2.2.35 To permit development or site alteration in accordance with other policies of this Plan within 120 metres of wetlands, but not within the 30-metre minimum vegetation protection zone, only if it does not result in any of the following:

- a. loss of wetland function, including management of water balance;
- b. demand for future development that will negatively affect existing wetland functions;
- c. conflict with existing site-specific wetland management practices; or,

Oak Ridges Moraine transition rules are governed by legislation. The ROP acknowledges this in a number of policies. OMB decision on North Leslie November 23, 2006 (Order 3289) identifies that North Leslie lands are transitioned.

The ROP reflects the wetlands identified within the North Leslie Secondary Plan Area. The ROP policies are consistent with the Greenbelt Plan and the ORMCP with respect to minimum vegetative protection zones for wetlands. The transitional status of the North Leslie lands have been established in the OMB decision.

This policy appears to be consistent with the provisions of the North Leslie Secondary Plan.

d. loss of contiguous wetland area.

Detailed policies in the agreed-upon/approved North Leslie Secondary Plan address these matters, but differ with this ROP clause.

2.2.38 To increase woodland cover to a minimum of 25% of the Region's total land area.

Not included in agreed-upon/approved North Leslie Secondary Plan. This should not be imposed so as to alter approved NHS.

This has been a ROP objective since 1994. There are no intentions to alter the agreed upon Natural Heritage System to achieve this.

2.2.39 That significant woodlands, include any woodland meeting one of the following criteria ... (a through g)

The woodlands identified in the agreed-upon/approved North Leslie Secondary Plan were the result of detailed field work by experts representing the landowners, TRCA and municipalities. These may not be consistent in every case with the criteria set out in the ROP clause.

This policy is a result of the Region's Significant Woodland Study undertaken in 2005 and adopted by Council in 2007. As the woodlands in the North Leslie Secondary Plan are within the Natural Heritage System this policy does not apply. The ROP reflects the woodlands that have been identified through the North Leslie Secondary Plan.

2.2.42 That outside of the Oak Ridges Moraine, Greenbelt, and the Lake Simcoe watershed, a minimum vegetation protection zone of 10 metres shall be provided from the dripline of a significant woodland

There are detailed policies in the agreed-upon/approved North Leslie Secondary Plan that deal with woodlands and buffers, which may not necessarily require 10 m in every case.

The North Leslie Secondary Plan appears to be generally consistent with this policy.

2.2.43 To prohibit development and site alteration within significant woodlands and their associated vegetation protection zone ... [with possible exceptions set out in 2.2.44]

This ROP prohibition, including the grounds for exception in 2.2.44, appear to be more categorical and

Woodlands on the North Leslie Plan are within the agreed upon Natural Heritage System. The policies in the ROP are consistent with the PPS, Greenbelt Plan, and Oak Ridges Moraine Conservation Plan prohibitions against development and site alteration within significant woodlands. The natural

restrictive than the comparable agreed-upon policies of the North Leslie Secondary Plan.

2.2.45 That should policy 2.2.44 apply, a woodland compensation plan shall be completed to the satisfaction of York Region. Woodland compensation will provide ecological gains to the Regional Greenlands System in new community areas or adjacent areas

No such provisions are included in agreed-upon/approved North Leslie Secondary Plan.

2.3.4 To direct development away from sensitive surface water features and sensitive groundwater features

The agreed-upon/approved North Leslie Secondary Plan has provisions that recognize that areas of high water table exist in North Leslie (Schedules C & D) and policies requiring a phased programme of hydrogeological and geotechnical investigations prior to development. The agreed/approved policies do not “direct development away” from these areas, many of which would be classified as “sensitive groundwater features” as defined in the ROP (see definition).

2.3.37 To require the preparation of comprehensive master environmental servicing plans as a component of secondary plans and major development or re-development to minimize stormwater volume and contaminant loads, and maximize infiltration through an integrated treatment approach, which may include techniques such as rainwater harvesting, runoff reduction of solids and materials at source, phosphorus reduction, constructed wetlands, bioretention swales, green roofs, permeable surfaces, clean water collection systems, and the preservation and enhancement of native vegetation

features within the North Leslie Secondary Plan have been reflected within the ROP.

This policy would not apply to the North Leslie Lands, as this policy is only applicable if 2.2.44 applies. 2.2.44 would not apply as all woodlands in North Leslie are within the Natural Heritage System/Regional Greenlands System.

This policy does not prohibit development and site alteration within these features, and appears to be consistent with the policies of the North Leslie Secondary Plan.

Given that the North Leslie Secondary Plan is approved, this policy would not apply, and the transition policies of the ROP provide guidance. Regional staff, however, encourages the North Leslie landowners to examine the feasibility of incorporating innovative water management techniques within the North Leslie area as part of the MESP work.

cover.

The agreed-upon/approved North Leslie Secondary Plan requires preparation of master environmental servicing plans (MESPs) and identifies certain matters to be implemented in relation to “best management practices”, which may not be entirely consistent with this ROP clause.

3.2.6 That sensitive uses such as schools, daycares and seniors’ facilities not be located near significant known air emissions sources such as controlled access provincial 400-series highways.

The OMB approved a residential designation for Bawden-Woods lands (2006 North Leslie Decision). The agreed-upon policies applicable to residential designations permit schools, daycares and seniors’ facilities through rezoning subject to criteria. The Bawden-Woods lands (or parts thereof) are “near” Highway 404. Additionally, such uses are also sought through the residential designation for the rehearing lands.

3.5.5 To require that all new secondary plans include a strategy to implement the affordable housing policies found in this Plan. The strategy shall include:

- a. specifications on how the affordable housing targets in this Plan will be met;
- b. policies to achieve a mix and range of housing types within each level of affordability;
- c. policies to ensure larger sized, family units within each housing type and level of affordability; and,
- d. consideration of locations for social housing developments.

No such provisions are included in the agreed-

The Bawden-Woods approval indicates that such uses may be permitted through re-zoning subject to criteria. The criteria (in section 5.2.6 of the agreed to North Leslie Secondary Plan) identify noise and vibration. The Region would expect that issues relating to air emissions could also be reviewed and assessed should any re-zoning applications come forward.

The policy indicates new secondary plans. Since the North Leslie Plan has been in process since early 2000 this policy does not apply.

However, the issue of Affordable Housing is not identified in the North Leslie Secondary Plan, but the Region will expect that these considerations are examined when plans of subdivision are brought forward.

upon/approved North Leslie Secondary Plan.

3.5.23 To prohibit the approval of local municipal official plan and zoning bylaw amendments that would have the effect of reducing the density of a site in areas that have been approved for medium- or high-density development, unless the need is determined through a municipal comprehensive review.

The agreed-upon/approved North Leslie Secondary Plan specifies both a minimum and maximum density for each residential designation. In the event of a proposal to reduce density below the specified minimum, the Official Plan amendment that would be required provides ample opportunity to consider the circumstances and sufficiency of any justification for the reduction, without necessitating a wider “municipal comprehensive review”.

4.3.4 To protect strategic employment lands, as identified on Figure 2, including lands beyond the planning horizon of the Plan.

The inclusion of parts of North Leslie on Figure 2, and the status of Figure 2 generally, remains an issue.

The intent of this policy is to ensure that densities are not reduced across the Region. Increases in densities will be considered.

Policy 4.3.4 has been revised and renumbered to 4.3.6

To protect strategic employment lands, including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and should be identified and protected in local municipal official plans.

The introduction indicates that the Figures in the Plan are intended to be illustrative and are provided for information only.

Policies 4.3.6 and 4.3.7 (formerly 4.3.4 and 4.3.5) referencing Figure 2 give notice that the strategic employment lands identified on Figure 2 should be protected as there is a limited supply of employment lands adjacent to 400 series highways.

4.3.10 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.

Some lands in North Leslie have an approved employment designation, the policies for which differ from this ROP clause.

4.3.14 That development on fully serviced employment lands be compact and achieve an average minimum density of 40 jobs per hectare in the developable area. This target is expected to be higher for lands within or adjacent to centres and corridors.

No such density requirement is included in the agreed-upon/approved North Leslie Secondary Plan.

4.3.21 That the Strategic Employment Land symbol associated with the North Leslie Secondary Plan Area, shown on Figure 2 is subject to an Ontario Municipal Board hearing which will determine the detailed land use designations at the local municipal level. When the Ontario Municipal Board decision and order are issued, Figure 2 will be revised accordingly.

Incorrect to say that Strategic Employment Land symbol is subject to OMB hearing. See correspondence filed by landowners settling one issue respecting Figure 2.

5.1.6 To require local municipalities to develop a phasing plan for new community areas that is co-ordinated with the following Regional plans and policies:

a. the new community areas criteria in Section 5.6 of this Plan;

Employment land policies in Section 4.4 of the North Leslie Secondary Plan, (Town and OMB decision 3289 version) are consistent with ROP policy 4.3.10 (renumbered as 4.3.11)

Policy 4.3.12 has been renumbered as Policy 4.3.13. North Leslie Secondary Plan does not conflict with ROP section 4.3

Regional staff recommends deletion of policy 4.3.21 with renumbering of the subsequent policy.

As above, North Leslie is not a *new community area*.

- b. the fiscal policies in Section 4.5 of this Plan;
- c. the York Region 10-Year Capital Plan;
- d. the York Region Water and Wastewater Master Plan; and,
- e. the York Region Transportation Master Plan.

See comment under 2.1.10 regarding definition of new community areas

No phasing plan undertaken by the local municipality to date.

5.1.7 To require that local official plans, master plans, capital plans and secondary plans be consistent with phasing plans prepared in accordance with policy 5.1.6.b through 5.1.6.e.

No policies for phasing plans are included in agreed-upon/approved North Leslie Secondary Plan.

North Leslie is not a *new community area*.

5.1.8 To require, within each local municipality, that a phase of new community area development is substantially complete (i.e., generally 75% of residential land area built) before a subsequent phase may be registered, to ensure the orderly development of land.

No such policies are included in agreed-upon/approved North Leslie Secondary Plan.

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this policy does not apply.

5.1.9 To require local municipalities to prepare detailed sequencing plans within each secondary plan that are supported by water, wastewater, and transportation infrastructure, and the provision of human services.

Not included in agreed-upon/approved North Leslie Secondary Plan.

5.1.15 That approved secondary plans within the designated greenfield area that are not completely built should be re-

This policy is being modified to:

To encourage the re-examination of approved secondary plans within the *designated greenfield area* that are not completely

examined to determine if 50 residents and jobs per hectare in the developable area can be achieved.

Agreed-upon/approved North Leslie Secondary Plan has no such provision to "re-examine" the Plan with respect to density.

5.1.16 To encourage that secondary and subdivision plans within the designated greenfield area that are not approved, be developed in accordance with policies 5.6.4 through 5.6.16.

Although policy is only to "encourage", this is of concern, as none of the subdivision plans in North Leslie are "approved". Additionally, this policy could be interpreted so as to "re-open" the secondary plan. In any event, some of policies 5.6.4 through 5.6.16 are not consistent with agreed-upon/approved North Leslie Secondary Plan, some example of which are noted below.

5.2.19 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. The guideline document shall be amended from time to time without amendment to this Plan.

No such Guidelines for Community Development are available to our awareness, so consistency or inconsistency with agreed-upon/approved North Leslie Secondary Plan cannot be determined. In any event, the mandatory policy direction in this clause referencing a "guideline" ("shall meet") is inappropriate, and would be an attempt to elevate a non-policy document to the status of Official Plan policy.

built to determine if 50 residents and jobs per hectare in the *developable area* can be achieved.

Notwithstanding this, this policy is an "encourage" policy, and not a requirement of the North Leslie Secondary plan.

This policy is an "encourage" policy, and not a requirement of the North Leslie Secondary plan.

The Guidelines for New Community Development do not provide additional requirements beyond those included within the Regional Official Plan. They provide guidance on how to implement the policies of the Plan. The policy is being modified to remove the last sentence.

5.6.1 That local municipalities, in consultation with York Region, prepare a comprehensive secondary plan for new community areas that meets or exceeds the policies of this section of this Plan. The secondary plan preparation should include an innovative approach that involves a multidisciplinary team assembled by the local municipality ...

See comment under 2.1.10 regarding definition of new community areas

Agreed-upon/approved North Leslie Secondary Plan includes an innovative approach, and involves a multidisciplinary team – but not one assembled by the local municipality.

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this policy does not apply.

5.6.3 That new community areas shall be designed to meet or exceed a minimum density of 20 residential units per hectare and a minimum density of 70 residents and jobs per hectare in the developable area.

See comment under 2.1.10 regarding definition of new community areas

Agreed-upon/approved North Leslie Secondary Plan is not consistent with these density provisions.

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this policy does not apply.

5.6.9 To design communities to maximize passive solar gains, and to ensure that all buildings are constructed in a manner that facilitates future solar installations.

No such policies are included in agreed-upon/approved North Leslie Secondary Plan.

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this policy does not apply. However, the North Leslie developers will be encouraged to review their plans to determine whether these elements can be incorporated.

5.6.12 That mobility plans shall be completed ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this policy does not apply.

5.6.14 That a Regional Greenlands System Plan shall be prepared ...

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this policy does not

Not included in agreed-upon/approved North Leslie Secondary Plan.

apply.

5.6.16 That new community areas be designed to reduce urban heat island effects and consider integrating green and white roofs ... etc.

See comment under 2.1.10 regarding definition of new community areas

Not included in agreed-upon/approved North Leslie Secondary Plan.

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this policy does not apply.

6.1.10 That within the Town of Richmond Hill, the Greenbelt Plan policies apply only to those lands within major river valleys and as defined by provincial regulations. Local municipal land use designations and special provisions within these portions of the Greenbelt Plan have been identified through the approval of the North Leslie Secondary Plan by the Ontario Municipal Board in 2006 and 2009/2010.

The purpose of this clause is not clear. The agreed-upon/approved North Leslie Secondary Plan is entirely consistent with the Greenbelt Plan.

This clause was approved in the existing Regional Official Plan and modified to include reference to the application of the Greenbelt Plan policies in the North Leslie Plan area with the agreement of the North Leslie solicitors (existing ROP policy 2.5.1). The portion of the approved policy dealing with North Leslie is now contained in Policy 6.2.10.

Agree that the North Leslie Plan identifies Greenbelt lands appropriately.

6.2.1 (2nd paragraph) Where lands are within the Oak Ridges Moraine Conservation Plan boundary, but below the elevation of 245 metre above sea level Canadian Geodetic Datum, the lands are deemed to be within the Protected Countryside of the Greenbelt Plan and all of the policies of the Greenbelt Plan apply.

Need to address ROPA 41.

This clause appears to misapply the provisions of the ORMCP, the Greenbelt Plan, and the applicable regulations. The effect would be to create a "no-man's land" in the area between ORMCP boundary and the 245 contour, a matter definitively dealt with by the

This clause was approved in the existing Regional Official Plan and modified to include reference to the application of the Greenbelt Plan policies in the North Leslie Plan area with the agreement of this client. The portion of the approved policy dealing with North Leslie is now contained in Policy 6.2.10.

2006 OMB decision in including these lands in the area for development.

7.2.25 To achieve higher transit usage by

j. requiring all new development applications to prepare a mobility plan and demonstrate the proposal's approach to transit.

Not included in agreed-upon/approved North Leslie Secondary Plan.

7.2.31 To require, at no expense to the Region, the dedication of public transit rights-of-way and lands for related facilities for the purpose of implementing the Transit Network shown on Map 11.

No such provisions included in agreed-upon/approved North Leslie Secondary Plan.

7.2.48 That the street widths shown in Map 12 be considered as basic right-of way widths, and additional widths may be required for elements such as sight triangles, cuts, fills, street scaping and extra turn lanes at intersections, and shall be conveyed at no expense to the Region.

Street widths on Map 12 are inconsistent with street widths in agreed-upon/approved North Leslie Secondary Plan.

7.2.49 That, in general, street widenings shall be taken equally from the centre line of the street. Landowners will be required to provide land at no expense to the Region for street widenings ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

The preparation of mobility plans is part of new community areas and would be prepared on a secondary plan basis. North Leslie is not a new community area. The Region will encourage the North Leslie developers to consider these aspects in their planning.

The new Planned Basic Street Widths of "up to 43 metres" on Leslie, Bayview and 19th Avenue are a result of the 2006 Regional Council adopted policy defining the Regional Standard for Six Lane Roads. Otherwise referred to as "Towards Great Region Streets – A Pathway to Improvement", the Regional Standard identifies a recommended cross-section which includes a 4 to 6m wide median, a dedicated bicycle lane, a curb lane as an HOV (High Occupancy Vehicle) lane, and two all purpose lanes. To provide an urban design that supports these design elements and to protect for the long term requirements of existing and future utility corridors the design guidelines for 6-lane Regional roads recommended a 43m right-of-way.

The increased rights-of-way were also examined comprehensively through the Region's Transportation Master Plan update. Public consultation on this initiative was

7.2.57 To require local municipalities to plan and implement, including land takings necessary for, continuous collector streets in both east-west and north-south directions in each concession block, in all new urban developments, including new community areas.

Not consistent with agreed-upon/approved North Leslie Secondary Plan, and unrealistic due to the priority and protection afforded the many stream corridors and other NHS features.

Definitions:

NEW COMMUNITY AREAS

Lands added to the Urban Area for community purposes including residential and population-related employment which are illustrated by the asterisks on Map 1.

Definition of “new community areas” is open to interpretation – not clear whether all Urban Area expansions (or only asterisked locations) are “new community areas”. If only intended to apply to “future” lands added to Urban Area, then that should be stated (or say “comprising” asterisked locations). If North Leslie is excluded, then more explicit definition needed, and several of the noted policy concerns related to “new community areas” might be resolved.

SENSITIVE GROUNDWATER FEATURES

Water-related features in the earth’s subsurface, including

coordinated with the Official Plan public engagement over the past year, leading to the adoption of the Transportation Master Plan by Regional Council in November 2009

Regional staff will contact the North Leslie developers and meet to discuss these issues with them

North Leslie is not a new community

The North Leslie Secondary Plan area is not a new community area, as defined in the ROP, therefore this definition does not apply. See above for the New Community definition.

This definition is from the Provincial Policy Statement.

recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations, that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

This definition is very broad and could be interpreted to include areas of North Leslie high water table conditions may require special attention in undertaking development.

Agreed-upon implementation policies are included in the North Leslie Secondary Plan, but may not be consistent with this definition and ROP policy 2.3.4

Submission 1.171

Submitting further correspondence and submissions (dates October 6, 2009 and February, 2010) from North Leslie Landowners Group/Aird and Berlis to H Hood, Planner MMAH

Comments on Submission 1.171

All correspondence is part of Regional record. Correspondence received prior to November 24, 2009 sent to MMAH with original document December 29, 2009.

Submissions received after November 25, 2009 are being sent to MMAH as part of this submission:

December 1, 2009 letter Aird and Berlis – Submission

Do5.2009.1.124

February 8, 2010 Email and attachments, Aird and Berlis – Submission Do5.2009.1.165

Notice of all meetings and decisions sent to Aird and Berlis solicitors as they are part of the Region's notification list

Received December 1, 2009

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

December 1, 2009

File No. 103864

BY EMAIL: john.waller@york.ca

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

Attention: John Waller, Director of Long Range and Strategic Planning

Dear Mr. Waller:

Re: York Region Official Plan - December 2009

**Report of the Commissioner of Planning and Development Services –
December 2, 2009**

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. Our client group includes not only those landowners whose lands are designated for residential development, but in some instances, the constituent members who own lands that are designated Employment Corridor, or are lands that the Town and the Region are seeking to have designated as such.

Our clients, through their land use planning consultants, Sorensen Gravely Lowes, have corresponded with the Region to express their concerns with the June, 2009 draft Regional Official Plan. In addition to that correspondence, we have also participated in several discussions with Regional Planning Staff, regarding the issues that our clients have identified with the draft Regional Plan, with the hope that such issues may be resolved prior to adoption of the new Official Plan. We are aware that other landowners within the North Leslie secondary plan area have also separately corresponded or discussed with Regional Staff matters that affect, or potentially affect, the development of their lands.

We have received a copy of the revised York Region Official Plan (December, 2009) and are in the process of reviewing the policy and mapping changes proposed through this document. Because our review is not complete, we expect that we will have further comments respecting the policies and mapping prior to adoption.

We note that a number of the maps have been changed, with the effect that they address some of the issues that we have raised through our previous correspondence. We appreciate the effort of your Staff to have addressed these changes prior to Committee and Council considering the draft Official Plan for adoption.

Despite the progress made through discussions, however, there are a number of areas that remain of concern to our client group, or are new matters that arise under the revised Official Plan put before you for consideration.

Need for a Clear Transition Policy for North Leslie: New Urban Design, Community Design, Affordable Housing, Density Targets and Environmental Requirements

The draft Regional Plan proposes new or additional requirements for development within secondary plan areas in the Region. In some instances, the proposed policies seek to have local and regional Council revisit the established policies within secondary plans that have not yet built out. In the circumstances of the North Leslie secondary plan, the policies have only recently been approved by the Ontario Municipal Board. The requirement that the plans be revisited to impose new or additional requirements causes our clients significant concern.

By way of example only, section 2.1.8 of the December Official Plan requires that all development applications within 120 metres of the Regional Greenlands System be accompanied by an EIS in support of such application. The approved policies for the North Leslie secondary plan do not impose an arbitrary 120 metre distance for a supporting EIS and the policies specifically recognize that in some circumstances an EIS may be scoped, to the satisfaction of the TRCA.

The transition policies in section 8.4 (13) - (15) of the proposed Regional Plan do not address this concern, as they do not appropriately recognize the approved status of the secondary plan area or provide that implementing development applications be tested against the existing, approved secondary plan policies for North Leslie.

We would request that Council amend the Plan, prior to adoption, to insert the following clause under section 8.4:

8.4.16 Notwithstanding Sections 8.4.14 and 8.4.15, for the lands included within the area of the North Leslie Secondary Plan in the Town of Richmond Hill, the consideration and approval of applications for subdivision, zoning or other matters pursuant to implementation of that Secondary Plan, whether such applications have been submitted or are subsequently submitted, shall be in accordance with the provisions of the North Leslie Secondary Plan.

Environmental and Regional Greenway Policies

The North Leslie secondary plan establishes an extensive natural heritage and open space system. The identification of the system, as well as policies which are designed to guide development in the area, were the subject of significant agreement between the landowners, the Town and Region, as well as the Toronto Region Conservation Authority. The policies which provide for development in North Leslie recognize and support the role of the Natural Heritage and Open Space system and provide detailed direction to guide development on lands outside of this area. We remain very concerned that the natural heritage and Regional Greenland policies not introduce new or additional requirements

respecting the agreed-upon natural heritage system in North Leslie, particularly since the policies were the subject of an Ontario Municipal Board hearing and approval.

The North Leslie secondary plan contemplates and provides for such matters as stormwater management facilities, for example, to be located within certain areas within the Natural Heritage System. To the extent that the draft Official Plan contains policies that might limit the potential to locate such uses, or introduces new tests for the location of same, our client objects to these policies.

Additionally, the policies within the secondary plan consider the matter of acquisition by public agencies of lands designated natural heritage system. We note that the Regional Official Plan does not propose acquisition of lands designated Regional Greenlands System. We would expect that the Region would continue to respect the securement policies already established through the secondary plan.

Oak Ridges Moraine Policies

Some of the lands within the secondary plan are located on the Oak Ridges Moraine, although the development of such lands is recognized as being transitioned under both the *Oak Ridges Moraine Act* and *Plan*. We note the detailed policies respecting lands generally located on the Moraine within the Region. We would expect that the transitioned status of the development of those lands on the Moraine would continue to be recognized and respected as our clients move forward with development approvals. We would ask that a specific reference to transitioned plans be inserted in the Plan to remove any future question regarding this issue.

Map 12 and Related Policies

We have expressed previously our client's concern with the proposal to expand the Regional road rights of way in the vicinity of North Leslie, to 43 m, from the approved policies which require 36 m.

We note that the Region and the Town of Richmond Hill participated in the rehearing of the North Leslie secondary plan where the issue of road policies was examined. As recently as August, 2009, the Region continued to support secondary plan policies which provided for the road rights of way for Leslie St, 19th Avenue, Bayview and Elgin Mills, of 36 m and not 43 m. Our clients strongly object to the basis and imposition of these additional road rights of way being imposed for development in North Leslie.

Figure 2

We note that the employment target for Richmond Hill as a whole has been reduced by the Region in proposed Table 1. We are not aware of any reconsideration of lands proposed to be identified either as employment or strategic employment area, to determine whether such designation or identification continues to be warranted in light of the reduction of the overall job number for Richmond Hill.

We have noted previously, on behalf of certain affected landowners, our concerns with the basis for Figure 2 and the identification of strategic employment lands, particularly beyond 2031, which is the planning period dictated by the *Places to Grow Act* and the *Growth Plan*.

Despite policy 1.4, which suggests that Figure 2 is conceptual and non-operative, by virtue of the references to Figure 2 in such policies as 4.3(4), the Figure no longer remains inoperative, but in fact has become part of the operative part of the plan through policy references.

We do not agree with the wording provided in policy 4.3(21) and have advised your Staff of our concerns regarding this policy. The effect of the policy is to suggest that the strategic employment designation for North Leslie was the subject of an OMB hearing/rehearing. The only matter considered by the OMB was the local official plan designation, which remains outstanding on certain parts of the North Leslie secondary plan area. The merits of the identification of some of the lands as "strategic employment" and the ability of the Region to designate lands for employment purposes beyond 2031, were not before the Board. The wording of policy 4.3(21) is therefore misleading.

We would request that Figure 2 be deferred as it would relate to the North Leslie secondary plan area, for a proper determination pending release by the OMB of its decision on the local employment designation.

Housing Supply

We note the proposed wording change suggested in policy 5.1(5), following Table 1. Our clients would support the reinsertion of the wording as set out in the previous draft, on the basis that it is the local municipality which is best able to ensure the policy objective of maintenance of an adequate residential housing supply is met.

Other Matters

We are not aware of any support for Policy 3.3(13) which requires Regional Council to consider the introduction of social housing and hospital development charges, despite the provisions of the *Development Charges Act*. We would suggest that any policy must also acknowledge the legislation and any restrictions within that legislation within the body of the Plan.

We do not support the requirement that approved secondary plans be re-examined under policy 5.2(15). We would suggest that the policy be reworded to simply encourage landowners to address the 50 residents and jobs per ha requirement.

We are particularly concerned that the reference to the Guidelines for Community Development in 5.2(19) includes a reference to the ability of the guidelines to change without amendment to the Plan. Any amendment to a guideline sought to be imposed through policy should be subject to the full public process associated with amendments to

December 1, 2009

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an official plan as set out under the *Planning Act*, to ensure fairness to affected landowners.

We would request that these matters be further addressed by your Staff prior to the Plan being brought to Council for adoption.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jag

6051961.1

From: Patricia Foran [mailto:pforan@airdberlis.com]
Sent: Monday, February 08, 2010 1:24 PM
To: Jeffrey, Barb
Cc: Miller, Robert; Warren Sorensen; Andrew Madden
Subject: Region of York OP - North Leslie Residential Landowners' Group

Without Prejudice:

Barb – further to our meeting last week, I am providing to you a more fulsome list of policies in the adopted ROP that are in conflict with the North Leslie secondary plan policies. You will note that we have acknowledged that some issues may turn on the definition (revised) of “new community areas”.

Trish

Notes on Council-adopted Region of York Official Plan December 2009

- ***potential concerns/conflicts with agreed-upon/approved North Leslie Secondary Plan***

2.1.1 To protect and enhance the Regional Greenlands System and its functions shown on Map 2 and to direct new development and site alteration away from the System.

Detailed policies of the agreed-upon/approved North Leslie Secondary Plan prohibit or restrict development and site alteration within and in proximity to the identified Natural Heritage System (NHS), but does not direct it away in all circumstances.

2.1.8 That development applications within 120 metres of the Regional Greenlands System shall be accompanied by an environmental impact statement. This statement shall detail the impact of the development on the Regional Greenlands System and shall provide details of enhancement opportunities and any mitigative measures...

North Leslie Secondary Plan has numerous detailed policies for Environmental Impact Statements. These were agreed-upon and form part of the approved Secondary Plan. These may be in conflict with this ROP clause.

2.1.10 That in *new community areas*, local official plans shall include policies, programs and initiatives to link and enhance the Regional Greenlands System through community design and the development process. Enhancement opportunities shall be focused on the Natural Heritage System within the Protected Countryside of the Greenbelt.

See definition of “new community areas”. If North Leslie is intended to be excluded, then more explicit definition needed.

Agreed-upon North Leslie Secondary Plan has policies for enhancement of NHS but may not be entirely consistent with this ROP clause.

2.1.11 That local greenlands systems within *new community areas*, identified in accordance with policies 2.1.4 and 2.1.10, and shown schematically on Map 2 of this Plan within the Regional Greenlands System, shall be permanently protected from *development and site alteration*.

See comment under 2.1.10 regarding definition of “new community areas”.

This ROP clause appears to be in conflict with the comparable agreed-upon policies of the North Leslie Secondary Plan.

2.1.12 That notwithstanding policy 2.1.11, within the Regional Greenlands System in *new community areas*, non-motorized trails, community gardens, passive recreational uses, and new infrastructure required to service the community including stormwater management systems/facilities, water and wastewater systems, and streets shall be permitted within the Regional Greenlands System subject to the policies of the Greenbelt Plan, and that no other practical location exists for this infrastructure.

See comment under 2.1.10 regarding definition of new community areas.

Additionally, Greenbelt Plan requires only that infrastructure:

- minimize disruption and impacts and “avoid key natural heritage features or key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative” (4.2.1.2 a & d)
- SWMPs are at least 30 m from key natural heritage feature or key hydrologic feature (4.2.3.1)

**WITHOUT PREJUDICE
DRAFT**

Agreed-upon/approved North Leslie Secondary Plan is entirely consistent with the Greenbelt Plan.

- 2.1.13 To require a Regional Greenlands System Plan as a component of secondary plans within *new community areas* that is consistent with policy 5.6.14 of this Plan.

See comment under 2.1.10 regarding definition of new community areas
Not included in agreed-upon/approved North Leslie Secondary Plan.

- 2.1.22 To ensure that within ... Natural Heritage System of the Protected Countryside within the Greenbelt:
a. the full range of existing and new *agricultural ... uses* and *normal farm practices* is permitted

Because of the configuration of Greenbelt fingers extending into North Leslie's residential areas, permitting a full range of existing and new agricultural uses is inappropriate and inoperable.

- 2.2.28 That every application for *development* or *site alteration* on the Oak Ridges Moraine shall identify planning, design and construction practices that ensure that no buildings or other *site alterations* impede the movement of plants and animals between *key natural heritage features*, *key hydrologic features* and *adjacent lands* within the Natural Core Area and the Natural Linkage Area as identified on Map 1.

Need to accommodate transition recognition in ROPA 41.
Not included in agreed-upon/approved North Leslie Secondary Plan. This ROP clause does not acknowledge the specific transitioned status of lands within the ORM, and may also exceed any requirement in the ORMCP itself.

- 2.2.34 To prohibit *development* or *site alteration* within *wetlands* as shown on Map 4, notwithstanding policy 2.2.4 of this Plan, and to require a minimum *vegetation protection zone* of 30 metres from any part of the feature.

There are detailed policies in the agreed-upon/approved North Leslie Secondary Plan that deal with wetlands, individually as well as collectively, which may not necessarily require 30 m in every case.

- 2.2.35 To permit *development* or *site alteration* in accordance with other policies of this Plan within 120 metres of *wetlands*, but not within the 30-metre minimum *vegetation protection zone*, only if it does not result in any of the following:
a. loss of *wetland* function, including management of water balance;
b. demand for future development that will negatively affect existing *wetland* functions;
c. conflict with existing site-specific *wetland* management practices; or,
d. loss of contiguous *wetland* area.

Detailed policies in the agreed-upon/approved North Leslie Secondary Plan address these matters, but differ with this ROP clause.

- 2.2.38 To increase woodland cover to a minimum of 25% of the Region's total land area.

Not included in agreed-upon/approved North Leslie Secondary Plan. This should not be imposed so as to alter approved NHS.

***WITHOUT PREJUDICE
DRAFT***

- 2.2.39 That *significant woodlands*, include any *woodland* meeting one of the following criteria ... (a through g)

The woodlands identified in the agreed-upon/approved North Leslie Secondary Plan were the result of detailed field work by experts representing the landowners, TRCA and municipalities. These may not be consistent in every case with the criteria set out in the ROP clause.

- 2.2.42 That outside of the Oak Ridges Moraine, Greenbelt, and the Lake Simcoe watershed, a minimum *vegetation protection zone* of 10 metres shall be provided from the dripline of a *significant woodland*

There are detailed policies in the agreed-upon/approved North Leslie Secondary Plan that deal with woodlands and buffers, which may not necessarily require 10 m in every case.

- 2.2.43 To prohibit *development* and *site alteration* within *significant woodlands* and their associated *vegetation protection zone* ... [with possible exceptions set out in 2.2.44]

This ROP prohibition, including the grounds for exception in 2.2.44, appear to be more categorical and restrictive than the comparable agreed-upon policies of the North Leslie Secondary Plan.

- 2.2.45 That should policy 2.2.44 apply, a woodland compensation plan shall be completed to the satisfaction of York Region. Woodland compensation will provide ecological gains to the Regional Greenlands System in *new community areas* or adjacent areas

No such provisions are included in agreed-upon/approved North Leslie Secondary Plan.

- 2.3.4 To direct *development* away from *sensitive surface water features* and *sensitive groundwater features*

The agreed-upon/approved North Leslie Secondary Plan has provisions that recognize that areas of high water table exist in North Leslie (Schedules C & D) and policies requiring a phased programme of hydrogeological and geotechnical investigations prior to development. The agreed/approved policies do not “direct development away” from these areas, many of which would be classified as “*sensitive groundwater features*” as defined in the ROP (see definition).

- 2.3.37 To require the preparation of comprehensive master environmental servicing plans as a component of secondary plans and major development or re-development to minimize stormwater volume and contaminant loads, and maximize infiltration through an integrated treatment approach, which may include techniques such as rainwater harvesting, runoff reduction of solids and materials at source, phosphorus reduction, constructed wetlands, bioretention swales, green roofs, permeable surfaces, clean water collection systems, and the preservation and enhancement of native vegetation cover.

The agreed-upon/approved North Leslie Secondary Plan requires preparation of master environmental servicing plans (MESPs) and identifies certain matters to be implemented in relation to “best management practices”, which may not be entirely consistent with this ROP clause.

- 3.2.6 That sensitive uses such as schools, daycares and seniors’ facilities not be located near significant known air emissions sources such as controlled access provincial 400-series highways.

***WITHOUT PREJUDICE
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The OMB approved a residential designation for Bawden-Woods lands (2006 North Leslie Decision). The agreed-upon policies applicable to residential designations permit schools, daycares and seniors' facilities through rezoning subject to criteria. The Bawden-Woods lands (or parts thereof) are "near" Highway 404. Additionally, such uses are also sought through the residential designation for the rehearing lands.

- 3.5.5 To require that all new secondary plans include a strategy to implement the *affordable* housing policies found in this Plan. The strategy shall include:
- a. specifications on how the *affordable* housing targets in this Plan will be met;
 - b. policies to achieve a mix and range of housing types within each level of affordability;
 - c. policies to ensure larger sized, family units within each housing type and level of affordability; and,
 - d. consideration of locations for social housing developments.

No such provisions are included in the agreed-upon/approved North Leslie Secondary Plan.

- 3.5.23 To prohibit the approval of local municipal official plan and zoning bylaw amendments that would have the effect of reducing the density of a site in areas that have been approved for medium- or high-density development, unless the need is determined through a municipal comprehensive review.

The agreed-upon/approved North Leslie Secondary Plan specifies both a minimum and maximum density for each residential designation. In the event of a proposal to reduce density below the specified minimum, the Official Plan amendment that would be required provides ample opportunity to consider the circumstances and sufficiency of any justification for the reduction, without necessitating a wider "municipal comprehensive review".

- 4.3.4 To protect strategic employment lands, as identified on Figure 2, including lands beyond the planning horizon of the Plan.

The inclusion of parts of North Leslie on Figure 2, and the status of Figure 2 generally, remains an issue.

- 4.3.10 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.

Some lands in North Leslie have an approved employment designation, the policies for which differ from this ROP clause.

- 4.3.14 That development on fully serviced employment lands be compact and achieve an average minimum density of 40 jobs per hectare in the *developable area*. This target is expected to be higher for lands within or adjacent to centres and corridors.

No such density requirement is included in the agreed-upon/approved North Leslie Secondary Plan.

- 4.3.21 That the Strategic Employment Land symbol associated with the North Leslie Secondary Plan Area, shown on Figure 2 is subject to an Ontario Municipal Board hearing which will determine the detailed land use designations at the local municipal level. When the Ontario Municipal Board decision and order are issued, Figure 2 will be revised accordingly.

Incorrect to say that Strategic Employment Land symbol is subject to OMB hearing. See correspondence filed by landowners settling one issue respecting Figure 2.

- 5.1.6 To require local municipalities to develop a phasing plan for *new community areas* that is co-ordinated with the following Regional plans and policies:

***WITHOUT PREJUDICE
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- a. the *new community areas* criteria in Section 5.6 of this Plan;
- b. the fiscal policies in Section 4.5 of this Plan;
- c. the York Region 10-Year Capital Plan;
- d. the York Region Water and Wastewater Master Plan; and,
- e. the York Region Transportation Master Plan.

See comment under 2.1.10 regarding definition of new community areas
No phasing plan undertaken by the local municipality to date.

- 5.1.7 To require that local official plans, master plans, capital plans and secondary plans be consistent with phasing plans prepared in accordance with policy 5.1.6.b through 5.1.6.e.

No policies for phasing plans are included in agreed-upon/approved North Leslie Secondary Plan.

- 5.1.8 To require, within each local municipality, that a phase of *new community area* development is substantially complete (i.e., generally 75% of residential land area built) before a subsequent phase may be registered, to ensure the orderly development of land.

No such policies are included in agreed-upon/approved North Leslie Secondary Plan.

- 5.1.9 To require local municipalities to prepare detailed sequencing plans within each secondary plan that are supported by water, wastewater, and transportation infrastructure, and the provision of human services.

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 5.1.15 That approved secondary plans within the *designated greenfield area* that are not completely built should be re-examined to determine if 50 residents and jobs per hectare in the *developable area* can be achieved.

Agreed-upon/approved North Leslie Secondary Plan has no such provision to “re-examine” the Plan with respect to density.

- 5.1.16 To encourage that secondary and subdivision plans within the *designated greenfield area* that are not approved, be developed in accordance with policies 5.6.4 through 5.6.16.

Although policy is only to “encourage”, this is of concern, as none of the subdivision plans in North Leslie are “approved”. Additionally, this policy could be interpreted so as to “re-open” the secondary plan. In any event, some of policies 5.6.4 through 5.6.16 are not consistent with agreed-upon/approved North Leslie Secondary Plan, some example of which are noted below.

- 5.2.19 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. The guideline document shall be amended from time to time without amendment to this Plan.

No such Guidelines for Community Development are available to our awareness, so consistency or inconsistency with agreed-upon/approved North Leslie Secondary Plan cannot be determined. In any event, the mandatory policy direction in this clause referencing a “guideline” (“shall meet”) is inappropriate, and would be an attempt to elevate a non-policy document to the status of Official Plan policy.

- 5.6.1 That local municipalities, in consultation with York Region, prepare a comprehensive secondary plan for *new community areas* that meets or exceeds the policies of this section of this Plan. The secondary plan preparation should include an innovative approach that involves a multidisciplinary team assembled by the local municipality ...

***WITHOUT PREJUDICE
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See comment under 2.1.10 regarding definition of new community areas

Agreed-upon/approved North Leslie Secondary Plan includes an innovative approach, and involves a multidisciplinary team – but not one assembled by the local municipality.

- 5.6.3 That *new community areas* shall be designed to meet or exceed a minimum density of 20 residential units per hectare and a minimum density of 70 residents and jobs per hectare in the *developable area*.

See comment under 2.1.10 regarding definition of new community areas

Agreed-upon/approved North Leslie Secondary Plan is not consistent with these density provisions.

- 5.6.9 To design communities to maximize passive solar gains, and to ensure that all buildings are constructed in a manner that facilitates future solar installations.

No such policies are included in agreed-upon/approved North Leslie Secondary Plan.

- 5.6.12 That mobility plans shall be completed ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 5.6.14 That a Regional Greenlands System Plan shall be prepared ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 5.6.16 That *new community areas* be designed to reduce urban heat island effects and consider integrating green and white roofs ... etc.

See comment under 2.1.10 regarding definition of new community areas

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 6.1.10 That within the Town of Richmond Hill, the Greenbelt Plan policies apply only to those lands within major river valleys and as defined by provincial regulations. Local municipal land use designations and special provisions within these portions of the Greenbelt Plan have been identified through the approval of the North Leslie Secondary Plan by the Ontario Municipal Board in 2006 and 2009/2010.

The purpose of this clause is not clear. The agreed-upon/approved North Leslie Secondary Plan is entirely consistent with the Greenbelt Plan.

- 6.2.1 (2nd paragraph) Where lands are within the Oak Ridges Moraine Conservation Plan boundary, but below the elevation of 245 metre above sea level Canadian Geodetic Datum, the lands are deemed to be within the Protected Countryside of the Greenbelt Plan and all of the policies of the Greenbelt Plan apply.

Need to address ROPA 41.

This clause appears to misapply the provisions of the ORMCP, the Greenbelt Plan, and the applicable regulations. The effect would be to create a “no-man’s land” in the area between ORMCP boundary and the 245 contour, a matter definitively dealt with by the 2006 OMB decision in including these lands in the area for development.

***WITHOUT PREJUDICE
DRAFT***

- 7.2.25 To achieve higher transit usage by
j. requiring all new *development* applications to prepare a mobility plan and demonstrate the proposal's approach to transit.

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 7.2.31 To require, at no expense to the Region, the dedication of public transit rights-of-way and lands for related facilities for the purpose of implementing the Transit Network shown on Map 11.

No such provisions included in agreed-upon/approved North Leslie Secondary Plan.

- 7.2.48 That the street widths shown in Map 12 be considered as basic right-of way widths, and additional widths may be required for elements such as sight triangles, cuts, fills, streetscaping and extra turn lanes at intersections, and shall be conveyed at no expense to the Region.

Street widths on Map 12 are inconsistent with street widths in agreed-upon/approved North Leslie Secondary Plan.

- 7.2.49 That, in general, street widenings shall be taken equally from the centre line of the street. Landowners will be required to provide land at no expense to the Region for street widenings ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

***WITHOUT PREJUDICE
DRAFT***

- 7.2.57 To require local municipalities to plan and implement, including land takings necessary for, continuous collector streets in both east-west and north-south directions in each concession block, in all new urban developments, including *new community areas*.

Not consistent with agreed-upon/approved North Leslie Secondary Plan, and unrealistic due to the priority and protection afforded the many stream corridors and other NHS features.

Definitions:

NEW COMMUNITY AREAS

Lands added to the Urban Area for community purposes including residential and population-related employment which are illustrated by the asterisks on Map 1.

Definition of “new community areas” is open to interpretation – not clear whether all Urban Area expansions (or only asterisked locations) are “new community areas”. If only intended to apply to “future” lands added to Urban Area, then that should be stated (or say “comprising” asterisked locations). If North Leslie is excluded, then more explicit definition needed, and several of the noted policy concerns related to “new community areas” might be resolved.

SENSITIVE GROUNDWATER FEATURES

Water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations, that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

This definition is very broad and could be interpreted to include areas of North Leslie high water table conditions may require special attention in undertaking development. Agreed-upon implementation policies are included in the North Leslie Secondary Plan, but may not be consistent with this definition and ROP policy 2.3.4

Received March 23, 2010

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

March 23, 2010

File No. 103864

BY EMAIL: heather.hood@ontario.ca

Ministry of Municipal Affairs and Housing
777 Bay Street
2nd Floor
Toronto, ON M5G 2E5

Attention: Heather Hood, Planner

Dear Ms. Hood:

**Re: York Region Official Plan - December 2009
Submission Number: D05.2009.1.165**

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 understand that the Region of York has forwarded to you correspondence from our client's land use planning consultants, Sorensen Gravely Lowes, dated September 24, 2009 respecting the York Official Plan. So as to ensure that you have a record of our client's submissions, we enclose the aforementioned correspondence along with our further correspondence to the Region of York dated December 1, 2009 and February 8, 2010 for your consideration.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jag
Encl.

c. B. Jeffrey, Region of York

6527245.1



Sorensen Gravely Lowes
P l a n n i n g A s s o c i a t e s I n c .

509 Davenport Road
Toronto, Ontario M4V 1B8
Telephone (416) 923-6630
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Principals: Warren Sorensen, P.Eng, MCIP, RPP
Catherine Gravely, MES, MCIP, RPP
Paul Lowes, MES, MCIP, RPP
Senior Associate: Carol-Anne Munroe, MCIP, RPP

September 24, 2009

The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: **Mr. Bryan Tuckey**, MCIP, RPP
Commissioner of Planning and Development Services

Dear Sir:

Re: Proposed York Region Official Plan, June 2009 Draft
North Leslie Residential Landowners Group Inc.

We are retained as planning consultants by the **North Leslie Residential Landowners Group Inc.**, and have reviewed the June 2009 draft of the proposed Region of York Official Plan (June 2009 Draft) on behalf of this client group.

The North Leslie Residential Landowners Group Inc. represents a number of landowners in Richmond Hill in the general area bounded on the west by Bayview Avenue, on the south by Elgin Mills Road, on the north by 19th Avenue and on the east by Leslie Street and Rouge River Tributary Two.

As you know the North Leslie area has been the subject of exhaustive planning and environmental study in recent years, leading to lengthy proceedings before the Ontario Municipal Board (OMB). The Region is of course aware of, and has been involved in, both the study process and in the OMB proceedings, along with the Town of Richmond Hill, the TRCA, other interested agencies and parties, and the affected landowners and landowner groups.

A number of concerns relate to the potential confusion that may arise from the mapping and related policy provisions included in the June 2009 Draft, where these may not fully reflect the relatively definitive state of studies, planning determination and approval applicable to the lands of the North Leslie Residential Landowners Group Inc. Those lands are not subject to the recent OMB rehearing, and therefore the November 2006 OMB decision constitutes the final determination of the appropriate amendments to the Regional and Town Official Plans. Although the amendment documents have not yet been formally put into effect, there is no dispute with those aspects of the OMB decision.

For example, the appropriate Secondary Plan designations and policies for affected lands within the Greenbelt Plan are settled by the OMB decision. Some but not all of the lands designated as "Protected Countryside" by the Greenbelt Plan were identified through detailed studies and evidence as "Natural Heritage System" and those lands together with appropriate buffer areas were so designated by the OMB decision. The appropriate policies to apply to the identified Natural Heritage System lands were determined and approved by the OMB. Other portions of the Protected Countryside lands remain beyond the Natural Heritage System, and are subject to differing policies also approved by the OMB.

The broad-brush nature of mapping in the June 2009 Draft, and the inclusion of Greenbelt Plan information on several of the proposed Official Plan Maps (including Maps 1, 2, 3, 4 and 5) presents a concern. Maps 3, 4 and 5 purport to identify "Natural Heritage System" lands within the Greenbelt Plan designations of Protected Countryside, and co-extensive with those designations. For North Leslie, this identification is not accurate and not consistent with the detailed studies and OMB approvals noted above.

The June 2009 Draft also proposes a variety of policy directions that, if interpreted to apply to the implementation of already approved policies for North Leslie through, could pose substantial disruption for the appropriate consideration and disposition of subsequent zoning and subdivision approval processes in accordance with the November 2006 OMB decision. The various minimum density and affordable housing requirements proposed in the June 2009 Draft are examples of policies that should not be interpreted so as to supercede or modify already approved policy directions.

These specific examples represent illustrative rather than exhaustive comments on the June 2009 Draft. In these and other respects, our concern is that the ongoing implementation of the already accomplished decision-making (based on agreed-upon detailed studies already completed, policies settled and endorsed through the OMB process) for these lands should not be confused or inhibited by new Regional Official Plan provisions. Clarifying statements should, we believe, be added to the June 2009 Draft to avoid this problem.

We appreciate the opportunity to provide these comments and trust that the concerns we have identified in this letter will receive your careful attention in preparing the next draft of the proposed Regional Plan.

Please ensure that we are notified of further steps in this process. In this and any other respect, please do not hesitate to call if any further information is desired.

Yours very truly,

SORENSEN GRAVELY LOWES PLANNING ASSOCIATES INC.

A handwritten signature in black ink, appearing to read 'W. Sorensen', written in a cursive style.

Warren Sorensen, P.Eng., MCIP, RPP
Principal

Copy North Leslie Residential Landowners Group Inc. c/o Mr. Andrew Madden

AIRD & BERLIS LLP

Barristers and Solicitors

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

December 1, 2009

File No. 103864

BY EMAIL: john.waller@york.ca

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

Attention: John Waller, Director of Long Range and Strategic Planning

Dear Mr. Waller:

Re: York Region Official Plan - December 2009

**Report of the Commissioner of Planning and Development Services –
December 2, 2009**

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. Our client group includes not only those landowners whose lands are designated for residential development, but in some instances, the constituent members who own lands that are designated Employment Corridor, or are lands that the Town and the Region are seeking to have designated as such.

Our clients, through their land use planning consultants, Sorensen Gravely Lowes, have corresponded with the Region to express their concerns with the June, 2009 draft Regional Official Plan. In addition to that correspondence, we have also participated in several discussions with Regional Planning Staff, regarding the issues that our clients have identified with the draft Regional Plan, with the hope that such issues may be resolved prior to adoption of the new Official Plan. We are aware that other landowners within the North Leslie secondary plan area have also separately corresponded or discussed with Regional Staff matters that affect, or potentially affect, the development of their lands.

We have received a copy of the revised York Region Official Plan (December, 2009) and are in the process of reviewing the policy and mapping changes proposed through this document. Because our review is not complete, we expect that we will have further comments respecting the policies and mapping prior to adoption.

We note that a number of the maps have been changed, with the effect that they address some of the issues that we have raised through our previous correspondence. We appreciate the effort of your Staff to have addressed these changes prior to Committee and Council considering the draft Official Plan for adoption.

Despite the progress made through discussions, however, there are a number of areas that remain of concern to our client group, or are new matters that arise under the revised Official Plan put before you for consideration.

Need for a Clear Transition Policy for North Leslie: New Urban Design, Community Design, Affordable Housing, Density Targets and Environmental Requirements

The draft Regional Plan proposes new or additional requirements for development within secondary plan areas in the Region. In some instances, the proposed policies seek to have local and regional Council revisit the established policies within secondary plans that have not yet built out. In the circumstances of the North Leslie secondary plan, the policies have only recently been approved by the Ontario Municipal Board. The requirement that the plans be revisited to impose new or additional requirements causes our clients significant concern.

By way of example only, section 2.1.8 of the December Official Plan requires that all development applications within 120 metres of the Regional Greenlands System be accompanied by an EIS in support of such application. The approved policies for the North Leslie secondary plan do not impose an arbitrary 120 metre distance for a supporting EIS and the policies specifically recognize that in some circumstances an EIS may be scoped, to the satisfaction of the TRCA.

The transition policies in section 8.4 (13) - (15) of the proposed Regional Plan do not address this concern, as they do not appropriately recognize the approved status of the secondary plan area or provide that implementing development applications be tested against the existing, approved secondary plan policies for North Leslie.

We would request that Council amend the Plan, prior to adoption, to insert the following clause under section 8.4:

8.4.16 Notwithstanding Sections 8.4.14 and 8.4.15, for the lands included within the area of the North Leslie Secondary Plan in the Town of Richmond Hill, the consideration and approval of applications for subdivision, zoning or other matters pursuant to implementation of that Secondary Plan, whether such applications have been submitted or are subsequently submitted, shall be in accordance with the provisions of the North Leslie Secondary Plan.

Environmental and Regional Greenway Policies

The North Leslie secondary plan establishes an extensive natural heritage and open space system. The identification of the system, as well as policies which are designed to guide development in the area, were the subject of significant agreement between the landowners, the Town and Region, as well as the Toronto Region Conservation Authority. The policies which provide for development in North Leslie recognize and support the role of the Natural Heritage and Open Space system and provide detailed direction to guide development on lands outside of this area. We remain very concerned that the natural heritage and Regional Greenway policies not introduce new or additional requirements

respecting the agreed-upon natural heritage system in North Leslie, particularly since the policies were the subject of an Ontario Municipal Board hearing and approval.

The North Leslie secondary plan contemplates and provides for such matters as stormwater management facilities, for example, to be located within certain areas within the Natural Heritage System. To the extent that the draft Official Plan contains policies that might limit the potential to locate such uses, or introduces new tests for the location of same, our client objects to these policies.

Additionally, the policies within the secondary plan consider the matter of acquisition by public agencies of lands designated natural heritage system. We note that the Regional Official Plan does not propose acquisition of lands designated Regional Greenlands System. We would expect that the Region would continue to respect the securement policies already established through the secondary plan.

Oak Ridges Moraine Policies

Some of the lands within the secondary plan are located on the Oak Ridges Moraine, although the development of such lands is recognized as being transitioned under both the *Oak Ridges Moraine Act and Plan*. We note the detailed policies respecting lands generally located on the Moraine within the Region. We would expect that the transitioned status of the development of those lands on the Moraine would continue to be recognized and respected as our clients move forward with development approvals. We would ask that a specific reference to transitioned plans be inserted in the Plan to remove any future question regarding this issue.

Map 12 and Related Policies

We have expressed previously our client's concern with the proposal to expand the Regional road rights of way in the vicinity of North Leslie, to 43 m, from the approved policies which require 36 m.

We note that the Region and the Town of Richmond Hill participated in the rehearing of the North Leslie secondary plan where the issue of road policies was examined. As recently as August, 2009, the Region continued to support secondary plan policies which provided for the road rights of way for Leslie St, 19th Avenue, Bayview and Elgin Mills, of 36 m and not 43 m. Our clients strongly object to the basis and imposition of these additional road rights of way being imposed for development in North Leslie.

Figure 2

We note that the employment target for Richmond Hill as a whole has been reduced by the Region in proposed Table 1. We are not aware of any reconsideration of lands proposed to be identified either as employment or strategic employment area, to determine whether such designation or identification continues to be warranted in light of the reduction of the overall job number for Richmond Hill.

We have noted previously, on behalf of certain affected landowners, our concerns with the basis for Figure 2 and the identification of strategic employment lands, particularly beyond 2031, which is the planning period dictated by the *Places to Grow Act* and the *Growth Plan*.

Despite policy 1.4, which suggests that Figure 2 is conceptual and non-operative, by virtue of the references to Figure 2 in such policies as 4.3(4), the Figure no longer remains inoperative, but in fact has become part of the operative part of the plan through policy references.

We do not agree with the wording provided in policy 4.3(21) and have advised your Staff of our concerns regarding this policy. The effect of the policy is to suggest that the strategic employment designation for North Leslie was the subject of an OMB hearing/rehearing. The only matter considered by the OMB was the local official plan designation, which remains outstanding on certain parts of the North Leslie secondary plan area. The merits of the identification of some of the lands as "strategic employment" and the ability of the Region to designate lands for employment purposes beyond 2031, were not before the Board. The wording of policy 4.3(21) is therefore misleading.

We would request that Figure 2 be deferred as it would relate to the North Leslie secondary plan area, for a proper determination pending release by the OMB of its decision on the local employment designation.

Housing Supply

We note the proposed wording change suggested in policy 5.1(5), following Table 1. Our clients would support the reinsertion of the wording as set out in the previous draft, on the basis that it is the local municipality which is best able to ensure the policy objective of maintenance of an adequate residential housing supply is met.

Other Matters

We are not aware of any support for Policy 3.3(13) which requires Regional Council to consider the introduction of social housing and hospital development charges, despite the provisions of the *Development Charges Act*. We would suggest that any policy must also acknowledge the legislation and any restrictions within that legislation within the body of the Plan.

We do not support the requirement that approved secondary plans be re-examined under policy 5.2(15). We would suggest that the policy be reworded to simply encourage landowners to address the 50 residents and jobs per ha requirement.

We are particularly concerned that the reference to the Guidelines for Community Development in 5.2(19) includes a reference to the ability of the guidelines to change without amendment to the Plan. Any amendment to a guideline sought to be imposed through policy should be subject to the full public process associated with amendments to

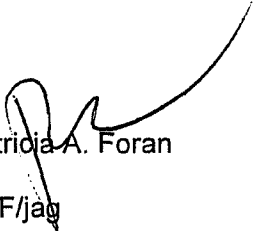
December 1, 2009
Page 5

an official plan as set out under the *Planning Act*, to ensure fairness to affected landowners.

We would request that these matters be further addressed by your Staff prior to the Plan being brought to Council for adoption.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jag

6051961.1

Jennifer Gartland

From: Patricia Foran
Sent: February 8, 2010 1:24 PM
To: 'Jeffrey, Barb'
Cc: Bob Miller ; Warren Sorensen; 'Andrew Madden'
Subject: Region of York OP - North Leslie Residential Landowners' Group
Attachments: 6346446_1.pdf

Without Prejudice:

Barb – further to our meeting last week, I am providing to you a more fulsome list of policies in the adopted ROP that are in conflict with the North Leslie secondary plan policies. You will note that we have acknowledged that some issues may turn on the definition (revised) of “new community areas”.

Trish

Notes on Council-adopted Region of York Official Plan December 2009

- ***potential concerns/conflicts with agreed-upon/approved North Leslie Secondary Plan***

2.1.1 To protect and enhance the Regional Greenlands System and its functions shown on Map 2 and to direct new development and site alteration away from the System.

Detailed policies of the agreed-upon/approved North Leslie Secondary Plan prohibit or restrict development and site alteration within and in proximity to the identified Natural Heritage System (NHS), but does not direct it away in all circumstances.

2.1.8 That development applications within 120 metres of the Regional Greenlands System shall be accompanied by an environmental impact statement. This statement shall detail the impact of the development on the Regional Greenlands System and shall provide details of enhancement opportunities and any mitigative measures...

North Leslie Secondary Plan has numerous detailed policies for Environmental Impact Statements. These were agreed-upon and form part of the approved Secondary Plan. These may be in conflict with this ROP clause.

2.1.10 That in *new community areas*, local official plans shall include policies, programs and initiatives to link and enhance the Regional Greenlands System through community design and the development process. Enhancement opportunities shall be focused on the Natural Heritage System within the Protected Countryside of the Greenbelt.

See definition of "new community areas". If North Leslie is intended to be excluded, then more explicit definition needed.

Agreed-upon North Leslie Secondary Plan has policies for enhancement of NHS but may not be entirely consistent with this ROP clause.

2.1.11 That local greenlands systems within *new community areas*, identified in accordance with policies 2.1.4 and 2.1.10, and shown schematically on Map 2 of this Plan within the Regional Greenlands System, shall be permanently protected from *development and site alteration*.

See comment under 2.1.10 regarding definition of "new community areas".

This ROP clause appears to be in conflict with the comparable agreed-upon policies of the North Leslie Secondary Plan.

2.1.12 That notwithstanding policy 2.1.11, within the Regional Greenlands System in *new community areas*, non-motorized trails, community gardens, passive recreational uses, and new infrastructure required to service the community including stormwater management systems/facilities, water and wastewater systems, and streets shall be permitted within the Regional Greenlands System subject to the policies of the Greenbelt Plan, and that no other practical location exists for this infrastructure.

See comment under 2.1.10 regarding definition of new community areas.

Additionally, Greenbelt Plan requires only that infrastructure:

- minimize disruption and impacts and "avoid key natural heritage features or key hydrologic features unless need has been demonstrated and it has been established that there is no reasonable alternative" (4.2.1.2 a & d)
- SWMPs are at least 30 m from key natural heritage feature or key hydrologic feature (4.2.3.1)

**WITHOUT PREJUDICE
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Agreed-upon/approved North Leslie Secondary Plan is entirely consistent with the Greenbelt Plan.

- 2.1.13 To require a Regional Greenlands System Plan as a component of secondary plans within *new community areas* that is consistent with policy 5.6.14 of this Plan.

See comment under 2.1.10 regarding definition of new community areas
Not included in agreed-upon/approved North Leslie Secondary Plan.

- 2.1.22 To ensure that within ... Natural Heritage System of the Protected Countryside within the Greenbelt:
a. the full range of existing and new *agricultural ... uses and normal farm practices* is permitted

Because of the configuration of Greenbelt fingers extending into North Leslie's residential areas, permitting a full range of existing and new agricultural uses is inappropriate and inoperable.

- 2.2.28 That every application for *development* or *site alteration* on the Oak Ridges Moraine shall identify planning, design and construction practices that ensure that no buildings or other *site alterations* impede the movement of plants and animals between *key natural heritage features, key hydrologic features* and *adjacent lands* within the Natural Core Area and the Natural Linkage Area as identified on Map 1.

Need to accommodate transition recognition in ROPA 41.
Not included in agreed-upon/approved North Leslie Secondary Plan. This ROP clause does not acknowledge the specific transitioned status of lands within the ORM, and may also exceed any requirement in the ORMCP itself.

- 2.2.34 To prohibit *development* or *site alteration* within *wetlands* as shown on Map 4, notwithstanding policy 2.2.4 of this Plan, and to require a minimum *vegetation protection zone* of 30 metres from any part of the feature.

There are detailed policies in the agreed-upon/approved North Leslie Secondary Plan that deal with wetlands, individually as well as collectively, which may not necessarily require 30 m in every case.

- 2.2.35 To permit *development* or *site alteration* in accordance with other policies of this Plan within 120 metres of *wetlands*, but not within the 30-metre minimum *vegetation protection zone*, only if it does not result in any of the following:
a. loss of *wetland* function, including management of water balance;
b. demand for future development that will negatively affect existing *wetland* functions;
c. conflict with existing site-specific *wetland* management practices; or,
d. loss of contiguous *wetland* area.

Detailed policies in the agreed-upon/approved North Leslie Secondary Plan address these matters, but differ with this ROP clause.

- 2.2.38 To increase woodland cover to a minimum of 25% of the Region's total land area.

Not included in agreed-upon/approved North Leslie Secondary Plan. This should not be imposed so as to alter approved NHS.

**WITHOUT PREJUDICE
DRAFT**

- 2.2.39 That *significant woodlands*, include any *woodland* meeting one of the following criteria ... (a through g)

The woodlands identified in the agreed-upon/approved North Leslie Secondary Plan were the result of detailed field work by experts representing the landowners, TRCA and municipalities. These may not be consistent in every case with the criteria set out in the ROP clause.

- 2.2.42 That outside of the Oak Ridges Moraine, Greenbelt, and the Lake Simcoe watershed, a minimum *vegetation protection zone* of 10 metres shall be provided from the dripline of a *significant woodland*

There are detailed policies in the agreed-upon/approved North Leslie Secondary Plan that deal with woodlands and buffers, which may not necessarily require 10 m in every case.

- 2.2.43 To prohibit *development* and *site alteration* within *significant woodlands* and their associated *vegetation protection zone* ... [with possible exceptions set out in 2.2.44]

This ROP prohibition, including the grounds for exception in 2.2.44, appear to be more categorical and restrictive than the comparable agreed-upon policies of the North Leslie Secondary Plan.

- 2.2.45 That should policy 2.2.44 apply, a woodland compensation plan shall be completed to the satisfaction of York Region. Woodland compensation will provide ecological gains to the Regional Greenlands System in *new community areas* or adjacent areas

No such provisions are included in agreed-upon/approved North Leslie Secondary Plan.

- 2.3.4 To direct *development* away from *sensitive surface water features* and *sensitive groundwater features*

The agreed-upon/approved North Leslie Secondary Plan has provisions that recognize that areas of high water table exist in North Leslie (Schedules C & D) and policies requiring a phased programme of hydrogeological and geotechnical investigations prior to development. The agreed/approved policies do not “direct development away” from these areas, many of which would be classified as “*sensitive groundwater features*” as defined in the ROP (see definition).

- 2.3.37 To require the preparation of comprehensive master environmental servicing plans as a component of secondary plans and major development or re-development to minimize stormwater volume and contaminant loads, and maximize infiltration through an integrated treatment approach, which may include techniques such as rainwater harvesting, runoff reduction of solids and materials at source, phosphorus reduction, constructed wetlands, bioretention swales, green roofs, permeable surfaces, clean water collection systems, and the preservation and enhancement of native vegetation cover.

The agreed-upon/approved North Leslie Secondary Plan requires preparation of master environmental servicing plans (MESPs) and identifies certain matters to be implemented in relation to “best management practices”, which may not be entirely consistent with this ROP clause.

- 3.2.6 That sensitive uses such as schools, daycares and seniors’ facilities not be located near significant known air emissions sources such as controlled access provincial 400-series highways.

**WITHOUT PREJUDICE
DRAFT**

The OMB approved a residential designation for Bawden-Woods lands (2006 North Leslie Decision). The agreed-upon policies applicable to residential designations permit schools, daycares and seniors' facilities through rezoning subject to criteria. The Bawden-Woods lands (or parts thereof) are "near" Highway 404. Additionally, such uses are also sought through the residential designation for the rehearing lands.

- 3.5.5 To require that all new secondary plans include a strategy to implement the *affordable* housing policies found in this Plan. The strategy shall include:
- a. specifications on how the *affordable* housing targets in this Plan will be met;
 - b. policies to achieve a mix and range of housing types within each level of affordability;
 - c. policies to ensure larger sized, family units within each housing type and level of affordability; and,
 - d. consideration of locations for social housing developments.

No such provisions are included in the agreed-upon/approved North Leslie Secondary Plan.

- 3.5.23 To prohibit the approval of local municipal official plan and zoning bylaw amendments that would have the effect of reducing the density of a site in areas that have been approved for medium- or high-density development, unless the need is determined through a municipal comprehensive review.

The agreed-upon/approved North Leslie Secondary Plan specifies both a minimum and maximum density for each residential designation. In the event of a proposal to reduce density below the specified minimum, the Official Plan amendment that would be required provides ample opportunity to consider the circumstances and sufficiency of any justification for the reduction, without necessitating a wider "municipal comprehensive review".

- 4.3.4 To protect strategic employment lands, as identified on Figure 2, including lands beyond the planning horizon of the Plan.

The inclusion of parts of North Leslie on Figure 2, and the status of Figure 2 generally, remains an issue.

- 4.3.10 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.

Some lands in North Leslie have an approved employment designation, the policies for which differ from this ROP clause.

- 4.3.14 That development on fully serviced employment lands be compact and achieve an average minimum density of 40 jobs per hectare in the *developable area*. This target is expected to be higher for lands within or adjacent to centres and corridors.

No such density requirement is included in the agreed-upon/approved North Leslie Secondary Plan.

- 4.3.21 That the Strategic Employment Land symbol associated with the North Leslie Secondary Plan Area, shown on Figure 2 is subject to an Ontario Municipal Board hearing which will determine the detailed land use designations at the local municipal level. When the Ontario Municipal Board decision and order are issued, Figure 2 will be revised accordingly.

Incorrect to say that Strategic Employment Land symbol is subject to OMB hearing. See correspondence filed by landowners settling one issue respecting Figure 2.

- 5.1.6 To require local municipalities to develop a phasing plan for *new community areas* that is co-ordinated with the following Regional plans and policies:

**WITHOUT PREJUDICE
DRAFT**

- a. the *new community areas* criteria in Section 5.6 of this Plan;
- b. the fiscal policies in Section 4.5 of this Plan;
- c. the York Region 10-Year Capital Plan;
- d. the York Region Water and Wastewater Master Plan; and,
- e. the York Region Transportation Master Plan.

See comment under 2.1.10 regarding definition of new community areas
No phasing plan undertaken by the local municipality to date.

- 5.1.7 To require that local official plans, master plans, capital plans and secondary plans be consistent with phasing plans prepared in accordance with policy 5.1.6.b through 5.1.6.e.

No policies for phasing plans are included in agreed-upon/approved North Leslie Secondary Plan.

- 5.1.8 To require, within each local municipality, that a phase of *new community area* development is substantially complete (i.e., generally 75% of residential land area built) before a subsequent phase may be registered, to ensure the orderly development of land.

No such policies are included in agreed-upon/approved North Leslie Secondary Plan.

- 5.1.9 To require local municipalities to prepare detailed sequencing plans within each secondary plan that are supported by water, wastewater, and transportation infrastructure, and the provision of human services.

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 5.1.15 That approved secondary plans within the *designated greenfield area* that are not completely built should be re-examined to determine if 50 residents and jobs per hectare in the *developable area* can be achieved.

Agreed-upon/approved North Leslie Secondary Plan has no such provision to “re-examine” the Plan with respect to density.

- 5.1.16 To encourage that secondary and subdivision plans within the *designated greenfield area* that are not approved, be developed in accordance with policies 5.6.4 through 5.6.16.

Although policy is only to “encourage”, this is of concern, as none of the subdivision plans in North Leslie are “approved”. Additionally, this policy could be interpreted so as to “re-open” the secondary plan. In any event, some of policies 5.6.4 through 5.6.16 are not consistent with agreed-upon/approved North Leslie Secondary Plan, some example of which are noted below.

- 5.2.19 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. The guideline document shall be amended from time to time without amendment to this Plan.

No such Guidelines for Community Development are available to our awareness, so consistency or inconsistency with agreed-upon/approved North Leslie Secondary Plan cannot be determined. In any event, the mandatory policy direction in this clause referencing a “guideline” (“shall meet”) is inappropriate, and would be an attempt to elevate a non-policy document to the status of Official Plan policy.

- 5.6.1 That local municipalities, in consultation with York Region, prepare a comprehensive secondary plan for *new community areas* that meets or exceeds the policies of this section of this Plan. The secondary plan preparation should include an innovative approach that involves a multidisciplinary team assembled by the local municipality ...

**WITHOUT PREJUDICE
DRAFT**

See comment under 2.1.10 regarding definition of new community areas

Agreed-upon/approved North Leslie Secondary Plan includes an innovative approach, and involves a multidisciplinary team – but not one assembled by the local municipality.

- 5.6.3 That *new community areas* shall be designed to meet or exceed a minimum density of 20 residential units per hectare and a minimum density of 70 residents and jobs per hectare in the *developable area*.

See comment under 2.1.10 regarding definition of new community areas

Agreed-upon/approved North Leslie Secondary Plan is not consistent with these density provisions.

- 5.6.9 To design communities to maximize passive solar gains, and to ensure that all buildings are constructed in a manner that facilitates future solar installations.

No such policies are included in agreed-upon/approved North Leslie Secondary Plan.

- 5.6.12 That mobility plans shall be completed ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 5.6.14 That a Regional Greenlands System Plan shall be prepared ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 5.6.16 That *new community areas* be designed to reduce urban heat island effects and consider integrating green and white roofs ... etc.

See comment under 2.1.10 regarding definition of new community areas

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 6.1.10 That within the Town of Richmond Hill, the Greenbelt Plan policies apply only to those lands within major river valleys and as defined by provincial regulations. Local municipal land use designations and special provisions within these portions of the Greenbelt Plan have been identified through the approval of the North Leslie Secondary Plan by the Ontario Municipal Board in 2006 and 2009/2010.

The purpose of this clause is not clear. The agreed-upon/approved North Leslie Secondary Plan is entirely consistent with the Greenbelt Plan.

- 6.2.1 (2nd paragraph) Where lands are within the Oak Ridges Moraine Conservation Plan boundary, but below the elevation of 245 metre above sea level Canadian Geodetic Datum, the lands are deemed to be within the Protected Countryside of the Greenbelt Plan and all of the policies of the Greenbelt Plan apply.

Need to address ROPA 41.

This clause appears to misapply the provisions of the ORMCP, the Greenbelt Plan, and the applicable regulations. The effect would be to create a “no-man’s land” in the area between ORMCP boundary and the 245 contour, a matter definitively dealt with by the 2006 OMB decision in including these lands in the area for development.

**WITHOUT PREJUDICE
DRAFT**

- 7.2.25 To achieve higher transit usage by
j. requiring all new *development* applications to prepare a mobility plan and demonstrate the proposal's approach to transit.

Not included in agreed-upon/approved North Leslie Secondary Plan.

- 7.2.31 To require, at no expense to the Region, the dedication of public transit rights-of-way and lands for related facilities for the purpose of implementing the Transit Network shown on Map 11.

No such provisions included in agreed-upon/approved North Leslie Secondary Plan.

- 7.2.48 That the street widths shown in Map 12 be considered as basic right-of way widths, and additional widths may be required for elements such as sight triangles, cuts, fills, streetscaping and extra turn lanes at intersections, and shall be conveyed at no expense to the Region.

Street widths on Map 12 are inconsistent with street widths in agreed-upon/approved North Leslie Secondary Plan.

- 7.2.49 That, in general, street widenings shall be taken equally from the centre line of the street. Landowners will be required to provide land at no expense to the Region for street widenings ...

Not included in agreed-upon/approved North Leslie Secondary Plan.

**WITHOUT PREJUDICE
DRAFT**

- 7.2.57 To require local municipalities to plan and implement, including land takings necessary for, continuous collector streets in both east-west and north-south directions in each concession block, in all new urban developments, including *new community areas*.

Not consistent with agreed-upon/approved North Leslie Secondary Plan, and unrealistic due to the priority and protection afforded the many stream corridors and other NHS features.

Definitions:

NEW COMMUNITY AREAS

Lands added to the Urban Area for community purposes including residential and population-related employment which are illustrated by the asterisks on Map 1.

Definition of “new community areas” is open to interpretation – not clear whether all Urban Area expansions (or only asterisked locations) are “new community areas”. If only intended to apply to “future” lands added to Urban Area, then that should be stated (or say “comprising” asterisked locations). If North Leslie is excluded, then more explicit definition needed, and several of the noted policy concerns related to “new community areas” might be resolved.

SENSITIVE GROUNDWATER FEATURES

Water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations, that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

This definition is very broad and could be interpreted to include areas of North Leslie high water table conditions may require special attention in undertaking development. Agreed-upon implementation policies are included in the North Leslie Secondary Plan, but may not be consistent with this definition and ROP policy 2.3.4

Submission Number
D05.2009. 1.125

Date of Submission:
December 1, 2009

Submission Author:
Aird and Berlis on behalf of E. Manson

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Supports the comments made on behalf of the North Leslie residential Landowners group Inc and requests Notice on any draft official Plan once released for public comment.

Notices will be sent..

Received December 1, 2009

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

December 1, 2009

File No. 66490

BY EMAIL: john.waller@york.ca

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

Attention: John Waller, Director of Long Range and Strategic Planning

Dear Mr. Waller:

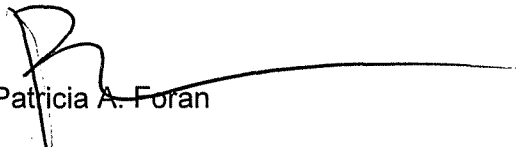
Re: York Region Official Plan - December 2009

**Report of the Commissioner of Planning and Development Services –
December 2, 2009**

We act on behalf of E. Manson Investments and write to advise that our client supports the comments made on behalf of the North Leslie Residential Landowners' Group Inc. and would continue to request notice of any draft Official Plan once released for public comment.

Yours truly,

AIRD & BERLIS LLP


Patricia A. Foran
PAF/jag

c. E. Manson Investments

6057636.1

Submission Number
D05.2009.1.126

Date of Submission:
December 1, 2009

Submission Author:
KLM PLANNING PARTNERS

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

We are writing on behalf of our client, Lasseter Development Inc., to express their concerns with the proposed Draft of the Region's Official Plan, dated December 2009. During our review, we note that the proposed regional right-of-way (ROW) widths shown on Map No. 12 for the portion of McCowan Road and Major MacKenzie Drive abutting our client's lands to be increased from 36m to 43m and 45m respectively. We do not agree with the proposed ROW width increases as the surrounding and abutting lands have been registered and constructed to provide for the 36m ROW width required under the existing Regional Official Plan. Accordingly, our client also has concerns with the policies contained under Section 7.2.39 to 7.2.62, inclusive, as they relate to the Regional Road ROW widths.

The policy states "up to 45m", therefore the entire width may not be required, depending on the circumstances. The Region is protecting this size for implementing public transit rights-of-way and transit lands related facilities.

The new Planned Basic Street Widths are a result of the 2006 Regional Council adopted policy defining the Regional Standard for Six Lane Roads. Otherwise referred to as "Towards Great Region Streets – A Pathway to Improvement", the Regional Standard identifies a recommended cross-section which includes a 4 to 6m wide median, a dedicated bicycle lane, a curb lane as an HOV (High Occupancy Vehicle) lane, and two all purpose lanes. To provide an urban design that supports these design elements and to protect for the long term requirements of existing and future utility corridors the design guidelines recommended increased rights-of way.

The increased rights-of-way were also examined comprehensively through the Region's Transportation Master Plan update. Public consultation on this initiative was coordinated with the Official Plan public engagement over the past year, leading to the adoption of the Transportation Master Plan by Regional Council in November 2009.

These increased rights-of-way have been incorporated into the ROP. Regional staff are meeting with the representatives of the submitter to discuss issues relating to street widening.



64 Jardin Drive, Unit 1B
Concord, Ontario
L4K 3P3
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klmplanning.com

File: P-2000

December 1, 2009

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

Attention: Mr. John Waller
Director of Long Range and Strategic Planning

Re: Region of York Draft Official Plan December 2009
Proposed Regional Planned Basic Street Widths and Map No 12
Portion of McCowan Road and Major MacKenzie Drive adjacent to
Proposed Draft Plan of Subdivision 19TM-09M01,
Lasseter Development Inc.
Town of Markham

Dear Sir:

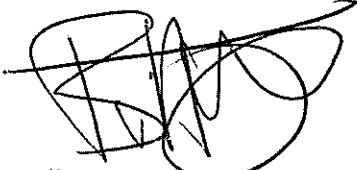
We are writing on behalf of our client, Lasseter Development Inc., to express their concerns with the proposed Draft of the Region's Official Plan, dated December 2009. During our review, we note that the proposed regional right-of-way (ROW) widths shown on Map No. 12 for the portion of McCowan Road and Major MacKenzie Drive abutting our client's lands to be increased from 36m to 43m and 45m respectively. We do not agree with the proposed ROW width increases as the surrounding and abutting lands have been registered and constructed to provide for the 36m ROW width required under the existing Regional Official Plan. Accordingly, our client also has concerns with the policies contained under Section 7.2.39 to 7.2.62, inclusive, as they relate to the Regional Road ROW widths.

This letter represents our preliminary comments on the proposed Regional Official Plan as it relates to proposed Regional Road ROW widths. Further comments on other policies may follow under separate cover. Our client retains their rights of appeal on the proposed Regional Official Plan should it be adopted with the above noted problematic policies.

Should you have any questions, please do not hesitate to call.

Sincerely,

KLM PLANNING PARTNERS INC.

A handwritten signature in black ink, appearing to be 'Billy Tung', written over a faint circular stamp or logo.

Billy Tung, BES, MCIP, RPP

Cc: Mr. Denis Kelly, Regional Clerk – Region of York
Lasseter Development Inc.

Submission Number D05.2009. 1.127	Date of Submission: December 1, 2009	Submission Author: Humphries Planning Group on behalf of Vaughan 400 North Employment Area Landowners.
D05.2009.1.164	March 3, 2010	Humphries Planning Group on behalf of Vaughan 400 North Employment Area Landowners.

Comments or Requested Change to Draft Official Plan**Analysis and Recommendation****Description: Vaughan 400 North Employment Area**

1.127:

Remain concerned that the Regional Official Plan will not permit the implementation of OPA 637 as adopted by the City of Vaughan. OPA 637 constitutes good planning in the public interest.

Upon approval of the ROP, major retail will not be permitted within employment lands, unless part of a municipal comprehensive review. Since OPA 637 has been adopted by the City and the Region, the ROP's transition policies in section 8.4 would apply to these lands.

A definition for major retail has been added to the Plan that reads as follows "major retail includes retail outlet big box stores and shopping centres."

Request a meeting with planning staff and representatives of the clients to discuss and resolve concerns.

The Region and representatives of the client were party to discussions as part of the OMB pre-hearing and full hearing on ROPA 52. The Region will continue discussions in keeping with the ROPA 52 OMB hearing.

1.164:

Request that the Region provide any and all information that it has utilized in making assumptions regarding the information contained in Table 19 and Appendix 6 of the *York Region 2031 Land Budget, March 2010*.

The Region will consult with the 400 North Landowners Group in keeping with the ROPA 52 OMB hearing.

HUMPHRIES PLANNING GROUP INC.

December 1, 2009

HPGI File: 0449

Regional Clerk**Region of York, Corporate Services Department**17250 Yonge Street, 4th Floor

York Region Administration Building

Newmarket, ON L3Y 6Z1

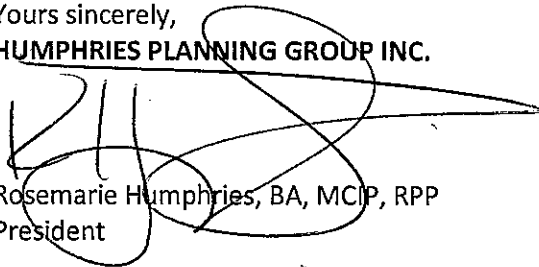
Attention: Mr. Denis Kelly

**Re: December 2, 2009 – Planning and Economic Development Committee Meeting
Report D1. – Region of York Official Plan
Vaughan 400 North Employment Area
Lots 26 through 35, Vaughan Conc. 5 & Lot 1 King Conc. 5**

Humphries Planning Group represents a group of landowners within the Vaughan 400 North Employment Area (Vaughan). We have previously provided comments to the Region in response to its Official Plan review process (October 16 and September 4, 2009) wherein we expressed concerns regarding the proposed Official Plan document. Further, we requested that a meeting with planning staff and representatives of my clients be held to discuss and resolve concerns. To date, we have not received a positive response to that request.

Once again, we have reviewed the revised proposed Official Plan document and remain concerned that it will not permit the implementation of the OPA 637 as adopted by the City of Vaughan. OPA 637 constitutes good planning in the public interest, and must be permitted in the Region's new Plan.

Yours sincerely,

HUMPHRIES PLANNING GROUP INC.

Rosemarie Humphries, BA, MCIP, RPP
President

cc: Mr. John Zipay, Commissioner of Planning, City of Vaughan
Mr. Paul Robinson, Vaughan Planning Department
Ms. Barbara Jaffrey, Region of York Planning Department
Vaughan 400 North Landowners Group
Mr. Michael Melling, Davies Howe Partners

HUMPHRIES PLANNING GROUP INC.

March 3, 2010
HPGI File: 0449

Region of York
Corporate Services Department
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attn: Mr. Denis Kelly
Regional Clerk

Dear Mr. Kelly

Re: March 3 2010 Planning & Economic Development Committee Meeting
York Region 2031 Land Budget

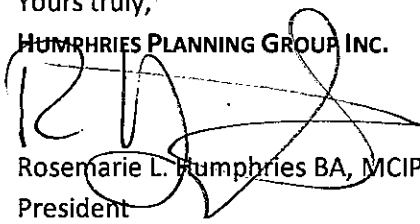
Humphries Planning Group Inc., represents the Vaughan 400 North Landowners Group which lands are located within the ROPA 52 area.

The above noted report is being considered by Committee today and we formally request that the Region provide any and all information that it has utilized in making assumptions regarding the information outlined in Table 19 and Appendix 6 to the report.

We look forward to hearing from you when this will be available.

Yours truly,

HUMPHRIES PLANNING GROUP INC.



Rosemarie L. Humphries BA, MCIP, RPP
President

cc. Vaughan 400 North Landowners Group
Region of York Planning Dept.

Submission Number
Do5.2009.1.128
Do5.2009.1.137

Date of Submission:
December 1, 2009
December 14, 2009

Submission Author:
Rice Commercial Group of Companies

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

RCG is generally concerned with the imbalance between the principle of Economic Vitality and the principles of Healthy and Complete Communities. If a balanced, financially viable business environment cannot be achieved when implementing the designated and the proposed Strategic Employment Land areas, development capital will be forced to go elsewhere.

RCG is primarily a non-residential land owner-developer/builder in York Region. In order to facilitate the development of employment land requires substantial infrastructure investment which is borne entirely on the backs of the developer. The Region's Official Plan should establish a policy framework to reduce the financial burden and in turn create and provide financial incentives to non-residential developers. These policies may include less restrictive land uses in employment areas, linkages to and subsidies from the residential growth sector, reduction in non-residential development charges, expedited development approvals and a non-prescriptive approach to sustainable development and building.

The goals and policies of the Regional Official Plan are based on sustainability and the triple bottom line approach of economic vitality, healthy communities, and a sustainable natural environment.

The ROP allows for a range of employment uses on employment lands.

Policy 4.3.8 (formerly 4.3.6) in the ROP:

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*.

The ROP is a policy document that is not intended to address specific financial subsidies or changes to development

charges. Financial policies are included in section 4.5 Financial Management.

Policy 5.4.9:

To regularly update the Development Charges By-law to reflect adjustments in Regional forecasts and costs related to growth.

Policy 4.5.10 advocates a new funding formula:

To advocate the Province and Federal government to examine a new funding formula for expanding Regional funding sources to accommodate growth.

The Region will continue to work with local municipalities in expediting development approvals.

Policy 8.3.1:

To work with communities, agencies, local municipalities and the Province to better co-ordinate the planning review process by such measures as engaging stakeholders early in the process, eliminating duplication, co-ordinating reviews, simplifying procedures and resolving conflicts.

The sustainable building policies have been substantially modified from the June draft.

RCG is specifically concerned with the policy of Major Retail not being permitted on the designated or in the proposed Strategic Employment Land areas. With the magnitude of growth expected over the next 25 years there will be in need for Major Retail in every new community in York Region.

The ROP recognizes the importance of planning for retail as an essential component of a healthy economy. Policies in the ROP are committed to providing an appropriate amount of retail in suitable locations. Retail uses also count toward achieving the employment forecasts contained in Table 1 of

It is our understanding that current Provincial policies do not bar large scale retail uses from employment areas where a municipality has determined such uses to be appropriate. The Growth Plan maintains a broad definition of employment areas in order to allow municipalities this discretion. The Growth Plan also does not exclude major retail uses from employment areas because they function as a cluster of businesses and create economic activity together with offices, manufacturing, warehousing/distribution etc. The jobs generated by retail uses should count toward achieving employment forecasts mandated in provincial policy.

The PPS states that planning authorities shall promote economic development and competitiveness by:

- Providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs
- Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses
- Planning for, protecting and preserving employment areas for current and future uses

The PPS also states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential and employment land uses (including industrial, commercial and institutional).

Neither employment nor commercial uses are defined terms but commercial would include retail and employment should read to include all employment generating uses including

the ROP.

Policy 4.4.8:

To work with local municipalities to identify and designate lands for *major retail* that is integrated within the community.

Policy 2.2.6.5 of the Growth Plan outlines the criteria for permitting the conversion of lands within employment areas to non-employment uses and states that "For the purposes of this policy, major retail uses are considered non-employment uses."

The Region's Official Plan complements the Growth Plan in protecting employment lands and not permitting major retail. Policy 4.3.9 (formerly 4.3.7) indicates that the conversion of employment lands to non-employment uses may be considered as part of a municipal comprehensive review:

That notwithstanding policy 4.3.8, the conversion of employment lands to non-employment land uses may be considered, together with local municipalities, provided that a Regional municipal comprehensive review has been completed in accordance with the applicable policies, forecasts and land budget of the Region.

major retail. We are not aware that the PPS nor the Growth Plan narrows either term to exclude or prohibit retail or major retail uses from employment areas and we strongly recommend that the Region of York amends the prohibitive policies in the current Draft of the Official Plan that restricts Major Retail on the designated and in the proposed Strategic Employment Areas.

Some of our lands in the Town of East Gwillimbury are currently envisaged as a Major Local Centre in the Town's Draft Official Plan. The proposed Major Local Centre at the Highway 404 and Green Lane node permit a range of employment uses that will achieve the economic vitality and complete community objectives of both the Town and the Region.

Our lands at Highway 404 and Major Mackenzie Dr. in Richmond Hill are currently designated employment. The Secondary Plan and subsequent OPA's expanded the retail permissions on these lands and those permissions remain in full force and effect. The Town's employment land protection OPA that the Region approved and then supported at the OMB recognizes that the retail uses, including retail warehousing, are permitted. RCG will strongly oppose the Official Plan if it is the intention to remove the existing retail permissions.

The Region is working with the Town of East Gwillimbury in finalizing the Town's OP. The Town is carrying out a study of its retail needs and will be establishing a retail hierarchy which prioritizes locations for specific retail uses.

Section 8.4 in the ROP contains transition policies recognizing legally existing and approved land uses.

Policy 8.4.14 (formerly 8.4.13):

To recognize legally existing and approved land uses as they exist at the time this Plan is approved.

Policy 8.4.15 (formerly 8.4.14):

That applications received on/or after the date of this Plan's approval be subject to the policies of this Plan.

Policy 8.4.16 (formerly 8.4.15):

That proponents with pending applications at the time of this Plan's approval be encouraged to work with the Region to re-examine the proposed applications based on the policies in this Plan.

Policy 4.4.5: "To require local municipalities to define *major*

The definition for Major Retail that is provided within the

retail uses within the context of the local commercial hierarchy”; however, the draft OP has defined *major retail* as big box stores, retail warehouses and shopping centres.

We support and encourage the policy that requires the local municipality to define major retail but strongly oppose the Region’s vague definition. At a recent York Chapter BILD meeting, the Region stated that major retail will not be defined and that it will be the responsibility of the local municipalities to determine their own definition. It appears the definition was added in haste and without consultation with any stakeholders.

Trusting our submission will be received and reviewed and we would appreciate any future notifications with respect to the Region of York’s Official Plan.

Regional Official Plan is intended to act as a guideline for local municipalities.

Policy 4.4.5 ensures that local municipalities define major retail in a way that is appropriate to their local context.

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. Buczolitz on December 18, 2009. This submission will be provided to the Province, however, the Region recommends that Mr. Buczolits contact the Province directly to formally request notice of the Province’s decision.

Rice Commercial Group of Companies
15 Gormley Industrial Avenue Box 215, Gormley, Ontario, L0H 1G0

December 1, 2009
The Regional Municipality of York
17250 Yonge Street
Newmarket Ont
L3Y 6Z1

Attention: Bryan Tuckey, M.C.I.P., R.P.P.
Commissioner of Planning and Development Services

Re: Region of York, Draft Official Plan, June 2009

Sent via email

Dear Bryan,

On behalf of the Rice Commercial Group of Companies (RCG), we respectfully submit our comments and concerns with the Region's Draft Official Plan, June 2009.

Firstly, RCG is a member in good standing of BILD and we fully endorse and support the submissions made by Malon Given Parsons Ltd. on behalf of BILD.

RCG is generally concerned with the imbalance between the principle of Economic Vitality and the principles of Healthy and Complete Communities. If a balanced, financially viable business environment cannot be achieved when implementing the designated and the proposed Strategic Employment Land areas, development capital will be forced to go elsewhere.

RCG is primarily a non-residential land owner-developer/builder in York Region. In order to facilitate the development of employment land requires substantial infrastructure investment which is borne entirely on the backs of the developer. The Region's Official Plan should establish a policy framework to reduce the financial burden and in turn create and provide financial incentives to non-residential developers. These policies may include less restrictive land uses in employment areas, linkages to and subsidies from the residential growth sector, reduction in non-residential development charges, expedited

development approvals and a non-prescriptive approach to sustainable development and building.

RCG is specifically concerned with the policy of Major Retail not being permitted on the designated or in the proposed Strategic Employment Land areas. With the magnitude of growth expected over the next 25 years there will be in need for Major Retail in every new community in York Region.

It is our understanding that current Provincial policies do not bar large scale retail uses from employment areas where a municipality has determined such uses to be appropriate. The Growth Plan maintains a broad definition of employment areas in order to allow municipalities this discretion. The Growth Plan also does not exclude major retail uses from employment areas because they function as a cluster of businesses and create economic activity together with offices, manufacturing, warehousing/distribution etc. The jobs generated by retail uses should count toward achieving employment forecasts mandated in provincial policy.

The PPS states that planning authorities shall promote economic development and competitiveness by:

- Providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs
- Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses
- Planning for, protecting and preserving employment areas for current and future uses

The PPS also states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential and employment land uses (including industrial, commercial and institutional).

Neither employment nor commercial uses are defined terms but commercial would include retail and employment should read to include all employment generating uses including major retail. We are not aware that the PPS nor the Growth Plan narrows either term to exclude or prohibit retail or major retail uses from employment areas and we strongly recommend that the Region of York amends the prohibitive policies in the current Draft of the Official Plan that restricts Major Retail on the designated and in the proposed Strategic Employment Areas.

Some of our lands in the Town of East Gwillimbury are currently envisaged as a Major Local Centre in the Town's Draft Official Plan. The proposed Major Local Centre at the

Highway 404 and Green Lane node permit a range of employment uses that will achieve the economic vitality and complete community objectives of both the Town and the Region.

Our lands at Highway 404 and Major Mackenzie Dr. in Richmond Hill are currently designated employment. The Secondary Plan and subsequent OPA's expanded the retail permissions on these lands and those permissions remain in full force and effect. The Town's employment land protection OPA that the Region approved and then supported at the OMB recognizes that the retail uses, including retail warehousing, are permitted. RCG will strongly oppose the Official Plan if it is the intention to remove the existing retail permissions.

Trusting our submission will be received and reviewed and we would appreciate any future notifications with respect to the Region of York's Official Plan.

Yours truly,

Rudy Buczolits
Senior Vice President

The Rice Commercial Group of Companies

cc.

Bruce Macgregor, Chief Administrative Officer
John Waller, Director, Long Range and Strategic Planning Branch
Barbara Jeffery, Manager, Land Use Policy and Environment

Rice Commercial Group of Companies
15 Gormley Industrial Avenue Box 215, Gormley, Ontario, L0H 1G0

December 14, 2009
The Regional Municipality of York
17250 Yonge Street
Newmarket Ont
L3Y 6Z1

Attention: Bryan Tuckey, M.C.I.P., R.P.P.
Commissioner of Planning and Development Services

Re: Region of York, Draft Official Plan, December 2009

Sent via email

Dear Bryan,

On behalf of the Rice Commercial Group of Companies (RCG) and further to our submission of December 1, 2009 we respectfully submit additional comments and concerns with the Region's Draft Official Plan, December, 2009.

Section 4.4 Planning for Retail

5. "To require local municipalities to define *major retail* uses within the context of the local commercial hierarchy"; however, the draft OP has defined *major retail* as big box stores, retail warehouses and shopping centres.

We support and encourage the policy that requires the local municipality to define major retail but strongly oppose the Region's vague definition. At a recent York Chapter BILD meeting, the Region stated that major retail will not be defined and that it will be the responsibility of the local municipalities to determine their own definition. It appears the definition was added in haste and without consultation with any stakeholders.

Trusting our submission will be received and reviewed and we would appreciate any future notifications with respect to the Region of York's Official Plan.

Yours truly,

Rudy Buczolits
Senior Vice President

The Rice Commercial Group of Companies

cc.

Bruce Macgregor, Chief Administrative Officer

John Waller, Director, Long Range and Strategic Planning Branch

Barbara Jeffery, Manager, Land Use Policy and Environment

Submission Number
D05.2009. 1.129

Date of Submission:
December 2, 2009

Submission Author:
Sorensen, Gravely, Lowes on behalf of Westlin Farms

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
First wrote in August 2009 to express concerns about property being designated Agriculture. Note that the Proposed Plan still designates the property as Agriculture. Concerned about policy 6.3.3 which indicates “non Agricultural uses are prohibited on the Agricultural Area” and further that policy 6.3.4 indicates that outside of the Greenbelt and Oak Ridges Moraine Conservation Plan refinements to either the Agricultural Area or Rural Area, shown on map, are not permitted unless undertaken through a municipal comprehensive review” Policies remove the ability to request minor adjustments through an Official Plan Amendment. Provincial Policy is not intended to eliminate possibility to adjust agricultural area boundaries or permit other compatible uses where demonstrated appropriate.	Lands are designated Agricultural in current ROP and the 2009 LEAR study identified an overall score of 8.7 for the lands along with lands to the south in the City of Vaughan. Lands with this LEAR score are well within scores for Agricultural designation. Lands are designated Rural in existing King Township OP, but lands have been designated for Agriculture in new adopted Township of King Rural Area Plan currently before the Region for approval. This adopted Plan will require review and updating due to the Greenbelt Plan approval in 2005. Westlin Farms has not provided justification for why the lands should not be designated Agricultural and has the ability to make application for Rural uses to the Township of King prior to the approval of the ROP. This would make an application subject to the policies of the existing ROP regarding changes from Agriculture to Rural.
Request deletion of subsections 6.3.3 and 6.3.4	Policy 6.3.3 of the Adopted Regional Plan is proposed to be modified to read: “That uses not related to Agriculture are prohibited within the Agricultural Area and Holland Marsh Area.” Further Policy 6.3.4 is modified to include “Regional” in front of “municipal comprehensive review” for clarity, to ensure that comprehensive reviews are undertaken at a Regional

level. Policy will read as follows:

“That outside of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, refinements to either the Agricultural Area or the Rural Area, shown on Map 8, are not permitted unless undertaken through a Regional municipal comprehensive review.”

Township of King planning staff agrees that the adopted designation of Agriculture is appropriate.

No modifications required.



Sorensen Gravely Lowes
Planning Associates Inc.

509 Davenport Road
Toronto, Ontario M4V 1B8
Telephone (416) 923-6630
Facsimile (416) 923-6916

Principals: Warren Sorensen, P.Eng, MCIP, RPP
Catherine Gravely, MES, MCIP, RPP
Paul Lowes, MES, MCIP, RPP
Senior Associate: Carol-Anne Munroe, MCIP, RPP

December 2, 2009

Project: WF.KT

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

via email: regionalclerk@york.ca

Dear Mr.Kelly:

**Re: Comments on the Draft Region of York Official Plan
Westlin Farms Inc., Part of Lot 2, Concession 6, Township of King**

We are planning consultants to Westlin Farms Inc., the owners of the above property located on the west side of Weston Road, immediately north of the Vaughan/King municipal border. We are writing at this time to express our concerns with the draft Official Plan dated December 2009.

In response to the June draft Official Plan, we submitted a letter dated August 11, 2009 (your submission file number D05.2009.1.030) expressing our concerns with regards to the proposed Agricultural Area designation of the subject property. We requested that the subject property be designated Rural Area in the Region of York Official Plan for a variety of reasons.

We note that the subject property remains to be designated Agricultural Area in the December 2009 version of the draft Official Plan. We do not agree with this designation.

Moreover, we are particularly concerned with the proposed Agricultural Area policies of the draft Official Plan. In particular, subsection 6.3.3 provides, "*That non-agricultural uses are prohibited within the Agricultural Area...*" (page 78). Furthermore, subsection 6.3.4 provides, "*That outside of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, refinements to either the Agricultural Area or the Rural Area, shown on Map 8, are not permitted unless undertaken through a municipal comprehensive review.*" (page 78).

Subsection 6.3.4 takes away the ability to request for minor adjustments through an Official Plan Amendment. We note that while Provincial Policy is strident in the protection of prime agricultural areas for long-term use, it is not intended to eliminate opportunity to adjust agricultural area boundaries or permit other compatible uses, where demonstrated appropriate. In fact, the Provincial Policy Statement provides criteria in subsection 2.3.5.1 for the exclusion of land from prime agricultural areas. We note that it does not prohibit the adjustment of



agricultural area boundaries, nor does it restrict such action to be initiated only through a municipal comprehensive review.

Therefore, we respectfully request that subsections 6.3.3 and 6.3.4 of the draft Official Plan (December 2009) be deleted.

Yours very truly,

SORENSEN GRAVELY LOWES PLANNING ASSOCIATES INC.

Paul Lowes, M.E.S., MCIP, RPP
Principal

*Copy Mr. Bryan Tuckey, York Region
Mr. John Waller, York Region
Mr. Stephen Kitchen, Township of King
Mr. Daniel Belli, MAM Group*

Submission Number
Do5.2009. 1.130

Date of Submission:
December 2, 2009

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

Comments or Requested Change to Draft Official Plan	Analysis and Recommendation
Reviewing the December 2009 adopted version and reserve the right to provide comments at a later date.	
In addition to comments already provided clients have the following concerns:	
Policy 3.2.13	
Policy purports to add Policy 3.3.13 which “to consider the introduction of social housing and hospital development charges”	Policy indicates that Council <u>will consider</u> this in the future.
The policy does not recognize or acknowledge the applicable provisions and restrictions of the Development Charges Act	At present the legislation does not recognize such charges and the introduction of such charges would not be undertaken unless the legislation permitted this
Employment lands policies	
Policy 4.3.2 Unclear what is meant by the word identified in Policy 4.3.2. Suggest the word should be “designated”.	Regional staff agrees and have included a modification to this effect.
Policy 4.3.4 The identifications of “strategic employment lands” beyond the planning horizon as provided in policy 4.3.4 may contravene the requirements of the growth Plan and the PPS.	Policy 4.3.4 has been revised and renumbered to 4.3.6
Further although the December 2009 draft purports to provide that Figure 2 is conceptual and non operative, by	To protect strategic employment lands, including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and should be identified and protected in

including reference to Figure 2, in this and other sections the Figure may be interpreted as forming part of the operative section of the OP

local municipal official plans.

The introduction indicates that the figures in the Plan are intended to be illustrative and are provided for information only.

Policies 4.3.6 and 4.3.7 (formerly 4.3.4 and 4.3.5) referencing figure 2 give notice that the strategic employment lands identified on figure 2 should be protected as there is a limited supply of employment lands adjacent to 400 series highways.

Policy 4.3.10

Policy 4.3.10 is potentially at odds with policies approved or about to be approved in the North Leslie Secondary Plan. To the extent that any policies in the Plan conflict or add obligations restrictions or requirements to those already considered and approved in the North Leslie Secondary Plan, the clients object.

Employment land policies in Section 4.4 of the North Leslie Secondary Plan, (Town and OMB decision 3289 version) are consistent with ROP policy 4.3.10 (renumbered as 4.3.11)

Policy 4.3.2

Unclear what is intended by Policy 4.3.2, To the extent that the intention is to require that lands on Local Corridors and major streets which are adjacent to employment lands but not currently designated for employment uses to be used only for employment or ancillary uses, the client objects. The direction may be contrary to a decision by the Board in North Leslie.

Policy 4.3.12 has been renumbered as Policy 4.3.13. North Leslie Secondary Plan does not conflict with ROP section 4.3

Clients have concerns with the wording of policy 4.3.21 and are not satisfied that the policy address the concerns expressed in the earlier letter. Policy implies that the Strategic employment designation was considered by the OMB, when it was not Policy does not reflect the factual context.

Regional staff recommends deletion of policy 4.3.21 with renumbering of the subsequent policy.

Housing Supply

Policy 5.1.5 – Suggest the wording in the June draft of the Plan as the local municipality in the best position to ensure the policy objectives

Policy was modified at the request of local municipalities to read:

"To maintain a housing supply of 3 to 7 years in registered and draft approved plans of subdivisions, condominium plans and/or site plans."

Policy 5.2.15

Client objects to this policy given that the proposed densities for my clients lands were just considered by the OMB this year with no suggestion from the Region for alternative density provisions. Growth Plan densities are intended to be implemented at a town-wide level not on a secondary plan basis. At the very least this policy should be reworded to encourage "re-examination"

Regional staff proposes to modify the 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."

Policy 5.2.19

Clients object to the requirement to comply with all required items in the Guidelines for Community Development and the ability of the Guidelines to change without amendment to the Plan.

Regional staff proposes to modify policy 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."

Any guideline imposed by the policy should be subject to the same public process associated with the adoption of this plan as set out in the Planning Act to ensure transparency.

Sustainable Development

Comments in October 6 letter apply. Reiterate the comments of Mr. Sorensen that the minimum density and affordable housing requirements are examples of policies that should not supersede or amend already fully considered policy direction. Also add LEED policies to this.

Affordable housing and minimum densities are required by the Provincial Growth Plan in order to achieve "complete communities" in York Region. Policies requiring LEED have been revised. Regional Staff have worked extensively with BILD representatives to amend the green building policies of the ROP

Street policies

Require a better understanding of policy 7.2.50 before adoption

In addition continue to object to the increase in rights of way to 43 metres in vicinity of clients lands, noting at the rehearing of the appeals as the Region did not raise the need or possibility of increases rights of way for these roads.

Road widths were raised and addressed by the OMB, with the region continued to support secondary plan policies for 36 metres rights of way.

Policy 7.2.50 is for future road ways, such as the new Donald Cousins Parkway extension where we would expect to obtain the first 36 metres of the right-of-way at no cost. Other than the Donald Cousins Parkway extension to 19th Avenue, there are no other proposed roads identified at this time.

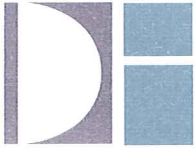
Increased right- of- way policies were proposed but not adopted at the time of the rehearing, therefore it was not possible to raise these before the Board as they had no status.

Regional staff will meet with representatives of North Leslie in the near future to discuss the increased rights-of way.

Transition Policies

Transition policies in 8.4.13 to 8.4.15 do not address the concerns expressed in earlier letters with respect to policies which add to, change, conflict or are inconsistent with policies and impose additional obligation and restrictions on the North Leslie lands.

Transition policies are appropriate for York Region as a whole.



Davies
Howe
Partners

Please refer to: **Susan Rosenthal**
e-mail: susanr@davieshowe.com

December 2, 2009

By E-Mail Only to Regionalclerk@york.ca

Lawyers

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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

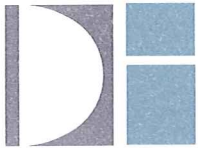
Dear Mr. Kelly:

**Re: Planning and Economic Development Committee
Agenda Item B.1 – York Region Official Plan – December 2009**

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 19th 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 the June 2009 draft of the York Region Official Plan to express issues and concerns about the proposed policies. Copies of our June 17 and October 6, 2009 correspondence are attached for your information. We have also had the opportunity to participate in discussions with Regional Planning staff with respect to these concerns.

We are in the process of reviewing the December, 2009 draft of the proposed Region of York Official Plan (the "December 2009 draft OP") which is intended to be considered at the December 2nd Planning and Economic Development Committee meeting. The revised December 2009 draft OP contains numerous changes to the June draft which require a detailed review which we are now completing. As such, we reserve the opportunity to provide further comments with respect to the policies and mapping prior to the adoption of the December 2009 draft OP.



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It was our understanding based on discussions with staff that the mapping attached to the OP was intended to be amended to reflect the environmental schedules attached to the North Leslie Secondary Plan Area, which schedules were accepted by the Region, Town of Richmond Hill, as well as the Toronto and Region Conservation Authority and my clients as appropriately reflecting the Natural Heritage System and Protected Countryside designations and developable areas applicable to my clients' lands. The scale of the attached maps makes it very difficult to determine if these amendments have been made. As such, we will be requesting staff to provide blowups of the relevant areas in order to allow us to determine whether we continue to have any concerns. They have been kind enough to do so with respect to previous versions and we anticipate that this potential issue can be readily resolved. We do note, however, that some of the base mapping with respect to natural heritage features such as wetlands reflects old data which has not been ground-truthed. Provisions should be made in the final version of the OP to allow for updates to this mapping of natural heritage features such as wetlands and woodlands without the need for an amendment to the Official Plan.

Further, based on our initial review of the document, it would appear that many of the issues raised in our earlier letters have not been addressed to the satisfaction of our clients. Rather than reiterating our clients' concerns in this letter, we ask you to refer to our comments made in the enclosed letters with respect to the earlier June draft which apply equally to the December 2009 draft OP.

In addition to the comments already provided to you, my clients have the following concerns.

Policy 3.3.13

The December 2009 draft OP proposes to add a policy 3.3.13 "to consider the introduction of social housing and hospital development charges". The genesis and basis of this policy is unclear and does not recognize or acknowledge the applicable provisions and restrictions of the *Development Charges Act* in that regard. As such, the policy should be revisited.

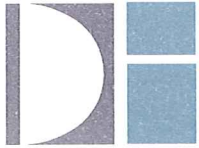
Employment Lands Policies

This section contains a number of new policies which we are currently evaluating. We have the following preliminary comments:



Davies
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- a. It is unclear what is intended by the use of the word "identified" in proposed policy 4.3.2. We would suggest that it would be appropriate to replace the "identified" with "designated".
- b. The identification of "strategic employment lands" beyond the planning horizon of the OP as provided in proposed policy 4.3.4 may contravene the requirements of the Growth Plan and the Provincial Policy Statement which prohibit the designation of more than a 20 year supply of land. Furthermore, although the December 2009 draft OP purports to provide that Figure 2 is conceptual and non-operative, by including reference to Figure 2 in this and other sections, the Figure, in essence, may be interpreted as forming part of the operative section of the OP by reference.
- c. Policy 4.3.10 is an example of a policy which will potentially be at odds with policies approved or to be approved with respect to the North Leslie Secondary Plan Area. As noted in my earlier correspondence, to the extent that any of the policies of the Regional Official Plan conflict with, are inconsistent with or add obligations, restrictions or requirement to those already considered and approved or to be approved in connection with the North Leslie Secondary Plan, my clients object.
- d. It is unclear what is intended by new proposed policy 4.3.2. To the extent that the intention is to require that lands on Local Corridors and major streets which are adjacent to employment lands but not currently designated for employment uses to be used only for employment or ancillary uses, my clients object to this limitation as having no justification, analysis and no demonstrated need. Furthermore, there is potential that this policy could be at odds with the ultimate determination by the Ontario Municipal Board ("OMB") of the appropriate uses for my clients' lands.
- e. As previously discussed with staff, my clients have concerns with the wording of Policy 4.3.21 and are not satisfied that the inclusion of this policy addresses the concerns expressed in my earlier letter. The policy suggests that the "strategic employment designation" for North Leslie was considered by the OMB during the rehearing of my clients' appeal of its application for official plan amendment. It was not. It was only the local designation that was considered by the OMB at the rehearing. Accordingly, the proposed wording of the policy does not accurately reflect the factual context. As we have previously requested, we would ask that Figure 2, as it relates to my clients' lands be deferred and be revisited after the OMB issues its Decision with respect to the local designation of my clients' lands.



Davies
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Partners

Housing Supply

We note the proposed changes to Policies 5.1.5 and suggest that the June 2009 wording is more appropriate. It is the local municipality that is in the best position to ensure that the policy objective is met.

Policy 5.2.15

My clients object to this policy particularly given that proposed densities for my clients' lands were just considered by the OMB this year with no suggestion from the Region for alternative density provisions to those proposed by my clients. In any case, the Growth Plan density policies are intended to be implemented at a town-wide level and not on a secondary plan basis. At the very least, this policy should be reworded to encourage the re-examination.

Policy 5.2.19

My clients object to the requirement to comply with all required items in the Guidelines for Community Development and the ability for the guidelines to change without amendment to the plan. Any guideline or amendment thereto sought to be imposed by this policy should be subject to the same public process associated with the adoption of this plan as set out under the *Planning Act* to ensure transparency and fairness to all affected members of the public, including landowners and ratepayers.

Sustainable Development

My comments in my October 6th letter applies to the revised policies in the December 2009 draft OP.

Street Policies

We wish to have a better understanding of the proposed change to Policy 7.2.50 prior to adoption of the December 2009 draft OP.

Our earlier October 6th letter expressed concern about the new proposed Regional 43 metre right of way in the vicinity of my clients' lands. We continue to object to these revised rights of way and note that at no time during the rehearing of the appeals related to my clients' lands did the Region raise the need for, or even the possibility of, increased rights of way beyond 36 metres for these roads. In fact, despite the fact that the sufficiency of other roadway widths within the North Leslie Secondary Plan area were raised and addressed by the OMB, the Region



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continued to support secondary plan policies for 36 metre road rights of way for Leslie Street, 19th Avenue, Bayview Avenue and Elgin Mills Road.

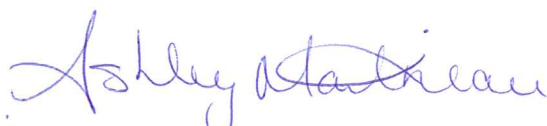
Transition Provisions

The transition policies contained in policies 8.4.13-8.4.15 do not address the concerns expressed in my earlier letters with respect to proposed Regional policies which add to, change, conflict with or are inconsistent with the requirements, obligations and restrictions imposed in connection with the North Leslie Secondary Plan approved or to be approved by the OMB. They do not recognize the approved status (or to be approved upon the issuance of the OMB Decision) of the secondary plan area or provide that implementing development applications be subject to and tested against the North Leslie Secondary Plan policies. We request that a policy be added to this effect grandfathering the North Leslie Secondary Plan lands and clarifying that the implementing development applications, including, without limitation zoning, subdivision, condominium, and site plan applications whether already submitted or to be submitted are to be subject to and tested against the policies of the North Leslie Secondary Plan and not against the additive, inconsistent or conflicting policies of the new Regional Official Plan.

We thank you for the opportunity to provide these comments and would request that these matters be further addressed by your staff prior to the OP being brought to Council for adoption.

Yours sincerely,

DAVIES HOWE PARTNERS

per: 
Susan Rosenthal

encls: Davies Howe Partners Letter, June 17, 2009
Warren Sorensen Letter, September 24, 2009
Davies Howe Partners Letter, October 6, 2009

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



Davies
Howe
Partners

Lawyers

The Fifth Floor
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Please refer to: **Susan Rosenthal**
e-mail: susanr@davieshowe.com

June 17, 2009

By E-Mail

Planning and Economic Development Committee
c/o Denis Kelly, Regional Clerk
Corporate Services Department
York Region Administration Building
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly

**Re: Planning and Economic Development Committee
Agenda Item D.3 – Draft York Region Official Plan – June 2009**

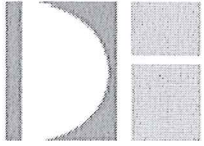
We are counsel to 775377 Ontario Limited (Belmont), Clearpoint Developments Ltd. and Upper City Corporation, owners of lands located within the southeast quadrant of Leslie Street and 19th Avenue, in the Town of Richmond Hill. These lands are located in the North Leslie Secondary Plan Area.

We thank you for acknowledgement of our request for notice regarding the York Region Official Plan and look forward to receiving continued notices of all meetings, open houses, actions, reports and other documents with respect to the proposed Regional Official Plan.

We have only had a brief opportunity to review the staff report and draft Official Plan, particularly as it relates to our clients' lands, but wish to note a few preliminary comments, recognizing that the purpose of this report is to formally initiate the circulation of the draft Official Plan posted this week on your website. A more fulsome analysis and comments will be forthcoming throughout the process outlined in staff's report.

Designation of Lands within the Urban Area

We support the inclusion of the North Leslie Secondary Plan Area within the Region's Urban Boundary in accordance with the decision of the Ontario Municipal Board respecting this secondary plan area.



Davies
Howe
Partners

Designated Strategic Employment Lands – Figure 2

It is inappropriate to show any part of my clients' lands as Designated Strategic Employment Lands, and we take strong objection to this identification on Figure 2. As the Region is well aware, our clients' lands are currently before the OMB, at a rehearing in which the Region has fully participated, and the critical question before the Board relates to their appropriate designation. These lands are not designated for employment uses and thus the reference to "Designated" is patently incorrect. It is in the OMB's hands to determine whether these lands should be designated for employment or residential uses and until such time as the OMB makes this decision, it is premature to reflect any specific land use designation on any Schedules circulated to the general public. It would be more appropriate to identify these lands as being subject to an Ontario Municipal Board hearing.

Moreover, on September 26, 2008, in response to a Staff Report which previously proposed to designate my clients' lands, among a number of other landholdings, as Regionally Significant Employment Areas, the Region was advised by the Province that the Province did not support such a designation for any of the lands, including my clients' lands. We have not been notified, nor are we aware of any *Planning Act* process or application since then which would support the lands being designated as proposed in the draft Regional Official Plan.

We, therefore, request that the identification of our clients' lands as Designated Strategic Employment Lands be deleted from Figure 2 prior to circulation of the draft Regional Official Plan to the public.

Once again, thank you for your acknowledgement of our request for notice and information about the timing of this update. We look forward to continued information and the opportunity for an ongoing dialogue.

Yours sincerely,

DAVIES HOWE PARTNERS

Susan Rosenthal

Copy: Clients
Warren Sorensen
Ms. Patricia Foran



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Partners

Lawyers

The Fifth Floor
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davieshowe.com

Please refer to: **Susan Rosenthal**
e-mail: susanr@davieshowe.com

October 6, 2009

By E-Mail Only to bryan.tuckey@york.ca

Mr. Bryan Tuckey
Commissioner of Planning and Development Services
York Region Administrative Centre
Planning and Development Services Department
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Tuckey:

Re: Proposed York Region Official Plan, June 2009 Draft

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 19th Avenue, in the Town of Richmond Hill. These lands are located in the North Leslie Secondary Plan Area.

We have had an opportunity to review the June 2009 draft of the proposed Region of York Official Plan (the "June 2009 draft OP") which is intended to be considered at tomorrow's public meeting.

Designated Strategic Employment Lands

We would note that the issues raised in our previous June 17, 2009 correspondence to the Region about the draft Regional OP, particularly those related to the proposed identification of our clients' lands as Designated Strategic Employment Lands, have not been addressed in the June 2009 draft OP. Rather than repeating the issues, we ask that you have reference to our previous letter, a copy of which is attached. We continue to object to this identification and related policies in Chapters 4 and 5, as well as 8.4.5. I would note that the Richmond Hill allocations in Table 1 may also require adjustment upon the issuance of the Board's Decision with respect to my clients' lands.



Davies
Howe
Partners

Potential Conflict with North Leslie Secondary Plan Policies

We have had the opportunity to review correspondence from Sorensen, Gravely, Lowes to the Region dated September 24, 2009, on behalf of the North Leslie Residential Landowners Group Inc., identifying potential confusion and conflicts between the Ontario Municipal Board's determination of the appropriate amendments to the Region and Town Official Plan and the policies and mapping contained in the June 2009 draft OP. These comments equally apply to my clients' lands and we adopt and support the comments made in that letter. I have attached a copy of that letter for your information.

Although the land uses for my clients have not yet been finally decided and are awaiting the Board's Decision, many of the policies to be applicable to the ultimate uses have been settled. It was the position of all parties, including the Region, that most of the policies of the North Leslie Secondary Plan, including those relating to natural heritage, hydrological and hydrogeological policies, environmental and other required studies at further development stages and those relating to affected lands in the Greenbelt Plan, would apply to my clients' lands regardless of the ultimate land use designation. Despite the ongoing Regional Plan review, there was no suggestion by the Region at the Ontario Municipal Board rehearing that any of these policies were inadequate, inappropriate or required enhancement.

I reiterate Mr. Sorensen's suggestion that the minimum density and affordable housing requirements in the June 2009 draft OP are examples of policies that should not supersede or amend already fully considered, and in most cases, jointly presented (landowners, Town and Region) policy direction. To this I would add policies related to LEEDs certification. Like Mr. Sorensen, I do not intend to provide an exhaustive list of potentially confusing and conflicting policies. Those I have specifically referenced are illustrative only.

In addition, my clients have requested approval of a land use designation adjacent to Highway 404 which includes the opportunity for seniors housing. Further, day care facilities have been proposed as a permitted use within lands adjacent to Highway 404 by the Town and Region and by my clients whether the lands are designated for employment or for residential uses. These proposed uses are inconsistent with Policy 3.2.6 of the June 2009 draft OP. To the extent that the Board Decision permits these uses on that part of my clients' lands adjacent to the 404, we object to the proposed policy.



Davies
Howe
Partners

While my clients support the inclusion of the North Leslie Secondary Plan Area within the Region's Urban Boundary in accordance with the Decision of the Ontario Municipal Board respecting this secondary plan area, like Mr. Sorensen we note and share his comments about discrepancies between the Board's Decision and the mapping attached to the June 2009 draft OP. In addition, with respect to Maps 10 and 12, my clients have concerns relating to the effect of the mapping together with the associated policies. These concerns include increased road widths for both 19th Avenue and Leslie Street and the inclusion of a "flyover" under what appears to be "planned basic street widths".

With respect to the road widths, these are greater than previously required under the existing Regional OP and may impose greater obligations to the development of our clients' lands from those approved and being considered by the Board. We wish to have a better understanding of the implications prior to adoption by Regional Council.

Furthermore, 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. Despite the almost three years that has passed since the Board's original Decision, the Region has not proceeded to an environmental assessment to justify the appropriateness or need for the flyover. It is not "planned" even though there has been more than ample opportunity to do so. The flyover or crossing should be deleted from the Schedule. Furthermore, policies reflecting the opportunity for these midblock crossings should reference the requirement to show need and appropriateness in accordance with an environmental assessment.

In summary, my clients object to any new policies imposing additional or inconsistent restrictions, obligations or requirements to those already considered and approved or to be approved in connection with the North Leslie Secondary Plan Area.

We thank you for the opportunity to provide these comments and would appreciate the opportunity to meet with you to discuss these concerns prior to the preparation of the next draft of the proposed Regional OP and its consideration by Council.



Davies
Howe
Partners

Page 4

As previously requested by us, please provide us with notification of the adoption of the Draft York Region Official Plan.

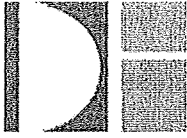
Yours sincerely,

DAVIES HOWE PARTNERS

Per: 
Susan Rosenthal

encls: Davies Howe Partners Letter, June 17, 2009
Warren Sorensen Letter, September 24, 2009

copy: Mr. Denis Kelly, Regional Clerk
Mr. Warren Sorensen
Ms. Patricia Foran
Mr. Andrew Madden
Clients



Davies
Howe
Partners

Lawyers

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davieshowe.com

Please refer to: **Susan Rosenthal**
e-mail: susanr@davieshowe.com

June 17, 2009

By E-Mail

Planning and Economic Development Committee
c/o Denis Kelly, Regional Clerk
Corporate Services Department
York Region Administration Building
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Dear Mr. Kelly

**Re: Planning and Economic Development Committee
Agenda Item D.3 – Draft York Region Official Plan – June 2009**

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 19th Avenue, in the Town of Richmond Hill. These lands are located in the North Leslie Secondary Plan Area.

We thank you for acknowledgement of our request for notice regarding the York Region Official Plan and look forward to receiving continued notices of all meetings, open houses, actions, reports and other documents with respect to the proposed Regional Official Plan.

We have only had a brief opportunity to review the staff report and draft Official Plan, particularly as it relates to our clients' lands, but wish to note a few preliminary comments, recognizing that the purpose of this report is to formally initiate the circulation of the draft Official Plan posted this week on your website. A more fulsome analysis and comments will be forthcoming throughout the process outlined in staff's report.

Designation of Lands within the Urban Area

We support the inclusion of the North Leslie Secondary Plan Area within the Region's Urban Boundary in accordance with the decision of the Ontario Municipal Board respecting this secondary plan area.



Davies
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Designated Strategic Employment Lands – Figure 2

It is inappropriate to show any part of my clients' lands as Designated Strategic Employment Lands, and we take strong objection to this identification on Figure 2. As the Region is well aware, our clients' lands are currently before the OMB, at a rehearing in which the Region has fully participated, and the critical question before the Board relates to their appropriate designation. These lands are not designated for employment uses and thus the reference to "Designated" is patently incorrect. It is in the OMB's hands to determine whether these lands should be designated for employment or residential uses and until such time as the OMB makes this decision, it is premature to reflect any specific land use designation on any Schedules circulated to the general public. It would be more appropriate to identify these lands as being subject to an Ontario Municipal Board hearing.

Moreover, on September 26, 2008, in response to a Staff Report which previously proposed to designate my clients' lands, among a number of other landholdings, as Regionally Significant Employment Areas, the Region was advised by the Province that the Province did not support such a designation for any of the lands, including my clients' lands. We have not been notified, nor are we aware of any *Planning Act* process or application since then which would support the lands being designated as proposed in the draft Regional Official Plan.

We, therefore, request that the identification of our clients' lands as Designated Strategic Employment Lands be deleted from Figure 2 prior to circulation of the draft Regional Official Plan to the public.

Once again, thank you for your acknowledgement of our request for notice and information about the timing of this update. We look forward to continued information and the opportunity for an ongoing dialogue.

Yours sincerely,

DAVIES HOWE PARTNERS

Susan Rosenthal

Copy: Clients
Warren Sorensen
Ms. Patricia Foran



Sorensen Gravely Lowes
P l a n n i n g A s s o c i a t e s I n c .

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Catherine Gravely, MES, MCIP, RPP
Paul Lowes, MES, MCIP, RPP
Senior Associate: Carol-Anne Munroe, MCIP, RPP

September 24, 2009

The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Attention: **Mr. Bryan Tuckey**, MCIP, RPP
Commissioner of Planning and Development Services

Dear Sir:

Re: Proposed York Region Official Plan, June 2009 Draft
North Leslie Residential Landowners Group Inc.

We are retained as planning consultants by the **North Leslie Residential Landowners Group Inc.**, and have reviewed the June 2009 draft of the proposed Region of York Official Plan (June 2009 Draft) on behalf of this client group.

The North Leslie Residential Landowners Group Inc. represents a number of landowners in Richmond Hill in the general area bounded on the west by Bayview Avenue, on the south by Elgin Mills Road, on the north by 19th Avenue and on the east by Leslie Street and Rouge River Tributary Two.

As you know the North Leslie area has been the subject of exhaustive planning and environmental study in recent years, leading to lengthy proceedings before the Ontario Municipal Board (OMB). The Region is of course aware of, and has been involved in, both the study process and in the OMB proceedings, along with the Town of Richmond Hill, the TRCA, other interested agencies and parties, and the affected landowners and landowner groups.

A number of concerns relate to the potential confusion that may arise from the mapping and related policy provisions included in the June 2009 Draft, where these may not fully reflect the relatively definitive state of studies, planning determination and approval applicable to the lands of the North Leslie Residential Landowners Group Inc. Those lands are not subject to the recent OMB rehearing, and therefore the November 2006 OMB decision constitutes the final determination of the appropriate amendments to the Regional and Town Official Plans. Although the amendment documents have not yet been formally put into effect, there is no dispute with those aspects of the OMB decision.

For example, the appropriate Secondary Plan designations and policies for affected lands within the Greenbelt Plan are settled by the OMB decision. Some but not all of the lands designated as "Protected Countryside" by the Greenbelt Plan were identified through detailed studies and evidence as "Natural Heritage System" and those lands together with appropriate buffer areas were so designated by the OMB decision. The appropriate policies to apply to the identified Natural Heritage System lands were determined and approved by the OMB. Other portions of the Protected Countryside lands remain beyond the Natural Heritage System, and are subject to differing policies also approved by the OMB.

The broad-brush nature of mapping in the June 2009 Draft, and the inclusion of Greenbelt Plan information on several of the proposed Official Plan Maps (including Maps 1, 2, 3, 4 and 5) presents a concern. Maps 3, 4 and 5 purport to identify "Natural Heritage System" lands within the Greenbelt Plan designations of Protected Countryside, and co-extensive with those designations. For North Leslie, this identification is not accurate and not consistent with the detailed studies and OMB approvals noted above.

The June 2009 Draft also proposes a variety of policy directions that, if interpreted to apply to the implementation of already approved policies for North Leslie through, could pose substantial disruption for the appropriate consideration and disposition of subsequent zoning and subdivision approval processes in accordance with the November 2006 OMB decision. The various minimum density and affordable housing requirements proposed in the June 2009 Draft are examples of policies that should not be interpreted so as to supercede or modify already approved policy directions.

These specific examples represent illustrative rather than exhaustive comments on the June 2009 Draft. In these and other respects, our concern is that the ongoing implementation of the already accomplished decision-making (based on agreed-upon detailed studies already completed, policies settled and endorsed through the OMB process) for these lands should not be confused or inhibited by new Regional Official Plan provisions. Clarifying statements should, we believe, be added to the June 2009 Draft to avoid this problem.

We appreciate the opportunity to provide these comments and trust that the concerns we have identified in this letter will receive your careful attention in preparing the next draft of the proposed Regional Plan.

Please ensure that we are notified of further steps in this process. In this and any other respect, please do not hesitate to call if any further information is desired.

Yours very truly,

SORENSEN GRAVELY LOWES PLANNING ASSOCIATES INC.

A handwritten signature in cursive script, appearing to read 'W. Sorensen', written in dark ink.

Warren Sorensen, P.Eng., MCIP, RPP
Principal

Copy North Leslie Residential Landowners Group Inc. c/o Mr. Andrew Madden



Sorensen Gravely Lowes
P l a n n i n g A s s o c i a t e s I n c .

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September 24, 2009

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17250 Yonge Street
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Please ensure that we are notified of further steps in this process. In this and any other respect, please do not hesitate to call if any further information is desired.

Yours very truly,

SORENSEN GRAVELY LOWES PLANNING ASSOCIATES INC.

A handwritten signature in dark ink, appearing to read 'W. Sorensen', with a stylized, cursive script.

Warren Sorensen, P.Eng., MCIP, RPP
Principal

Copy North Leslie Residential Landowners Group Inc. c/o Mr. Andrew Madden

Submission Number
D05.2009.1.131

Date of Submission:
December 2, 2009

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

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

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

My comments were primarily directed to Section 4.3 Protecting Employment Lands and, my underlying concern was to ensure that the York Region Official Plan does not preclude Living Water's lands from being designated in the East Gwillimbury Official Plan and subsequent Secondary Plan in a category that would allow the development of a place of worship.

I note from the staff report to the December 2, 2009 meeting of the Planning & Economic Development Committee that my letter has been analyzed and recommended revisions to Section 4.3 have been made by staff. The removal of "institutional" uses from Section 4.3.12 b. (now Section 4.3.6 b.), which lists the uses not permitted on employment lands, is a welcome change.

The report also states immediately following the reference to Section 4.3.6 b. that, **"Institutional uses may be permitted on an application by application basis pending Local Council approval"**. When Mr. Bottomley contacted me by phone and quoted this statement, I said I found the direction this was going to be satisfactory but, would wait to see the final wording of the policy before taking a position. I did not say I

The current wording of ROP policy 4.3.8 (formerly 4.3.6) does not preclude institutional uses on employment areas:

1. 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*.

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.

was satisfied. However, in this regard, I am hereby requesting that the above bolded statement in quotations be added as policy 4.3.6 c. for clarity and to avoid ambiguity and future confusion.

I am particularly concerned about other policies such as newly added policies 4.3.2 and 4.3.12, which could be interpreted in the future to frustrate attempts to establish a place of worship and, policy 4.3.7 which has been revised to now require a "Regional" comprehensive review and, presumably, a Regional approval before a place of worship could be allowed. Alternately, it would be acceptable to further revise policy 4.3.6 b. by replacing the word "include" with the word "are".

Living Water intends to continue working with the Town of East Gwillimbury to establish a place of worship use within a mixed-use building at the subject property and, does not expect to have to also receive a Regional land use approval.

Kindly notify me of any future meetings and any further revisions to the R.O.P.

The policies in section 4.3 complement employment land protection policies in the Growth Plan.

The Region is the approval authority for all secondary plans and will be working with each local municipality as part of the secondary plan approval process.

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

QX4 Investments Limited
Consulting Services

17 Bauer Crescent,
Markham, Ontario
L3R 4H3
Phone: 905-477-2005
Fax: 905-479-4517
cell: 416-564-0351
e-mail: ben.quan@rogers.com

December 2, 2009

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

Attention: Ms. Barb Jeffrey, Manager of Land Use Policy & Environment

Dear Ms. Jeffrey

Re: York Region Official Plan – December 2009

By letter dated October 6, 2009 (i.e. Submission No. D05.2009.1.060) I, on behalf of my client Living Water Faith Fellowship, owner of the property municipally known as 18293 Leslie Street, East Gwillimbury, provided comments and queries in respect of Draft York Region Official Plan – June 2009. My comments were primarily directed to Section 4.3 Protecting Employment Lands and, my underlying concern was to ensure that the York Region Official Plan does not preclude Living Water's lands from being designated in the East Gwillimbury Official Plan and subsequent Secondary Plan in a category that would allow the development of a place of worship.

I note from the staff report to the December 2, 2009 meeting of the Planning & Economic Development Committee that my letter has been analyzed and recommended revisions to Section 4.3 have been made by staff. The removal of "institutional" uses from Section 4.3.12 b. (now Section 4.3.6 b.), which lists the uses not permitted on employment lands, is a welcome change.

The report also states immediately following the reference to Section 4.3.6 b. that, **"Institutional uses may be permitted on an application by application basis pending Local Council approval"**. When Mr. Bottomely contacted me by phone and quoted this statement, I said I found the direction this was going to be satisfactory but, would wait to see the final wording of the policy before taking a position. I did not say I was satisfied. However, in this regard, I am hereby requesting that the above bolded statement in quotations be added as policy 4.3.6 c. for clarity and to avoid ambiguity and future

confusion. I am particularly concerned about other policies such as newly added policies 4.3.2 and 4.3.12, which could be interpreted in the future to frustrate attempts to establish a place of worship and, policy 4.3.7 which has been revised to now require a “Regional” comprehensive review and, presumably, a Regional approval before a place of worship could be allowed. Alternately, it would be acceptable to further revise policy 4.3.6 b. by replacing the word “include” with the word “are”.

Living Water intends to continue working with the Town of East Gwillimbury to establish a place of worship use within a mixed-use building at the subject property and, does not expect to have to also receive a Regional land use approval.

Thank you for the opportunity to make these comments. Should you have any questions, please do not hesitate to contact me. Kindly notify me of any future meetings and any further revisions to the R.O.P.

Yours very truly,

Ben Quan

cc: Denis Kelly, Regional Clerk
Carolyn Kellington, Manager of Community Planning & Development, E.G.
Pastor Johan du Toit

Submission Number
D05.2009. 1.132

Date of Submission:
December 2, 2009

Submission Author:
Richard R. Arblaster
on behalf of The Mandarin Golf Course and
AV Investments II Inc. Holdings Inc.

Comments or Requested Change to Draft Official Plan (images not included)

Analysis and Recommendation

This submission is addressed to you on behalf of my clients, The Mandarin Golf and Country Club Inc.('Mandarin') and AV Investments II Inc. ('AV'), the owners of the lands described above and illustrated in the following aerial photo:

The purpose of this letter is to table facts and expert opinion of which you may or are not aware and to request that the land use policies applicable to the Mandarin and AV lands be maintained, in substance, in their current form, and not make the change contained in the official plan draft which is recommended for approval. The change, described below,

is without logic or merit but will have an unjustified impact on the landowners rights and interests.

The lands are designated in the Agricultural Area in the present, approved, Official Plan. Notably, as the excerpts below demonstrate, no part of the lands is identified as having significant natural features or Greenlands characteristics.

The Mandarin lands are carved, vegetated, groomed, and maintained for their long-standing purpose as an internationally recognized championship golf course. The AV lands are 100 % devoted to agriculture (cultivation). The photo below demonstrates the featureless nature of the AV lands.

The Mandarin lands and the AV lands are both bisected by a drainage channel.

In the case of the AV lands, the channel was dug in the 1950's as part of a tile drainage system installed to improve the productivity of the lands for agricultural purposes. It continues today to serve the same function.

The channel on the Mandarin lands was originally created in the –'70's to early '80's as part of the then owners plan to change swamp land to golf course use. It was modified in 1990 for the present course layout. This drainage channel is illustrated by the black line shown on the map below.

As shown below in the excerpts from the draft ROP (below) a massive portion of the Mandarin lands and virtually all of the AV lands are proposed to be designated 'Greenlands'. The drainage ditches are identified as 'Significant Natural Features' (permanent and intermittent streams). This is so even though no environmentally sensitive areas or areas of natural or scientific interest are identified on the lands.

As your staff advised at your October 7, 2009 meeting following the undersigned's presentation, these proposed designations come at the request of the Town of Markham.

In this regard, as I advised your committee at your October 7 meeting my clients had commissioned engineering and environmental studies in response to the Town of Markham's on-going investigation into changing OP designations on the subject lands to create a (presently non-existent) bio-diversity corridor/park.

Map 2, The Regional Greenlands System, includes lands throughout the Region which have been identified through Regional and local studies, as lands necessary to establish and enhance a linked natural heritage system throughout York Region. The updated system includes data generated at a Regional and Local level.

Land included in the June 2009 Draft Regional Greenlands System reflect Markham's Natural Heritage Network recently prepared by the Town, to the extent possible at a Regional mapping scale.

Regional staff understands that refinements to Markham's Natural Heritage Network may be tabled at the time of its incorporation into Markham's updated Official Plan. Any modifications to Markham's network will be reflected in York Region's Greenlands System.

In this regards, policy 2.1.5 states:

That the Regional Greenlands System on Map 2 includes local municipal greenlands systems schematically. Revisions to local greenlands systems will be included within the Regional Greenlands System, and will not require an amendment to this Plan.

The report of the environmental consultant is attached to this letter as Appendix A. However beguiling the idea of a green corridor through these lands may be to the uninformed, the report evidences that it is ill-advised. It will have impacts on my client's rights and interests and should not be endorsed.

The report of the engineers calculated the limits of the flood for a design storm. Illustrated in yellow below are the limits of these lines (without consideration of engineering solutions to alter them).

The consultants have also identified the limits of the area the Town proposals identify for 'green resignation'. These are shown below. Patently, these lines have no respect for the facts on the ground. For example, 15-20% of the Mandarin golf course is unaffected by conservation authority regulation, yet they are contained with the green redesignation.

Please consider these submissions in consultation with your staff and address changes to prevent the irrational, unjustified redesignation which will have seriously harmful affects on landowner interests.

In addition to the above policy, policy 2.1.6 states:

That the boundaries and the extent of the Regional Greenlands System on Map 2 outside of the Oak Ridges Moraine Conservation Plan Area and the Greenbelt Plan Area are approximate. Refinements to the boundaries may occur through periodic updates by the Region which will not require an amendment to this Plan.

Regional Staff will continue to consult with Town of Markham staff on refinements and updates to the Natural Heritage Network.

RICHARD R. ARBLASTER**BARRISTER & SOLICITOR**

OF THE ONTARIO BAR and also a Solicitor (non-practising) of England & Wales

Suite 200
 7100 Woodbine Avenue
 Markham, Ontario
 L3R 5J2
 Tel: 416-410-8298
 Fax: 416-410-8298
 Email: rick@arblasterlaw.com
 Web: www.arblasterlaw.com

December 2, 2009

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

Attention: Chair and Members of the Committee

Dear Chair and Members,

Re: Draft Regional Official Plan

The Mandarin Golf and Country Club Inc. [Mandarin] (pts of Lots 28 and 29, Conc. 6, Markham), AV Investments II Inc. [AV] (Pt of Lt. 28, Conc. 6, Markham)

This submission is addressed to you on behalf of my clients, The Mandarin Golf and Country Club Inc. ('Mandarin') and AV Investments II Inc. ('AV'), the owners of the lands described above and illustrated in the following aerial photo:

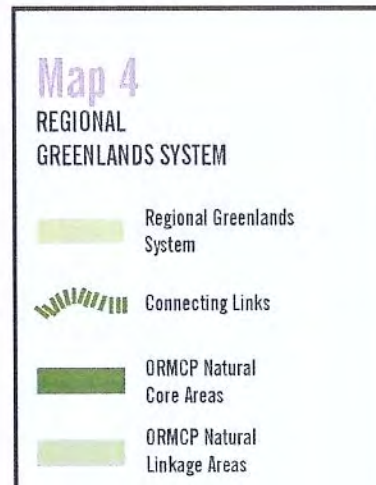


The purpose of this letter is to table facts and expert opinion of which you may or are not aware and to request that the land use policies applicable to the Mandarin and AV lands be maintained, in substance, in their current form, and not make the change contained in the official plan draft which is recommended for approval. The change, described below,

is without logic or merit but will have an unjustified impact on the landowners rights and interests.

The lands are designated in the Agricultural Area in the present, approved, Official Plan. Notably, as the excerpts below demonstrate, no part of the lands is identified as having significant natural features or Greenlands characteristics.

CURRENT ROP



The Mandarin lands are carved, vegetated, groomed, and maintained for their long-standing purpose as an internationally recognized championship golf course. The AV lands are 100 % devoted to agriculture (cultivation). The photo below demonstrates the featureless nature of the AV lands.

View looking west from McCowan Road

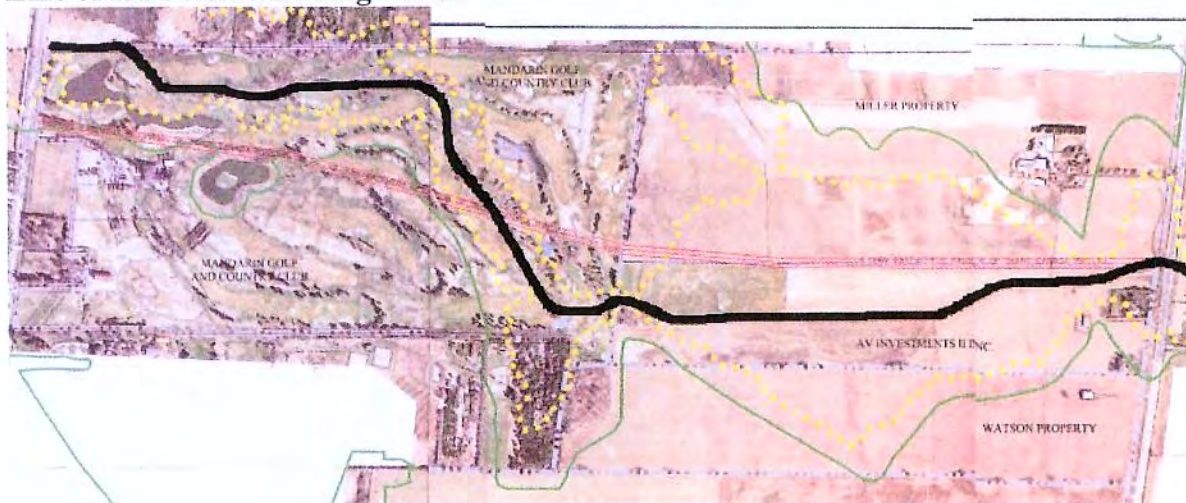


The Mandarin lands and the AV lands are both bisected by a drainage channel.

In the case of the AV lands, the channel was dug in the 1950's as part of a tile drainage system installed to improve the productivity of the lands for agricultural purposes. It continues today to serve the same function.

The channel on the Mandarin lands was originally created in the —'70's to early '80's as part of the then owners plan to change swampland to golf course use. It was modified in 1990 for the present course layout. This drainage channel is illustrated by the black line shown on the map below.

Line of man-made drainage ditch



As shown below in the excerpts from the draft ROP (below) a massive portion of the Mandarin lands and virtually all of the AV lands are proposed to be designated 'Greenlands'. The drainage ditches are identified as 'Significant Natural Features'

(permanent and intermittent streams). This is so even though no environmentally sensitive areas or areas of natural or scientific interest are identified on the lands.

MAP EXCERPTS - PROPOSED ROP
MAP 2 REGIONAL GREENLANDS SYSTEM



MAP 3 ESA AND ANSI'S



MAP 4 KEY HYDROLOGIC FEATURES



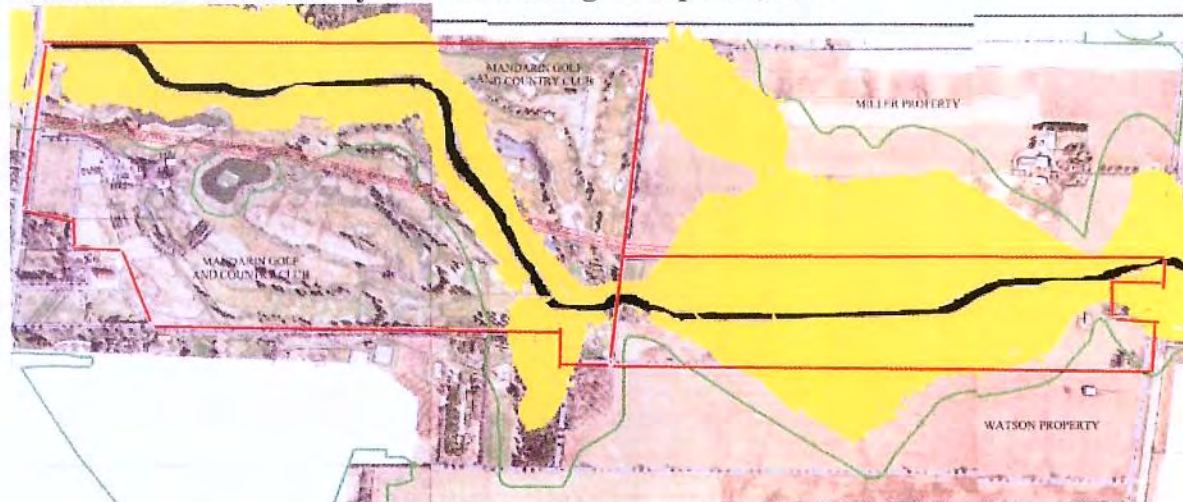
As your staff advised at your October 7, 2009 meeting following the undersigned's presentation, these proposed designations come at the request of the Town of Markham.

In this regard, as I advised your committee at your October 7 meeting my clients had commissioned engineering and environmental studies in response to the Town of Markham's on-going investigation into changing OP designations on the subject lands to create a (presently non-existent) bio-diversity corridor/park.

The report of the environmental consultant is attached to this letter as Appendix A. However beguiling the idea of a green corridor through these lands may be to the uninformed, the report evidences that it is ill-advised. It will have impacts on my client's rights and interests and should not be endorsed.

The report of the engineers calculated the limits of the flood for a design storm. Illustrated in yellow below are the limits of these lines (without consideration of engineering solutions to alter them).

Floodlines as calculated by SCS Consulting Group Fall, 2009



The consultants have also identified the limits of the area the Town proposals identify for 'green resignation'. These are shown below. Patently, these lines have no respect for the facts on the ground. For example, 15-20% of the Mandarin golf course is unaffected by conservation authority regulation, yet they are contained with the green redesignation.

Town of Markham Proposed 'Greenway'



Please consider these submissions in consultation with your staff and address changes to prevent the irrational, unjustified redesignations which will have seriously

harmful affects on the landowners interests.

Yours Very Truly,

A handwritten signature in black ink, appearing to read 'Richard R. Arblaster', with a long horizontal flourish extending to the right.

Richard R. Arblaster

Copy to:

The Mandarin Golf and Country Club Inc.
AV Investments II Inc.
Town of Markham

November 23, 2009

BEL 209104

Mr. Don Miller
11270 McCowan Road
Markham, ON L3P 3J3

Messrs. Harry & Murray Lewis
10982 McCowan Road
Markham, ON L3R 3J3

Mr. Trevor Watson
64 Stuart Street
Stouffville, ON L4A 4S4

AV Investments II Inc.
c/o Richard Arblaster
Barrister and Solicitor
7100 Woodbine Avenue, #200
Markham, ON L3R 5J2

The Mandarin Golf & Country Club
11207 Kennedy Road
Markham, ON L3P 3J3
L6C 1P2

Messrs. Harry & Murray Lewis
10982 McCowan Road

**Re: Town of Markham Environmental Policy Review (EPR) Letter
for McCowan Road Landowners**

Mr. Trevor Watson
64 Stuart Street
Stouffville, ON L4A 4S4

Dear Sirs:

AV Investments II Inc.

As per the work plan submitted to SCS Consulting Group on June 11, 2009, Beacon Environmental has completed a review of the Town's Draft Environmental Policies and field verified environmental features associated with the subject properties. The properties affected include: Miller, AV Investments II Inc., Watson and Lewis. The Mandarin Golf Club property was included at a later date and will be discussed but field investigations were not conducted on this property. **Figure 1** presents the location of each property.

11207 Kennedy Road

This letter report summarizes the findings of our review and provides our professional opinion on the relevance of the proposed Ecological Corridor across the subject lands. Our assessment is outlined in the following sections.

**Re: Town of Markham Environmental Policy Review (EPR) Letter
for McCowan Road Landowners**

144 Main St. North, Suite 206, Markham, Ontario, Canada L3P 5T3
Tel: (905) 201 7622 ✦ Fax: (905) 201 0639

Dear Sirs

As per the work plan submitted to SCS Consulting Group on June 11, 2009, Beacon Environmental

APPENDIX A

MANDARIN/AV

LETTER

DECEMBER 2, 2009

BEL 209104

Background Review

The following documents and sources were reviewed for information relevant to the subject lands:

- Official Plan of the Markham Planning Area Amendment No. 140 (OPA 140) Oct. 2005
- Environmental Policy Review & Consolidation Study: Policy Directions and Framework, 17 April 2009, DRAFT for discussion, Town of Markham
- Environmental Policy Review & Consolidation: Background and Policy Framework, 28 Oct 2008, DRAFT (Schollen et al., Oct. 2008)
- Toronto and Region Conservation Authority (TRCA) Terrestrial Natural Heritage System Strategy 2007 and related Appendices E (Evaluating and Designing Terrestrial Natural Heritage Systems) and J (Glossary)
- TRCA Valley and Stream Corridor Management Program 1994
- York Region Significant Woodlands Study (NSE 2005)
- Region of York Official Plan Consolidation, June 1, 2008
- The Region of York's interactive on-line mapping for environmental designations and significant forest (accessed at <http://maps.york.ca/yorkexplorer/default.jsp?GoTo=3> on August 12, 2009)
- Rouge River State of the Watershed Report, TRCA, 2008

The subject lands are situated in the northern part of the Town of Markham. All the lands are outside the Town's current built boundary in the Rouge North Management Area but overlap with both the Middle Reaches and the Little Rouge Creek Policy Areas (as per Schedule J of the Rouge North Management Plan Area in OPA 140, March 2005).

Natural Features

A site visit was conducted on the subject lands on August 11th, 2009 by Ken Ursic (terrestrial ecologist) and Jo-Anne Lane (aquatic biologist) of Beacon Environmental. The purpose of the visit was to verify natural features and general site conditions.

Terrestrial Features

A total of five wetland units and one forest unit were identified on the subject properties. Two watercourses also flow through the properties: Tributary A traverses the AV Investments II Inc. property and Mandarin Golf and Country Club from west to east. Tributary B flows from north to south through the Miller and AV Investments II properties and converges with Tributary A. A map illustrating the various natural features observed on the subject lands is provided in Figure 1. Key observations are summarized according to individual properties in **Tables 1 and 2**.

Table 1. Summary of Natural Features in the McCowan Road Study Area

Property	Map Unit(s)	Feature
Lewis	1	Unit 1 represents a complex of wetland types consisting of Poplar Mineral Deciduous Swamp (SWD 7-1), Dogwood Organic Thicket Swamp (SWT 3-2), and Cattail Organic Shallow Marsh (MAS 3-1). The unit is mid-aged and supports a high diversity of native vegetation species.
Lewis	2,3	These two units represent remnant wetland features situated within an agricultural matrix. Units 2 and 3 are best characterized as Dogwood Organic Thicket Swamp (SWT 3-2) and Cattail Organic Shallow Marsh (MAS 3-1) respectively.
Watson	4	Unit 4 is a Fresh to Moist Ash Lowland Deciduous Forest (FOD7-2) that contains mature to old growth elements and wetland pockets. There is one Endangered plant species (Butternut – <i>Juglans cinerea</i>) and one regionally rare (L3) plant species (Michigan Lily - <i>Lilium michiganense</i>) present.
A.V. Investments II Inc.	5	Unit 5 corresponds with a narrow band of riparian wetland along Tributary A and a short section of Tributary B. Vegetation is best characterized as Reed-canary Grass Mineral Meadow Marsh (MAM 2-2) and Cattail Mineral Shallow Marsh (MAS 2-1).
Miller	6	Unit 6 is part of a larger forested unit that extends north to 19 th Ave. The feature is characterized as a Green Ash Mineral Deciduous Swamp Wetland (SWD2-2). The swamp is mid-aged to mature and supports a number of higher quality native species. Tributary B also flows through this unit and there is evidence of localized groundwater discharge.

In addition to the features listed in Table 1, several hedgerow features are associated with the property boundaries of the properties. A detailed summary of the biophysical attributes of the vegetation units is provided in Appendix 1. A checklist of vascular plant species observed and their TRCA status is provided in Appendix 2. Of the 132 plant species observed, one species (*Juglans cinerea* (Butternut)) is ranked as nationally and provincially Endangered. A single Butternut specimen was observed in Unit 4.

With the exception of the natural features described in Tables 1 and 2, the majority of the properties are comprised of agricultural fields presently cropped in corn, soya, wheat, oats and alfalfa, and also farm buildings.

Aquatic Features

Tributary A and B were observed to be flowing at the time of the survey. Tributary A traverses the Mandarin Golf Club and AV Investments II Inc. properties and Tributary B traverses the Miller and AV Investments II Inc. properties. These two watercourses are tributaries of Little Rouge Creek and are considered part of the headwaters of that system according to the Rouge River State of the Watershed Report (TRCA 2008). Table 2 below summarizes the watercourse features.

Table 2. Descriptions of Watercourses in the McCowan Road Study Area

Property	Tributary	Comments
A.V. Investments II Inc.	A	Channelized watercourse that traverses the property from west to east. Bankfull width approximately 3 metres, average depth 0.5 metres. Bankfull flow observed. Historical record of Endangered Redside Dace upstream.
A.V. Investments II Inc.	B Reach 1	Channelized watercourse that enters property at north end and converges with Tributary A. Channel width approximately 0.8 metres, depth ranged from dry (no flow) to 5 cm.
Miller	B Reach 2	Channelized drainage feature that enters property at north end. Poorly defined channel with width of approximately 1.0 metres, no flow or isolated pools. May provide seasonal fish habitat during high flow and contributes to downstream fish habitat.
	B Reach 3	Flows through Unit 6, meandering, braided channel approximately 0.5-1 metre wide, depth 5-10 cm. Contributes to downstream fish habitat.

The watercourses described in Table 2 represent a significant environmental constraint because of their associated fish habitat functions although both have clearly been realigned in the past. Also, Tributary A functions as an agricultural drain and requires cleaning out every few years. Typically such features are protected by prescribing setbacks to the greater of the floodline, meander belt or valley landform. These watercourses are considered part of the headwaters of the Little Rouge Creek according to the Rouge River State of the Watershed Report (TRCA 2008). A warm water designation has been applied to these watercourses supported by sampling records (Rouge River SOW Report 2008). In addition, one record of the provincially Endangered fish species Redside Dace, has been identified for a location upstream of the Mandarin Golf Course. This capture occurred in 1972 however typically MNR will not release the precise location of the record. The presence of numerous barriers through the Mandarin Golf Club and the channelization of the main tributary removes any potential for this species to inhabit the subject properties.

The presence of a Trans Canada gas pipeline was also identified during the site visit. The pipeline is aligned with the north side of Tributary A running east-west across the AV Investments II Inc. property.

Relevant Policy and Regulations

Certain regulations and policies apply to the natural features identified on the subject properties. Although the implications of each of these policies and regulations would need to be determined in consultation with the relevant authority, these features all represent likely constraints to development.

The following regulations and policies are relevant to the features on these properties:

- Ontario's Greenbelt Plan (2005) requires a 30 m buffer to all Key Natural Heritage Features. Significant Woodlands are considered Key Natural Heritage Features. The

wetland (swamp / marsh) feature (Unit 1) on the Lewis property is contained within the Greenbelt and has also been identified as Regionally Significant Forest, therefore under the Greenbelt Plan no development is permitted within 30 m of this feature.

- Official Plan Amendment (OPA) 140 for the Town of Markham uses the Rouge North Management Plan for guidance in identifying areas for protection in this part of the Town. The lands are considered part of the Middle Reaches Policy Area. The lands subject to the Middle Reaches Study Area includes all lands within 130 metres of the stable top of bank or 130 metres from the centreline of the watercourse where there is no defined top of bank. However, it is our understanding that the lands must be secured in public ownership before these policies can be implemented.
- Habitat for species that are listed as Threatened or Endangered in the Province of Ontario by the Committee on the Status of Species at Risk in Ontario is protected under the Province's *Species at Risk in Ontario Act*. The forest feature (Unit 4) on the Watson property contains Butternut, an Endangered tree species. The precise limits of the required habitat would need to be confirmed with OMNR.
- Habitat for Redside Dace would also be subject to the Province's *Species at Risk in Ontario Act*, however habitat on site is not present therefore the *ESA* would not likely apply. This would need to be confirmed with MNR.
- The swamp feature (Unit 6) on the Miller property is identified as Regionally Significant Forest and must be protected under the Region of York's Official Plan policies.
- Ontario Regulation 166/06 – Regulation of Development, Interference to Wetlands and Alterations to Shorelines and Watercourses. The Toronto and Region Conservation Authority (TRCA) regulates hazard lands, including creeks, valleylands, shorelines, and wetlands (TRCA 2006).

Generally, development within the flood limit of a watercourse is not allowed. However, subject to conformity with the OP and completion of appropriate studies and Conservation Authority permits, some development *may* be permitted within the fill constraint area. The TRCA generally requires that all watercourses stay in their natural state with respect to development proposals. The definition of a watercourse generally captures any feature that is an identifiable depression in the ground in which a flow of water regularly or continuously occurs, regardless of the drainage area. (TRCA 2006).

The TRCA generally requires that all watercourses be protected from adjacent development by a vegetative buffer. The buffer will be up to 15 metres measured from the distance outside the edge of the maximum extent of the floodplain under the applicable flood event standard or the distance from the predicted meander belt of a watercourse under the applicable flood event standard or stable top of bank.

The remainder of the lands are situated within what is referred to as "Whitebelt lands". Whitebelt lands are currently outside the Greenbelt and also outside the Town of Markham urban boundary.

The Whitebelt lands are considered to have development potential although any development would require an extension of the urban boundary.

Environmental Policy Review and Consolidation Study

The Town has released two reports (both still in draft form) related to their environmental policy development: (1) *Environmental Policy Review & Consolidation: Background and Policy Framework* by Schollen *et al.* Oct. 2008 and (2) *Environmental Policy Review & Consolidation Study: Policy Directions and Framework* by the Town of Markham April 2009. The first report provides the ecological context and rationale for the policy direction, while the second provides the specific draft policies that are being recommended for the Town based on the background report, as well as some refinements based on input received on the original report.

The mapping referred to in this report will be what is presented in Maps 2 and 3 of the more recent Draft Environmental Policy Review and Consolidation Study (April 2009). This report presents a Natural Heritage Network (NHN) for the Town with the following components:

- A Greenway system (based on the various data sources shown in the Natural Heritage and Hydrological Features and Policy Areas Map 3)
- Enhancement Areas
- An Ecological Corridor

How the overlays for these different components affect the subject properties is shown in Figure 1.

On the subject properties, the Town's Draft Greenway mapping extends well beyond the actual physical limits of the natural heritage features described above and illustrated in Figure 1. This is because the Greenway has been mapped by incorporating mapping/data layers obtained from a variety of sources (i.e., the TRCA, the Town, York Region and the Province of Ontario) with variable levels of accuracy. All of these data layers should be field verified at the site specific level.

For example, in addition to the natural features on these properties mapped in Figure 1, the Draft Greenway captures agricultural lands on nearly all of the AV Investments II Inc. property and substantial portions of the Watson and Miller properties. This appears to be because these areas include "Estimated Floodplain" (mapped by the TRCA) (shown in Figure 1) and "Future Rouge Park" (mapped by the Town) associated with the watercourses on site. The criteria and measures used for this mapping are not clear.

The Draft Greenway (NHN) mapping also includes a broad east-west Enhancement Area and a conceptual Ecological Corridor that extends over the Watson, AV Investments II Inc. and Miller properties. These two components encompass the actual natural heritage features described in Tables 1 and 2, but also include the "Estimated Floodplain" and "Future Rouge Park" mapping, as well as additional lands (particularly on the Watson Property) that are under active agricultural cultivation.

The rationale cited for the Enhancement Area and Ecological Corridor is to create a 200 m wide terrestrial corridor between Berczy Creek and the headwaters Little Rouge Creek. However, the

ecological rationale for such a corridor in this location appears to be weak, as discussed in the following section, and should be reviewed with the Town.

Discussion and Opinion

Based on the field investigations and background review, the subject properties support a number of environmental features that meet ecological criteria warranting their inclusion in the Town's Natural Heritage Network / Greenway mapping. However, the Greenway mapping and related Enhancement Areas / Ecological Corridor also include a number of areas beyond these features, in our opinion, without ecological justification.

All the features listed in Tables 1 and 2 and identified in Figure 1 will require some level of protection, or mitigation, to be consistent with existing local, regional and provincial environmental planning policies, as described in the section on relevant policies and legislation above. While the features on the Lewis property falling under the Greenbelt Plan will require a minimum buffer of 30 m, buffers to the other features (if they are to be protected) will need to be determined through an Environmental Impact Study and in consultation with the TRCA, Region and the Town.

Areas identified in addition to the areas listed above on the Town of Markham's Draft Greenway mapping (from the Town's April 2009 report) extend far beyond mapping for the approved and designated Provincial Greenbelt and Regionally Significant Forest, and are not reflective of the actual ecological constraints on these properties. The key issues related to these additional lands that have been included in the Draft Natural Heritage Network are: (1) the Estimated Floodplain mapping, (2) the Future Rouge Park mapping; and (3) the east-west Enhancement Area / Ecological Corridor mapping across the subject lands. These are each discussed in further detail below.

Estimated Floodplain (TRCA)

The "Estimated Floodplain" mapping deviates considerably from the "Existing Floodplain" and is the primary basis for ascribing "Greenway" to extensive areas of active agricultural fields on the subject lands. It is our understanding that SCS Consulting is undertaking an update of the floodline mapping, and so we will defer to their analysis on this matter.

Future Rouge Park Mapping (Town)

Future Rouge Park areas were originally mapped conceptually based on primarily desktop analysis (Rouge North Park Management Plan 2001). However, as stated in the report, the actual boundaries of these lands are meant to be established through the application and interpretation of the boundary delineation criteria¹ screened against field verified existing conditions. Field assessments conducted in August on the subject lands do not support the inclusion of the large section of agricultural field south of the forested wetland and between two tributaries in the western end of the Miller property and the east end of the Mandarin Golf Club on the basis of ecological function.

¹ The Rouge North Management Plan (RNMP) Implementation Criteria are: 1. Watercourses / Existing Regulatory Floodline (i.e., 100 yr); 2. Meander Belt; 3. Valley & Stream Corridor Features; 4. Natural and Riparian Vegetation Communities and Interior Forest, Conditions; 5. Wetlands, Evaluated Wetlands, ESAs, ANSIs & LSAs; 6. Habitats for VTE species (now T - Threatened, E - Endangered and SC - Special Concern); 7. Terrestrial Corridor Habitat Function; 8. Seepage Areas & Groundwater Discharge; 9. Vegetation Community Maintenance Area; 10. Woodland Restoration Requirements; 11. Archaeological & Cultural Heritage Resources

While OPA 140 for the Town of Markham supports using the Rouge North Management Plan for guidance in identifying lands for potential inclusion in the Rouge North Park, it does not automatically consider inclusion of all small streams within the Rouge North Park Area. However, the draft Greenways mapping appears to incorporate all small streams and build them into the Greenways system without determining their ecological value at the site level. Although it is understood that site-specific data cannot usually be obtained for a Town-wide study and that watercourses are typically constrained features that require preservation, these features should at least be assessed on a site-specific basis.

Enhancement Area / Ecological Corridor (Town)

In addition to the areas described above, a 200 m wide Enhancement Area and conceptual east-west Ecological Corridor has been proposed across significant portions of the subject lands. In the Town's recent draft policy direction (April 2009), these areas have been identified to support a 200 m east-west ecological corridor from Little Rouge Creek to Berczy Creek. From an ecological perspective, the location and orientation of this proposed corridor is not justified.

In general, ecological corridors are intended to facilitate the movement of plants and wildlife in the landscape. Typically such corridors are comprised of remnant natural and semi-natural features in the landscape such as hedgerows and successional habitats that can readily be restored to a natural condition to create a continuous linkage. Ecological corridors were described in the original draft policy report (Schollen *et al.* 2008) as additional lands "*required and supported by scientific principles*" to create a sustainable Natural Heritage Network (NHN), and as "*ecological nodes and enhancement areas*" and intended to "*support and enhance*" and "*connect*" the Natural Heritage Network.

However, an evaluation of the historical and present distribution of natural features on the subject properties and adjacent lands confirms that natural features are concentrated centrally on this concession block and form a north-south ecological linkage or corridor extending from Elgin Mills Rd. E at the south to 19th Ave at the north. This established linkage provides the greatest and most logical opportunity for an enhanced ecological corridor across this concession block.

The proposed Enhancement Area / Ecological Corridor is oriented in a southwest to northeast direction and builds on disturbed remnant features (i.e., channelized Tributaries A and B). Furthermore these features are surrounded entirely by active agricultural fields to make a rather long linkage over a main road and through agricultural fields, while overlooking the immediate and more ecologically sound terrestrial linkage potential between wooded units 1, 4 and 6 at the back of the subject properties. The current proposed linkage builds on the degraded Tributary A in an attempt to link Unit 4 to the Little Rouge Creek to the east even though the 1.4 km of intervening lands is almost entirely under active agricultural use. This linkage is disconnected, devoid of natural cover and would provide only limited ecological value.

Furthermore, according to the 2008 report, enhancement areas are intended to be located at "*the point of least separation between the tributary corridors and where existing important features ...can serve as ecological nodes at key points along the connecting corridors*". Based on an analysis of natural features utilization of Tributary A to link the natural features on this site to other natural features to the east would actually represent the greatest point of separation between the tributary corridors which is inconsistent with this scientific objective.

Finally, the Enhancement Areas, which form part of the newly identified Ecological Corridor were originally *"identified only symbolically, their location, size and configuration are not precise, but will be refined through further planning studies"* (p. 45). However, on the draft Greenway mapping these areas are well defined (in dark blue).

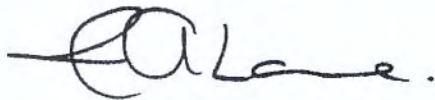
The rationale for establishing the east-west Enhancement Area / Ecological Corridor in this location does not adequately consider existing conditions, or respect the Town's own guidelines for identifying linkages. We recognize the value of linkages within the NHN; however they should be situated in areas that provide the greatest ecological value. There are other areas close to the subject lands where natural features already exist and provide better opportunities for establishing connectivity to Little Rouge Creek. These alternate locations should be evaluated.

In summary, key issues that should be reviewed with the Town and TRCA are the appropriateness of:

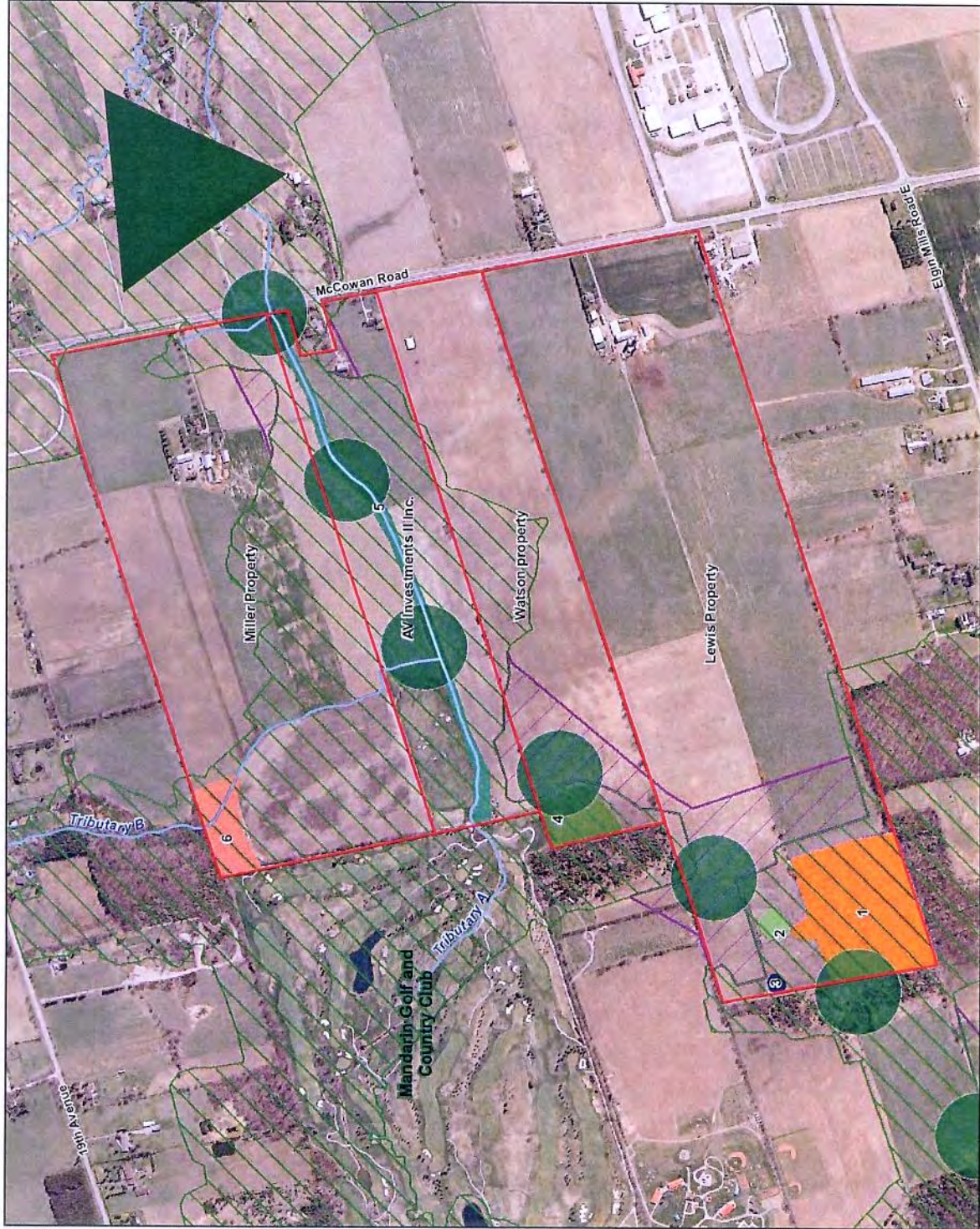
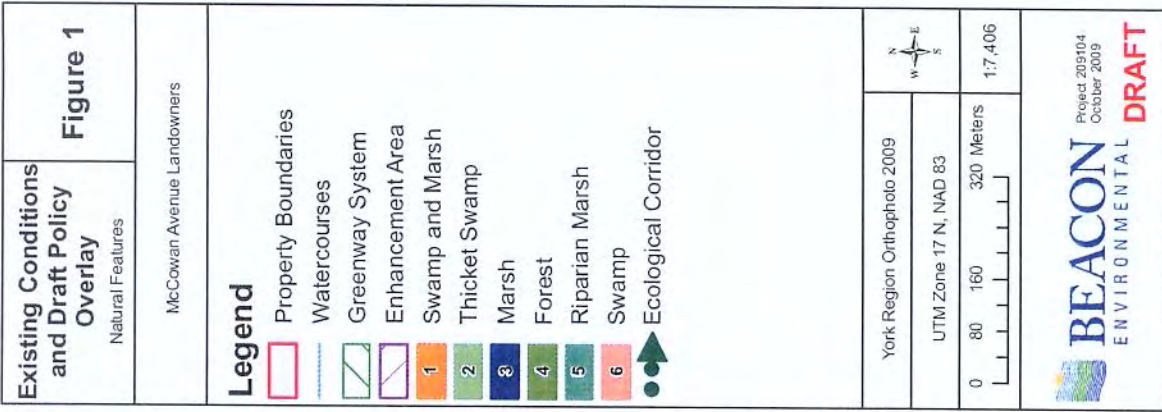
1. the Estimated Floodplain mapping;
2. the Future Rouge Park mapping; and
3. the 200 m wide east-west Enhancement Area / Ecological Corridor across the subject lands.

Please contact the undersigned at ext. 228 if you have questions or require additional information.

Yours truly,
Beacon Environmental



Jo-Anne Lane, M.Sc.
Principal



Appendix 1

**Summary of Vegetation Communities
observed on the Subject Properties on
August 11, 2009.**

Appendix 1: Summary of Vegetation Communities observed on the Subject Properties on Aug 11, 2009

Unit Number	1	2	3	4	5	6
Vegetation Type	Poplar Mineral Deciduous Swamp (SWD 7-1) Dogwood Organic Thicket Swamp (SWT 3-2) Cattail Organic Shallow Marsh (MAS 3-1)	Dogwood Organic Swamp (SWT 3-2)	Cattail Organic Shallow Marsh (MAS 3-1)	Fresh to Moist Ash Lowland Deciduous Forest (FOD7-2)	Riparian Marsh (MAM 2-2)/MAS 2-1)	Green Ash Mineral Deciduous Swamp (SWD2-2)
Overstorey Composition	Trembling Aspen (D) Green Ash White Elm Cedar			Bur Oak (A) 30-80 Sugar Maple Basswood Green Ash Aspen Black Ash Norway Spruce American Beech Butternut*	Crack Willow Manitoba Maple	Green Ash (A) Basswood White Elm Black Ash Black Walnut Yellow Birch Bur Oak
Understorey Composition	Common Buckthorn Red-Osier Dogwood Pussy Willow Bebb's Willow Red Raspberry Thicket Creeper	Red-Osier Dogwood Common Buckthorn	Red Raspberry Red-Osier Dogwood	Common Buckthorn Chokecherry Ironwood Muscle Beech Thicket Creeper Running Strawberry Bush	Missouri Willow Red Raspberry Red-Osier Dogwood	Common Buckthorn Ironwood Black Ash White Elm Thicket Creeper White Cedar Red-Osier Dogwood Witch Hazel
Groundcover Composition	Cattails Reed Canary Grass Green Bulrush Softstem Bulrush Joe Pyeweed Tussock Sedge Bebb's Sedge Sipale Sedge Fox Sedge Nettles Dudley's Rush	Cattails Reed Canary Grass Green Bulrush Softstem Bulrush Jewelweed Nettles Dudley's Rush Aster puniceus Canada Anemone	Cattails Reed Canary Grass Epilobium hirsutum Redtop Bebb's Sedge	Mayapple Trillium Meadow Rue Starry Solomon's Seal False Solomon's Seal Michigan Lily Wild Ginger Red Baneberry Ostrich Fern Sensitive Fern	Cattails Reed Canary Grass Fringed Loosestrife Redtop Bebb's Sedge Field Horsetail Pondweeds P. crispus E. canadensis	False Nettle Jewelweed Meadow Rue Starry Solomon's Seal False Solomon's Seal Bulbet Fern Wood Fern Ostrich Fern Sensitive Fern Hog Peanut
Diameter Range	10-20	n/a	n/a			20-30-80
Structural Complexity	2	1-2	1	n/a	20-30-50	3
Canopy Closure	1-2	1	1	1	2	3
Relative Age	1	1	1	0	3	3
Soil Texture	Om ~ 30-40 cm	Om ~ 20-40 cm	Om ~ 20	1	3	Clay
Drainage Class	3	3	3	Clay	Clay/Om	2
Slope Class	1	1	3	3	3	1
Topographic Complexity	1	2	1	1-2	1	2
Condition	2	2	2	2(3)	1	2(3)

Diameter Range (1=<15 cm d.b.h., 2=15-30 cm d.b.h., 3=>30cm d.b.h.) | Structural Complexity (1=low, 2=moderate, 3=high) | Canopy Closure (1=<25%, 2=25-50%, 3=>50%) | Relative Age (1=early, 2=mid 3=late, 4 = old growth) | Soil Texture (sand/silt/clay/top) | Drainage (1=rapid, 2= well, 3=imperfect, 4=poor) | Slope (1=0.9%, 2=9-30%, 3=>30%) | Topographic Complexity (1=even, 2=uneven, 3=complex) | Condition (1 = disturbed, exotics, 2 = low diversity, 3 = high diversity (sag spp. present) Abbreviations: () represent localized condition, D=Dominant (60-100%), A=Abundant (25-60%), F=Frequent (10-25%), O=Occasional (0-10%);

Appendix 2

**Summary of Plant Species observed
on the Subject Properties on
August 11, 2009**

Appendix 2: Summary of Plant Species observed on the Subject Properties on Aug 11, 2009

Scientific Name	Common Name	TRCA RANK*
<i>Acer negundo</i>	Manitoba Maple	L+?
<i>Acer platanoides</i>	Norway Maple	L+
<i>Acer saccharinum</i>	Silver Maple	L4
<i>Actaea rubra</i>	Red Baneberry	L5
<i>Agrostis gigantea</i>	Redtop	L+
<i>Amaranthus sp</i>	Amaranth Species	
<i>Ambrosia artemisiifolia</i>	Annual Ragweed	L5
<i>Amphicarpaea bracteata</i>	Hog-peanut	L5
<i>Anemone canadensis</i>	Canada Anemone	L5
<i>Anemone virginiana var. virginiana</i>	Virginia Anemone	L5
<i>Apocynum androsaemifolium ssp. androsaemifolium</i>	Spreading Dogbane	L4
<i>Arctium minus</i>	Lesser Burdock	L+
<i>Arisaema triphyllum ssp. triphyllum</i>	Jack-in-the-pulpit	L5
<i>Asarum canadense</i>	Wild Ginger	L4
<i>Asclepias incarnata ssp. incarnata</i>	Swamp Milkweed	L4
<i>Asclepias syriaca</i>	Common Milkweed	L5
<i>Aster lanceolatus ssp. lanceolatus</i>	Panicked Aster	L5
<i>Aster lateriflorus var. lateriflorus</i>	Calico Aster	L5
<i>Aster puniceus var. puniceus</i>	Purple-stemmed Aster	L5
<i>Avena sativa</i>	Cultivated Oat	L+
<i>Betula alleghaniensis</i>	Yellow Birch	L4
<i>Bidens cernua</i>	Nodding Beggar's Ticks	L5
<i>Bidens vulgata</i>	Tall Beggar's Ticks	L4
<i>Boehmeria cylindrica</i>	False Nettle	L4
<i>Bromus inermis ssp. inermis</i>	Smooth Brome	L+
<i>Calamagrostis canadensis</i>	Blue-joint Reedgrass	L4
<i>Carex bebbii</i>	Bebb's Sedge	L5
<i>Carex blanda</i>	Woodland Sedge	L5
<i>Carex cristatella</i>	Crested Sedge	L5
<i>Carex gracillima</i>	Graceful Sedge	L4
<i>Carex granularis</i>	Meadow Sedge	L5
<i>Carex intumescens</i>	Bladder Sedge	L4
<i>Carex lupulina</i>	Hop Sedge	L3
<i>Carex radiata</i>	Stellate Sedge	L5
<i>Carex spicata</i>	Spiked Sedge	L+
<i>Carex stipata</i>	Stalk-grain Sedge	L5
<i>Carex stricta</i>	Tussock Sedge	L4
<i>Carex tenera</i>	Slender Sedge	L4
<i>Carex vulpinoidea</i>	Fox Sedge	L5
<i>Carpinus caroliniana ssp. virginiana</i>	American Hornbeam	L4
<i>Centaurea nigra</i>	Black Knapweed	L+
<i>Chenopodium sp</i>	Goosefoot Species	
<i>Cicuta maculata</i>	Spotted Water-hemlock	L5

Scientific Name	Common Name	TRCA RANK*
<i>Cirsium arvense</i>	Creeping Thistle	L+
<i>Clinopodium vulgare</i>	Field Basil	L5
<i>Conyza canadensis</i>	Fleabane	L5
<i>Cornus sericea</i> ssp. <i>sericea</i>	Red-osier Dogwood	L5
<i>Crataegus</i> sp	Hawthorn Species	
<i>Cystopteris bulbifera</i>	Bulblet Fern	L4
<i>Dactylis glomerata</i>	Orchard Grass	L+
<i>Daucus carota</i>	Queen Anne's Lace	L+
<i>Dryopteris carthusiana</i>	Spinulose Wood Fern	L5
<i>Elodea canadensis</i>	Broad Waterweed	L4
<i>Epilobium ciliatum</i> ssp. <i>ciliatum</i>	Hairy Willow-herb	L5
<i>Equisetum arvense</i>	Field Horsetail	L5
<i>Euonymus obovata</i>	Running Strawberry-bush	L3
<i>Eupatorium maculatum</i> var. <i>maculatum</i>	Spotted Joe-pye Weed	L5
<i>Euthamia graminifolia</i>	Grass-leaved Goldenrod	L5
<i>Fagus grandifolia</i>	American Beech	L4
<i>Fragaria vesca</i> ssp. <i>americana</i>	Woodland Strawberry	L5
<i>Fraxinus americana</i>	White Ash	L5
<i>Fraxinus nigra</i>	Black Ash	L4
<i>Fraxinus pennsylvanica</i>	Green Ash	L5
<i>Galium mollugo</i>	White Bedstraw	L+
<i>Galium triflorum</i>	Sweet-scent Bedstraw	L5
<i>Geranium robertianum</i>	Herb-robert	L+?
<i>Glyceria striata</i>	Fowl Manna Grass	L5
<i>Hamamelis virginiana</i>	American Witch-hazel	L3
<i>Impatiens capensis</i>	Spotted Jewel-weed	L5
<i>Inula helenium</i>	Elecampane	L+
<i>Juglans cinerea</i> **	Butternut**	L3
<i>Juglans nigra</i>	Black Walnut	L5
<i>Juncus articulatus</i>	Jointed Rush	L5
<i>Juncus dudleyi</i>	Dudley's Rush	L5
<i>Juncus effusus</i> ssp. <i>solutus</i>	Soft Rush	L4
<i>Juncus tenuis</i>	Slender Rush	L5
<i>Lactuca serriola</i>	Prickly Lettuce	L+
<i>Leonurus cardiaca</i> ssp. <i>cardiaca</i>	Common Motherwort	L+
<i>Lepidium</i> sp	Pepper-grass Species	
<i>Lilium michiganense</i> ***	Michigan Lily***	L3
<i>Lonicera tatarica</i>	Tartarian Honeysuckle	L+
<i>Lotus corniculatus</i>	Bird's-foot Trefoil	L+
<i>Lycopus uniflorus</i>	Northern Bugleweed	L4
<i>Lysimachia ciliata</i>	Fringed Loosestrife	L5
<i>Maianthemum racemosum</i> ssp. <i>racemosum</i>	False Solomon's Seal	L5
<i>Maianthemum stellatum</i>	Starflower False Solomon's Seal	L5
<i>Malus pumila</i>	Common Apple	L+
<i>Matteuccia struthiopteris</i> var. <i>pennsylvanica</i>	Ostrich Fern	L5

Scientific Name	Common Name	TRCA RANK*
<i>Medicago lupulina</i>	Black Medic	L+
<i>Medicago sativa ssp. sativa</i>	Alfalfa	L+
<i>Melilotus alba</i>	White Sweet Clover	L+
<i>Melilotus officinalis</i>	Yellow Sweet Clover	L+
<i>Monarda fistulosa</i>	Wild Bergamot	L4
<i>Muhlenbergia mexicana</i>	Mexican Satin Grass	L5
<i>Nepeta cataria</i>	Catnip	L+
<i>Oenothera biennis</i>	Common Evening-primrose	L5
<i>Onoclea sensibilis</i>	Sensitive Fern	L5
<i>Ostrya virginiana</i>	Eastern Hop-hornbeam	L5
<i>Parthenocissus vitacea</i>	Thicket Creeper	L5
<i>Phalaris arundinacea</i>	Reed Canary Grass	L+?
<i>Picea abies</i>	Norway Spruce	L+
<i>Plantago lanceolata</i>	English Plantain	L+
<i>Plantago major</i>	Nipple-seed Plantain	L+
<i>Poa compressa</i>	Canada Bluegrass	L+
<i>Poa pratensis ssp. pratensis</i>	Kentucky Bluegrass	L+
<i>Podophyllum peltatum</i>	May Apple	L5
<i>Polygonum persicaria</i>	Lady's Thumb	L+
<i>Populus balsamifera ssp. balsamifera</i>	Balsam Poplar	L5
<i>Populus tremuloides</i>	Quaking Aspen	L5
<i>Potamogeton crispus</i>	Curly Pondweed	L+
<i>Potentilla recta</i>	Sulphur Cinquefoil	L+
<i>Prunella vulgaris ssp. vulgaris</i>	Common Heal-all	L+
<i>Prunus serotina</i>	Wild Black Cherry	L5
<i>Prunus virginiana var. virginiana</i>	Choke Cherry	L5
<i>Quercus macrocarpa</i>	Bur Oak	L4
<i>Rhamnus cathartica</i>	Buckthorn	L+
<i>Rubus idaeus ssp. idaeus</i>	Red Raspberry	
<i>Salix bebbiana</i>	Bebb's Willow	L4
<i>Salix discolor</i>	Pussy Willow	L4
<i>Salix eriocephala</i>	Heart-leaved Willow	L5
<i>Salix fragilis</i>	Crack Willow	L+
<i>Schoenoplectus tabernaemontani</i>	Soft-stemmed Bulrush	L4
<i>Scirpus atrovirens</i>	Woolgrass Bulrush	L5
<i>Solidago canadensis</i>	Canada Goldenrod	L5
<i>Solidago canadensis var. scabra</i>	Tall Goldenrod	L5
<i>Thalictrum dioicum</i>	Early Meadowrue	L5
<i>Thuja occidentalis</i>	Northern White Cedar	L4
<i>Tilia americana</i>	American Basswood	L5
<i>Trillium grandiflorum</i>	White Trillium	L4
<i>Typha latifolia</i>	Broad-leaf Cattail	L4
<i>Ulmus americana</i>	American Elm	L5
<i>Urtica dioica ssp. dioica</i>	Stinging Nettle	L+

***Legend**

RANK	CONSERVATION CONCERN LEVEL IN TRCA JURISDICTION
L1	Unable to withstand disturbance; many criteria are limiting factors; generally occur in high-quality natural areas in natural matrix; almost certainly rare in the TRCA jurisdiction; of concern regionally.
L2	Unable to withstand disturbance; some criteria are very limiting factors; generally occur in high-quality natural areas, in natural matrix; probably rare in the TRCA jurisdiction; of concern regionally.
L3	Able to withstand minor disturbance; generally secure in natural matrix; considered to be of regional concern.
L4	Able to withstand some disturbance; generally secure in rural matrix; of concern in urban matrix.
L5	Able to withstand high levels of disturbance; generally secure throughout the jurisdiction, including the urban matrix. May be of very localized concern in highly degraded areas.

** Federally and provincially Endangered Species-at-Risk.

*** Rare plant in the Region of York.

Submission Number
D05.2009.1.133
D05.2009.1.175

Date of Submission:
December 1, 2009
March 24, 2010

Submission Author:
Aird & Berlis LLP
(on behalf of North Markham Landowners' Group)

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Submission 1.133

Properties: Approximately 902 hectares bounded by Major Mackenzie Drive to the south, the Markham municipal boundary to the north, Woodbine Avenue on the west and Ninth Line on the east; Markham.

1. Failure to identify the urban boundary expansion for the North Markham area. We are disappointed to see that the draft OP before you continues to identify potential urban boundary expansions through the use of an asterisk symbol, versus identification of an urban boundary. For the reasons expressed in earlier correspondence with you, it is our client's position that in order for this OP to conform with the Provincial policies such a boundary should be identified in the Plan.

2. Reflection of Markham's draft natural heritage system in the Regional Greenland map and policies: The Town of Markham is in the process of preparing natural heritage mapping and policies, for future adoption through a local OPA. That process, including input and comments by the public and affected landowners, has not concluded. We remain concerned that Regional Council has reflected the draft NHS in its Regional Greenway mapping, without the full public review and comment having been concluded locally. We would request that Map 2, which is based on

The Region is co-ordinating the urban boundary expansions with the local municipalities.

The urban asterisks have been retained in the Plan. Staff are bringing forward ROPA's 1, 2 and 3 for the defined Urban Area expansions for East Gwillimbury, Vaughan and Markham in May 2010.

Policy 2.1.5 was added to the December 2009 ROP and 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.

Once Markham has approved their Natural Heritage Network it will be incorporated into the ROP.

this draft system, be removed or deferred as it would relate to our client's lands. Additionally, we note that the policies respecting refinements to the mapping (for example, policy 2.2.44) do not address our client's concerns with the basis for the mapping.

The draft OP also fails to outline any policies respecting securement of the lands proposed to be designated Regional Greenlands. Our client's previous concern in this respect remains outstanding.

3. On a related matter, we are in the process of reviewing Map 5 and the policies respecting significant woodlands. Despite the fact that some changes have been made to the policies and mapping, our original concerns remain outstanding. We would request that Map 5 be removed from the Regional OP prior to adoption.

4. Revised Figure 2 and identification of lands as Strategic Employment Area: We note that while Figure 2 is intended to be conceptual in nature, it is cross-referenced in various policies within the Plan. Our client is concerned that the most appropriate lands and land area for employment uses has not been identified for Markham. The combined effect of Figure 2 and companion policies will be to remove consideration of more suitable lands for future employment uses.

Our client remains concerned with the policies restricting uses, particularly major retail uses, within employment

Policy 2.2.40 states the following:

That Map 5 identifies *woodlands* that may be significant based on available information and data. Due to the scale of the mapping in this Plan, the extent of the *woodland* coverage may not be clearly visible on Map 5. This mapping at a larger scale is available from York Region.

Further Policy 2.3.41 identifies that site specific studies may be used to determine or verify the significance of the woodlands shown on Map 5.

The lands shown on figure 2 were identified based on their proximity to existing or planned 400 series highways and as indicated are conceptual in nature. Figure 2 does not preclude additional employment lands being identified, protected and designated at a future date.

Policy 4.3.6 (formerly 4.3.4) states:

To protect strategic employment lands, including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and should be identified and protected in local municipal official plans.

areas. Our client does not accept the proposed definition of “major retail” proposed and note that the need identified by the Region for additional lands within Markham for major retail uses has not been addressed through the Official Plan policies.

The ROP employment policies complement employment land policies in the Growth Plan. Employment Areas are defined in the Growth Plan as “Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (Provincial Policy Statement, 2005).”

Growth Plan Policy 2.2.6.5 indicates that major retail uses are considered non-employment land uses.

ROP Policy 4.4.6 is consistent with Growth Plan policy 2.2.6.5 by not permitting major retail uses on employment lands, unless considered through a regional municipal comprehensive review.

4.4.6:

That *major retail* is not permitted on designated or strategic employment lands.

The definition for Major Retail that is provided within the Regional Official Plan is intended to act as a guideline for local municipalities.

Policy 4.4.5 ensures that local municipalities define major retail in a way that is appropriate to their local context.

As indicated above, ROP policy 4.4.8 states the Region will work with local municipalities to identify and designate lands for major retail uses integrated within the community.

Policy 4.4.1 provides direction to local municipalities with respect to planning for all retail as follows:

To require that new retail be designed to be walkable, transit supportive and integrated into communities and pedestrian and cycling networks, with high-quality urban design.

The Region’s land budget work, released in March, 2010 indicates that there is need for an additional 206 hectares of lands for major retail uses in the Region.

The Region has committed to undertake a study of the Region's retail sector that will help inform future policy and planning for new retail.

Policy 4.4.10:

To undertake a study of the Region's retail sector.

5.(i) Policy 2.2.4: We would request that the policy be amended to insert "unacceptable" before "impact" and reference "no net loss of function".

The wording of this policy is to ensure conformity with the Provincial Policy Statement.

5.(ii) Policy 2.2.28 and 2.2.29 respecting fixed buffers: Our client has previously outlined its concerns with a rigid approach to identifying buffers in a Regional policy document. We continue to be concerned with the Region's approach regarding this issue.

Draft June policies 2.2.28 and 2.2.29 (Revised December policies 2.2.34 and 2.2.35). York Region continues to support a minimum 30m buffer for all wetlands protected by the ROP, and a minimum 10m buffer for significant woodlands. The Oak Ridges Moraine Conservation Plan, Greenbelt Plan, and Lake Simcoe Protection Plan all require 30m buffers on wetlands. The Regional Official Plan is consistent with these requirements.

5.(iii) Policy 2.2.43 – Vegetation protection zones act as buffers: We would request that the policy be amended to permit site alteration in vegetation protection zones, to permit consideration of the placement of trails and other infrastructure, such as storm water management facilities, within these areas.

The definition of development was revised in the December 2009 version to read:

The creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a. activities that create or maintain infrastructure authorized under an environmental assessment, Planning Act, or Condominium Act process; or,

b. works subject to the Drainage Act.

Policy 2.2.5 also permits low intensity recreational uses in the key natural heritage and key hydrologic features and minimum vegetation protection zones as follows:

That passive recreational uses, such as trails, may be permitted within *key natural heritage features* and *key hydrologic features* and their associated *vegetation protection zones* subject to the requirements of policy 2.2.4 of this Plan and the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and the Lake Simcoe Protection Plan.

5.(iv) Policies 2.3.5 and 2.3.33(d): Given that these are policies intended to guide development in areas of groundwater recharge, we do not agree with the requirement to enhance the quality and quantity of groundwater recharge areas. As we noted earlier, this policy must acknowledge that best efforts may be used, and the policy should require enhancement "where possible".

This policy is consistent with 2.2.1.d of the Provincial Policy Statement which states that planning authorities shall protect, improve or restore the *quality and quantity of water* by implementing necessary restrictions on *development* and *site alteration* to:

1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;

In areas outside of the ORMCP, the policies in the Lake Simcoe Protection Plan build on the PPS and the Clean Water Act, 2006 to identify and protect significant groundwater recharge areas. LSPP policy 6.38-DP states that: Once identified, municipalities shall incorporate significant groundwater recharge areas into their official plans together with policies to protect, improve or restore the quality and quantity of groundwater in these areas and the function of the recharge areas, and further, policy 6.40-DP states that: Outside of the Oak Ridges Moraine area, an application for *major development* within a significant groundwater recharge area shall be accompanied by an environmental impact study that demonstrates that the quality

and quantity of groundwater in these areas and the function of the recharge areas will be protected, improved or restored.

Further Policy 2.3.2 indicates that development be designed with the goal of maintaining water balance.

5.(v) Policies 5.1.12(f) and 5.3.3(g): We are concerned that the effect of these policies is to prevent Regional Council from considering an urban boundary expansion until such time as a local municipality completes its own growth management conformity exercise, including determination of its policies respecting achieving intensification targets. We note that the Regional OP contains intensification targets for its constituent local municipalities. We would expect that the process of identifying urban boundary expansions would be led by the Region, and determined first through the Region's OP.

The Region's municipal comprehensive review has been completed and ROPA's 1,2 and 3 dealing with urban expansions are being tabled in May 2010 and a public meeting is scheduled for June, 2010.

Local municipal growth management and municipal comprehensive review work is generally consistent with the Region's municipal comprehensive review.

5.(vi) Policy 3.4.11: The modifications proposed to this policy may be interpreted as requiring landowners to maintain heritage resources *in situ*. We do not believe that this is the intent of the provincial legislation and would ask that staff clarify the change prior to adoption.

This policy does not require the preservation of archaeological resources in situ, but provides suggestions for mechanisms to protect these resources if they will be retained in situ.

5.(vii) Policy 3.3.13: Our client had previously identified this policy as an issue. We note the policy has been expanded to reference DC's for both social housing and hospitals. To the extent that the *Development Charges Act* does not support DC's for these matters, we are of the opinion that the policy is beyond Council's jurisdiction.

This policy is to consider the introduction of social housing and hospital development charges.

5.(viii) Policy 7.2.88 respecting the Noise Exposure Forecast

This policy is worded to acknowledge that Transport Canada is

contour: We note the additional requirement in the revised policy which would require landowners to be “consistent with Transport Canada guidelines”. We are very concerned about this reference, particularly since the aforementioned guidelines impose a development restriction (25 NEF) that is not consistent with the current Provincial Policy Statement (30 NEP/NEF limit). Accordingly, this additional requirement should be deleted from the policy prior to adoption of the Plan.

5.(ix) Map 12 and the companion transportation policies: We are concerned about the basis for, and practical effect of, the proposed regional road widths identified on Map 12 and the companion policies that together require landowners to assume a greater burden for road infrastructure through the development process.

the authority on aviation within Canada and its best practices. Where possible, the policies of York Region’s Official Plan are based on best practices.

The policy states “up to 45m”, therefore the entire width may not be required, depending on the circumstances. The Region is protecting this size for implementing public transit rights-of-way and transit lands related facilities.

The new Planned Basic Street Widths are a result of the 2006 Regional Council adopted policy defining the Regional Standard for Six Lane Roads. Otherwise referred to as “Towards Great Region Streets – A Pathway to Improvement”, the Regional Standard identifies a recommended cross-section which includes a 4 to 6m wide median, a dedicated bicycle lane, a curb lane as an HOV (High Occupancy Vehicle) lane, and two all purpose lanes. To provide an urban design that supports these design elements and to protect for the long term requirements of existing and future utility corridors the design guidelines recommended increased rights-of way.

The increased rights-of-way were also examined comprehensively through the Region’s Transportation Master Plan update. Public consultation on this initiative was coordinated with the Official Plan public engagement over the past year, leading to the adoption of the Transportation Master Plan by Regional Council in November 2009.

5.(x) Policy 8.4.7(b): Our client strongly objects to any policy that would support or suggest that lands not identified as part of the urban boundary through this plan, be considered for as candidate lands for an Oak Ridges Moraine or Greenbelt designation. This approach is short-sighted and removes any flexibility to consider future urban expansions, should they be justified on the basis of updated information.

Moreover, there is absolutely no policy or scientific support for such designations to be imposed by the Region or local municipalities, particularly in the absence of any direction through provincial policy.

5.(xi) Map 7: We would suggest that Map 7, like other regional maps, be subject to refinement following field confirmation at the time of development applications being filed.

These increased rights-of-way have been incorporated into the ROP.

This policy is not specific to the North Markham lands and identifies that as part of the 2015 review of the Provincial Plans addition designations may be considered. Such additions or deletions from the Provincial Plans would be subject to public review both through a Provincial process (which is as yet undefined) and through a Regional and local official plan amendment process.

No changes to the policy are required.

Map 7 derives from the Oak Ridges Moraine Plan requirements and mapping provided as part of the ORMCP. Section 29 (5) of the ORMCP identifies uses which are prohibited in high aquifer vulnerability areas. Refinement to the mapping at the site specific level does not appear to be contemplated under the ORMCP.

Further refinements to the mapping as well as likely expansion of coverage is anticipated as part of ongoing work at the Regional level as part of Source Water Protection Planning.

Expansion of coverage and inclusions of more detailed policies applying to areas of aquifer vulnerability are anticipated when the Source Water Protection Plan is completed in 2012. Any changes would be subject Regional and local official plan amendment processes.

Submission 1.175

Submitting further correspondence and submissions (dates October 6, 2009 and December 1, 2009) from North Markham Landowners Group/Aird and Berlis to H Hood, Planner MMAH

All correspondence is part of Regional record.
Correspondence received prior to November 24, 2009 sent to MMAH with original document December 29, 2009, including:

Oct 6, 2009 letter Aird and Berlis – Submission Do5.2009.1.070

Subsequent submissions being sent to MMAH as part of this submission.

Dec 1. 2009, Aird and Berlis – Submission Do5.2009.1.133

Notice of all meetings and decisions sent to Aird and Berlis solicitors as they are part of the region's notification list

Received December 2, 2009

December 1, 2009

File No. 102653

BY EMAIL: john.waller@york.ca

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

Attention: John Waller, Director of Long Range and Strategic Planning

Dear Mr. Waller:

Re: York Region Official Plan - December 2009**Report of the Commissioner of Planning and Development Services –
December 2, 2009**

We act on behalf of the North Markham Landowners Group, a group of developers and interested landowners that own or control approximately 902 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 Ninth Line on the east. Their holdings represent approximately 22% of the gross total area of the Markham Whitebelt.

We write further to correspondence dated September 9, 2009, sent by Malone Given Parsons ("MGP") and correspondence from our firm dated September 10th and October 6th, 2009, respectively. The purpose of the aforementioned correspondence was to communicate to the Region our client's issues and concerns respecting the June, 2009 draft Official Plan ("OP").

Since the release of that correspondence, we have received clarification of certain issues from Regional Staff. We have not repeated those issues in this letter, given the clarifications received. However, we reserve the right to request additional policy modifications to ensure that matters of clarification are adequately addressed in the Plan, prior to adoption.

Along with MGP, we have conducted a preliminary review of the December, 2009 draft OP. A number of the issues that were previously raised on behalf of our client have not been addressed with this new draft OP. To that extent, our client's original concerns remain outstanding.

We do not propose to repeat those basis of our client's concerns and issues through this correspondence; however, we wish to highlight the following major issues that our client continues to identify with the Regional OP:

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1. Failure to identify the urban boundary expansion for the North Markham area. We are disappointed to see that the draft OP before you continues to identify potential urban boundary expansions through the use of an asterisk symbol, versus identification of an urban boundary. For the reasons expressed in earlier correspondence to you, it is our client's position that in order for this OP to conform with the Provincial policies such a boundary should be identified in the Plan.
2. Reflection of Markham's draft natural heritage system in the Regional Greenland map and policies: The Town of Markham is in the process of preparing natural heritage mapping and policies, for future adoption through a local OPA. That process, including input and comments by the public and affected landowners, has not concluded. We remain concerned that Regional council has reflected the draft NHS in its Regional Greenway mapping, without the full public review and comment having been concluded locally. We would request that Map 2, which is based on this draft system, be removed or deferred as it would relate to our client's lands. Additionally, we note that the policies respecting refinements to the mapping (for example, policy 2.2.44) do not address our client's concerns with the basis for the mapping.

The draft OP also fails to outline any policies respecting securement of the lands proposed to be designated Regional Greenlands. Our client's previous concern in this respect remains outstanding.

3. On a related matter, we are in the process of reviewing Map 5 and the policies respecting significant woodlands. Despite the fact that some changes have been made to the policies and mapping, our original concerns remain outstanding. We would request that Map 5 be removed from the Regional OP prior to adoption.
4. Revised Figure 2 and identification of lands as Strategic Employment Area: We note that while Figure 2 is intended to be conceptual in nature, it is cross-referenced in various policies within the Plan. Our client is concerned that the most appropriate lands and land area for employment uses has not been identified for Markham. The combined effect of Figure 2 and companion policies will be to remove consideration of more suitable lands for future employment uses.

Our client remains concerned with the policies restricting uses, particularly major retail uses, within employment areas. Our client does not accept the proposed definition of "major retail" proposed and note that the need identified by the Region for additional lands within Markham for major retail uses has not been addressed through the Official Plan policies.

5. Other Matters Identified:

In addition to those issues outlined above, or through earlier correspondence, we note the following additional matters for Committee's and Council's consideration:

- (i) Policy 2.2.4: We would request that the policy be amended to insert "unacceptable" before "impact" and reference "no net loss of function".

- (ii) Policy 2.2.28 and 2.2.29 respecting fixed buffers: Our client has previously outlined its concerns with a rigid approach to identifying buffers in a regional policy document. We continue to be concerned with the Region's approach regarding this issue.
- (iii) Policy 2.2.43 – Vegetation protection zones act as buffers: We would request that the policy be amended to permit site alteration in vegetation protection zones, to permit consideration of the placement of trails and other infrastructure, such as storm water management facilities, within these areas.
- (iv) Policies 2.3.5 and 2.3.33(d): Given that these are policies intended to guide development in areas of groundwater recharge, we do not agree with the requirement to enhance the quality and quantity of groundwater recharge areas. As we noted earlier, this policy must acknowledge that best efforts may be used, and the policy should require enhancement "where possible."
- (v) Policies 5.1.12(f) and 5.3.3(g): We are concerned that the effect of these policies is to prevent Regional council from considering an urban boundary expansion until such time as a local municipality completes its own growth management conformity exercise, including determination of its policies respecting achieving intensification targets. We note that the Regional OP contains intensification targets for its constituent local municipalities. We would expect that the process of identifying urban boundary expansions would be led by the Region, and determined first through the Region's OP.
- (vi) Policy 3.4.11: The modifications proposed to this policy may be interpreted as requiring landowners to maintain heritage resources *in situ*. We do not believe that this is the intent of the provincial legislation and would ask that staff clarify the change prior to adoption.
- (vii) Policy 3.3.13: Our client had previously identified this policy as an issue. We note the policy has been expanded to reference DC's for both social housing and hospitals. To the extent that the *Development Charges Act* does not support DC's for these matters, we are of the opinion that the policy is beyond Council's jurisdiction.
- (viii) Policy 7.2.88 respecting the Noise Exposure Forecast contour: We note the additional requirement in the revised policy which would require landowners to be "consistent with Transport Canada guidelines". We are very concerned about this reference, particularly since the aforementioned guidelines impose a development restriction (25 NEF) that is not consistent with the current Provincial Policy statement (30 NEP/NEF limit). Accordingly, this additional requirement should be deleted from the policy prior to adoption of the Plan.
- (ix) Map 12 and the companion transportation policies: We are concerned about the basis for, and practical effect of, the proposed regional road

widths identified on Map 12 and the companion policies that together require landowners to assume a greater burden for road infrastructure through the development process.

- (x) Policy 8.4.7 (b): Our client strongly objects to any policy that would support or suggest that lands not identified as part of the urban boundary through this plan, be considered for as candidate lands for an Oak Ridges Moraine or Greenbelt designation. This approach is short-sighted and removes any flexibility to consider future urban expansions, should they be justified on the basis of updated information.

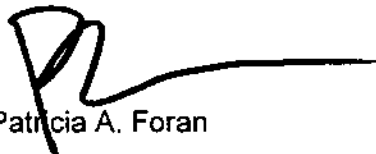
Moreover, there is absolutely no policy or scientific support for such designations to be imposed by the Region or local municipalities, particularly in the absence of any direction through provincial policy.

- (xi) Map 7: We would suggest that Map 7, like other regional maps, be subject to refinement following field confirmation at the time of development applications being filed.

Our client remains committed to working with Regional staff to address these issues prior to any consideration of the proposed Official Plan by Regional Council.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jag

c. Barbara Jeffrey, Region of York
North Markham Landowners Group

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Received March 24, 2010

Patricia A. Foran
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March 24, 2010

File No. 102653

BY EMAIL: heather.hood@ontario.ca

Ministry of Municipal Affairs and Housing
777 Bay Street
2nd Floor
Toronto, ON M5G 2E5

Attention: Heather Hood, Planner

Dear Ms. Hood:

Re: York Region Official Plan - December 2009
Submission Number: D05.2009.1.165

We act on behalf of the North Markham Landowners Group, a group of developers and interested landowners that own or control approximately 932 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 Ninth Line on the east. Their holdings represent approximately 23% of the gross total area of the Markham Whitebelt.

We understand that the Region of York has forwarded to you our correspondence respecting the draft York Official Plan dated September 10, 2009, which in turn enclosed correspondence from our client's consultants, Malone Given Parsons Ltd. dated September 9, 2009. We are also enclosing our further correspondence dated October 6, 2009 and December 1, 2009 for your consideration.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jag
Encl.

c. B. Jeffrey, Region of York

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AIRD & BERLIS LLP

Barristers and Solicitors

N. Jane Pepino, C.M., Q.C., LL.D.
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September 10, 2009

File. 102653

Mr. Bryan Tuckey, MCIP, RPP
Regional Municipality of York
York Administrative Centre
17250 Yonge Street,
Newmarket, ON L3Y 6Z1

Dear Sir:

**North Markham Landowners Group
Comments on Region of York, Official Plan – Draft June 2009**

Aird & Berlis LLP is counsel to the North Markham Landowners Group with respect to the potential designations for lands owned by members of that group in an area bounded by Major Mackenzie Drive to the south, the Markham municipal boundary to the north, Woodbine Avenue on the west and Ninth Line on the east.

Malone Given Parsons Ltd. is the planning firm retained by the North Markham Landowners Group, and has prepared detailed comments with respect to the draft of the York Region Official Plan, issued June 17, 2009.

I am forwarding these comments to you, together with the advice that we have been retained, and the request that Malone Given Parsons Ltd. and this office be given notice of all future meetings with respect to the Draft Official Plan, as well as a copy of the Decision and final form of Official Plan once enacted. We would additionally ask that we be placed on a list of those to be notified by the Province of its Decision on this Official Plan.

We look forward to working, together with our clients and consultants, to addressing the concerns in the attached correspondence.

Yours very truly,

AIRD & BERLIS LLP



N. Jane Pepino, C.M., Q.C., LL.D

NJP/sh

Encls.

c.c. Malone Given Parsons Ltd.
5757693.1

September 9, 2009

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The Regional Municipality of York
17250 Yonge Street
Newmarket ON
L3Y 6Z1

Attention: Bryan Tuckey, *M.C.I.P., R.P.P.*
Commissioner of Planning and Development Services

**Re: North Markham Landowners' Group
Comments on Region of York, Official Plan – Draft June 2009**

Dear Mr. Tuckey,

The North Markham Landowners' Group (NMLG) is a group of developers and interested landowners that own or control approximately 902 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 9th Line on the east. Their holdings represent approximately 22 percent of the gross total area of the Markham Whitebelt.

On their behalf, Malone Given Parsons Ltd. is pleased to submit comments in regard to the draft of the York Region Official Plan issued June 17, 2009.

NMLG has four significant issues with respect to the draft ROP.

1. The draft ROP does not identify the urban boundary expansion in Markham. NMLG believes that this is not consistent with the intent of the Growth Plan, and it is essential that this be done as part of the current Regional planning cycle.
2. The establishment of a large employment lands area in the northwest portion of North Markham perpetuates the stereotypical business park with its reliance on private vehicles as the primary modal option, and results in less efficient use of land and infrastructure due to the 9-5 nature of business parks. The goals for compact communities and higher modal splits would be better achieved if the Region and Markham reconsidered the nature and location of employment and the possibility of increasing integration of other communities uses into employment areas.
3. Proposed Natural Heritage System (NHS) policies that will greatly expand what is considered "significant woodlands," establish fixed buffers, and that seek to maintain water balance are very concerning to NMLG. Policies related to wetlands require improvement to clearly identify that the Region's intent is evaluated wetlands, not all wetlands.

4. NMLG is concerned that expansion of the Regional Greenlands system will further fragment the developable lands adding to infrastructure costs and isolating new communities. In addition, the draft ROP mentions securing additional lands for the Greenlands System but does not identify securement policies. NMLG considers it important that these policies be known and subject to review and comment as part of the OP approval process.

NMLG's concerns regarding each of these top concerns are expanded upon further later in this letter. For your convenience, these and other detailed comments are presented under the section headings of the Draft OP.

Section 2 - A Sustainable Natural Environment:

NMLG is concerned that Section 1.4 effectively raises the status of Maps 2 through 5, and 7, defining natural heritage and water system components, to a mandatory policy level and removes any discretion or flexibility the Region or a municipality would have to change, move or remove any of these features based on field studies or in the interests of other objectives or good planning. NMLG regards as essential the ability of a municipality to retain the authority to review field studies and to then make informed and balanced decisions on the planning applications before them. As worded, it appears that this authority has been removed from the municipality, and the mapping provided now sets the minimum extent of the various features.

NMLG would hope that it is not the intent of the Region to remove or limit the role of a municipality in making these decisions, nor to indisputably define the features on the noted maps. If this is correct, NMLG requests that text of Section 1.4 be revised to reflect the current practices.

NMLG is concerned with the accuracy of mapping, specifically regarding wetlands and significant woodlands. Consistent with draft policy 2.2.36, NMLG request the detailed mapping for Map 5 for review before the draft OP is finalized.

With respect to York Region's Triple Bottom Line Objectives, the identification of the 3 broad pillars of the Plan (i.e., Sustainable Natural Environment, Healthy Communities and Economic Vitality) is similar to many frameworks in development and application. The manner in which the three pillars are structured and integrated has elevated one of the pillars – the environment – suggesting that the draft ROP is an “environment first” rather than a sustainable development and growth plan;

The Natural Environment objectives of protecting the Greenlands System and protecting features and functions overlap to a large degree. The objective of integrating infrastructure delivery with the natural environment seems limiting in that all three of these pillars need to be fully integrated, with the balance amongst them optimized. The focus on creating net gain out of infrastructure design and implementation needs to be considered in the broader context (i.e., net gain in terms of overall sustainability across natural environment, healthy communities and economic vitality);

NMLG is concerned that an “Environment First” approach could lead to an exaggerated importance being attached to some areas that exhibit limited or no environmental features or functions.

The tendency toward an Environment First approach is evidenced in the identification of the hierarchy and elements of the Greenlands System. The Region promotes the Regional Greenlands System, to be supplemented with and complemented by the local Greenlands System. However, there is no suggestion offered regarding the thresholds for determination at a local scale. It is typical that thresholds become lower, and less significant features get added into a Greenlands System, when local features are examined. This may be workable in a framework that encourages the development and implementation of truly sustainable outcomes but which also does not unduly restrict activities on the landscape in order to maintain areas of limited or no importance (e.g., linkages).

In Subsection 2.1, the Region identifies that it will expand the Regional Greenlands System. The Region will create linkages between Greenlands components, and local Greenlands System within new communities will be permanently protected from development in accordance with policies 2.1.4 and 2.1.9 and shown schematically on Map 2 shall be permanently protected from development and site alteration. This policy appears inconsistent with policy 2.2.4 and 2.2.6 that would allow some site alteration of key hydrologic features (permanent and intermittent watercourses and fish habitat). NMLG request an explanation for the apparent discrepancy in these policies. We support policies that would allow some site alteration to fish habitat or watercourses where supported by appropriate studies.

Policy 2.2.1 defines key natural heritage features and key hydrologic features. This list includes fish habitat and permanent and intermittent watercourses. This policy states that these features are illustrated on Maps 3, 4 and 5 and Figure 1. Map 4 illustrates Key Hydrologic Features including permanent and intermittent watercourses. Mapping shows these features both within and outside of the Natural Heritage System. How were these watercourses defined? Where is fish habitat mapped as noted in this policy? As well, what policy implication, if any, is there to “water body” that shows up on many maps? Please consider these comments as further supporting our earlier expressed concern with the mapping.

In addition, NMLG notes that with regard to draft policy 2.2.1, the OP does not provide definitions for the features listed. NMLG requests that the OP include clear definitions for the feature mentioned.

NMLG requests more information specifically regarding fish habitat. The draft OP does not include policies for fish habitat nor is fish habitat defined in the maps. Map 4 indicates key hydrologic features, but no definitions for wetland, waterbody etc. are provided, nor does the OP provide any text to identify whether this map also relates to fish habitat.

Policy 2.2.4 states that development and site alteration within key natural heritage features, key hydrologic features and adjacent lands will be prohibited unless studies demonstrate that development and site alteration will not result in a negative impact on the feature or its functions. Wording is similar to PPS wording BUT the Region has added permanent and intermittent watercourses to the list of features that must pass this test. The PPS test is a tough one to meet.

The Region has gone beyond the PPS in this regard by adding watercourses. NMLG understands that the Region can do this, if they wish, however, the “no negative impact test” is very difficult to meet and developers need the flexibility to be able to alter some watercourses, likely more so the intermittent watercourses. Map 4 includes many ill-defined watercourses or drainage features that may require alteration to practically service the adjacent tablelands. This may involve the lowering and/or re-location of these features to service the lands or for community design reasons. It is not clear if policy 2.2.4 would allow lowering or re-location of these features. Please confirm if this policy, as currently worded would allow alterations to these features if determined desirable through future studies. It is our opinion that flexibility is essential to allow reasonable, practical planning to occur on the site-specific level. We note that negative impact is not defined.

Policy 2.2.4 addresses development and site alteration in fish habitat. The Department of Fisheries and Oceans (DFO) defines fish habitat very broadly to include direct fish habitat in permanent watercourse settings as well as indirect fish habitat in ill-defined drainage swales and roadside ditches that may contribute to direct fish habitat in downstream areas. Flexibility is needed to be able to remove fish habitat in some areas of direct and indirect fish habitat and if necessary, compensate for loss of habitat in other areas. This approach is currently allowed by DFO. Please confirm if it is the intent of policy 2.2.6 to provide this flexibility to mitigate and/or compensate for loss of fish habitat.

We would suggest that any expansion of the Greenlands System needs to be based on sound science. The science around linkage creation and effectiveness (especially in urban and urbanizing areas) 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 draft ROP goals and policies encouraging vibrant, sustainable communities, efficient transit networks and the delivery of infrastructure.

Policy 2.1.1 references Map 2 illustrating the Regional Greenlands System noting the policy to direct new development and site alteration away from the System. Map 2 contains blue lines depicting watercourses. Please advise the source of this data. How were watercourses defined?

NMLG is also concerned that the draft OP does not explicitly identify the securement policies for lands to be included in an expanded Greenlands system. All of the noted lands will not be secured by dedication as part of the development process. Consistent with communications NMLG has had with Markham regarding their proposed Greenways system, compensation for land to be included in the Greenlands system is required. Therefore, York Region must have land securement policies that are fair, equitable and legal. NMLG requests that the Region clearly identify the Greenland securement policies as part of this ROP review process.

Policy 2.1:16 would permit the Region to effectively sterilize private land for a purpose of expanding the Greenlands system without approval or compensation to the owner. This policy is unacceptable to NMLG. Our recommendation is to delete the policy in its entirety.

NMLG requests that changes be made to Subsection 2.2 regarding Wetlands. NMLG supports the Region's inclusion of "evaluated wetlands" within a new OP. However, we believe that Map 4 includes more than evaluated wetlands. We request that Map 4 be reviewed and appropriately revised to include only evaluated wetlands. We suggest that the text of the wetlands OP policies should be improved to provide clarity that the intent of the policies is to apply only to "evaluated" wetlands.

Non-evaluated wetlands should continue to be regulated by the Conservation Authorities – LSRCA & TRCA. NMLG suggest a less rigid approach might allow for the introduction of innovation and wetland restoration benefits not afforded within a Regional framework. For these other wetlands, it is also important to consider the ability to achieve overall benefits and/or net gains when examining these wetlands on the landscape. Often these smaller features haven't been mapped and evaluated as they are remnant wetland units resulting from drainage changes made to facilitate farming. These tend to have limited importance.

NMLG does not advocate standard and minimum buffers or vegetation protection zones. The need for and size of a buffer/vegetative protection zone should be determined on a site-specific basis. There is limited science that would dictate minimum vegetation protection zones. In some cases, these minimum zones are being presented as ecological buffers whereas they are actually recommended to limit personal and property damage that might result from a falling tree within a natural feature. Accordingly, NMLG asks that policies such as 2.2.28 and 2.2.29 be revised to delete the minimum buffer requirements and introduce the policy that buffers be determined on a site-specific basis.

NMLG is very concerned with Subsection 2.2 *Significant Woodlands*.

The draft OP provides a definition for 'woodland,' but not 'significant woodland.' The woodland definition includes details which could be included as policy but not be included in the definition. NMLG requests the Region to identify the source of the definition in order to comment properly.

Draft policy 2.2.32 sets a goal to increase woodland cover to a minimum 25% of the Region's total area. NMLG would like to understand whether the Oak Ridges Moraine and the provincial Greenbelt have been accounted for when establishing this goal.

More importantly, NMLG regards draft policy 2.2.34 as far too broad for determining the significance of a woodland. Its environmental consultants have reviewed the criteria and concluded that, as written, the criteria would result in virtually every woodland in the Region being classed as significant.

In particular, draft policy 2.2.34, requiring just one of seven criteria to be met in order for a woodland to be deemed significant, will result in over 97 percent of all woodlands in the Region being classified as significant. Such a result does not assist in discriminating amongst levels of importance of woodlands on a landscape. It isn't helpful to undertake a detailed study to define which woodlands might be significant with the result being the mapping of essentially all remaining woodlands as significant. Suggesting that this result is reasonable because, "most of the woodlands have already been cleared" hampers the consideration of balanced and sustainable

outcomes. There is value in understanding the relative degree of importance. The criteria developed and the simple application (i.e., any one or more criteria will define significance), over simplifies this area of discussion. Through this simplification, sustainability opportunities are diminished unnecessarily.

Satisfying only one criterion exaggerates and skews woodland significance. For example, the presence of a single butternut tree within a portion of a woodlot, would result in the entire woodland feature being declared Significant.

Sustainable and balanced planning outcomes should not be artificially constrained by the presence of low-quality, low-functioning woodlands. The draft ROP policies proposed and the criteria in draft policy 2.2.34, coupled with policy 2.2.33, would do just that. The determination of significance should be based on a more robust and multiple criteria scorecard. Certain criteria such as proximity and watercourse presence need significant re-definition to prevent misinterpretation.

NMLG recommends deletion of the “...*one of the following...*” clause in draft policy 2.2.34, and suggests that a more rigorous and pragmatic criteria for evaluating woodlands is required. In addition, NMLG has some very specific suggestions regarding when plantations should and shouldn't be included within the Greenlands System. Similarly, we have some ideas regarding how definitions might be interpreted in urban and urbanizing areas differently from what is depicted and addressed in the Draft OP. NMLG would like an opportunity to discuss these items with key staff at the Region.

Considering our earlier-stated concerns regarding the accuracy of mapping, NMLG requests the detailed mapping of significant woodlands, mentioned in draft policy 2.2.36 for Map 5. It would be appreciated if you would expedite delivery of this information so NMLG might complete its review prior to the closure of the draft OP commenting period.

NMLG suggest 2.2.39 (woodland replacement) be reviewed in the context of the PPS. Removal of a woodland may not be consistent with the PPS policy for significant woodlands. Some woodlands are low quality/not significant and could be removed in the greater interest of good planning.

NMLG is concerned with some of the policies regarding 2.3 Water Systems. Policies that require water balance to be maintained or enhanced introduce water quantity objectives that are not practical or realistic. Development will change these systems. These water systems need to be properly evaluated and actions taken to minimize impacts, and to ensure no long term adverse impacts associated with development occur. Consideration should be given to revising policy wording to state the intent/goal to minimize change to the water balance, water quality and quantity.

Similar wording is used in policies of the Lake Simcoe Protection Plan. It is unclear what is intended by open-ended statements such as “*To amend mapping and policies in the Plan when significant recharge areas or vulnerable aquifer areas are identified.*” It is unclear what is intended by the italics noted in this text.

For North Markham, it is especially important to understand the Region's expectation regarding Policy 2.3.4 that directs development away from "sensitive ground water discharge/recharge areas", and how those areas will be determined. We do not believe it is necessary to prevent development in recharge areas, but rather ensure that development form and design is protective of the recharge functions. The potential to inappropriately constrain large areas from development due to the application of a subjective policy is quite possible, and unnecessary. NMLG does not believe it is necessary to prevent development in recharge areas, but rather ensure that the development form and design is protective of the recharge functions.

It is unclear what is intended by open-ended statements such as "*To amend mapping and policies in the Plan when significant recharge areas or vulnerable aquifer areas are identified.*" in draft policy 2.3.5. Please clarify the Region's intent.

Policy 2.3.19 states that for natural hazards, minimum buffers are to be set by the conservation authority. As mentioned previously, NMLG does not support the establishment of fixed buffers. Any ROP policy with respect to buffers must not preclude a landowners' ability to demonstrate, at the detailed development stage, that appropriate buffers are being maintained, and if necessary to appeal under this policy. NMLG recommends that the policy state that buffers be established through detailed development review.

Policy 2.3.27 states that the goals and objectives of watershed plans will be achieved by the Plan. NMLG formally provided comments to TRCA regarding the Rouge River Watershed Plan and the Implementation Guide, and raised some significant concerns. It is inappropriate for the ROP to endorse watershed plans which may not be the subject of public notice nor reflective of landowner rights as set out under the Planning Act.

Watershed plans, approved by a conservation authority, hold no statutory authority. It is only through the Official Plan Amendment process, when specific watershed policies and plans become part of an Official Plan, that those policies and standards receive such status. The OPA process, under the Planning Act, allows affected landowners to exercise their right to participate in the preparation of the local Official Plan policies, and appeal the OPA if necessary. As written, draft policy 2.3.27 is too broad, and could be used to implement watershed policies without due process that the OPA process would afford. NMLG recommends that this policy be deleted.

NMLG is concerned with draft policy 2.3.28 Part d that seeks to enhance groundwater recharge areas. The implications on development, the costs, and the efficacy of potential technologies must be clearly understood before any commitment can be made whether to proceed with actions to accomplish this. Study is required on a location-specific basis. NMLG requests that the policy be revised to include the phrase "*, where possible*".

Section 3 - Healthy Communities

This section of the Draft OP identifies that a minimum 25% of new housing across the Region must be affordable, as well as being available in a mix and range of types and lot sizes.

NMLG, while understanding the need the Region seeks to address, does not support the establishment of a minimum target for affordable housing. In North Markham, most new housing is anticipated to be ground-related. Considering current housing costs, the addition of projected substantial costs for servicing North Markham, and other new development requirements noted elsewhere in the draft OP, delivering even a modest level of affordable housing in the Whitebelt will be a significant achievement, and certainly not possible in all housing forms. New Whitebelt residential or employment development cannot be expected to bear a larger share of the costs and effectively subsidize affordable housing.

NMLG requests that the Region eliminate the requirement that a minimum 25% of new housing be affordable.

NMLG does not support a social housing development charge as identified by Policy 3.5.11 which suggests the Region investigate it as a possible way to fund its affordability objectives. We view this as taxing the industry in an attempt to solve a much broader social problem. The solution to affordable housing in York Region requires the combined forces and funding of the province, the region and its member municipalities. This policy should be deleted.

Section 4 - Economic Vitality

As a general comment, NMLG believes that the Economic Vitality principle for the Region is seriously compromised by the Draft OP. In its eagerness to expand the natural heritage system, develop compact and sustainable communities, and tackle the issue of affordability, the Draft OP has assumed the development industry has an unlimited capacity to pay for these while still providing quality products at prices its customers are prepared to willingly pay. This is not the reality.

The Draft OP policies in total challenge the commercial viability for development in North Markham.

NMLG suggests the Region reconsider its proposed enhancements for the natural heritage system and sustainability in order to return proper balance to the Economic Vitality principle.

Draft OP policy 4.3.12 prohibits conversion of employment lands. NMLG regards this policy as unnecessary in a new ROP as the provincial Growth Plan is the ultimate limiting control. The Growth Plan, as paraphrased in Draft OP policy 4.3.13, permits conversions to be considered only as part of a municipal comprehensive review. Draft policies 4.2.4 and 4.2.6 appear to be in conflict with 4.3.12 as these City Building policies would almost certainly require the conversion of employment lands.

NMLG does not support the inclusion of institutional use into the definition of non-employment. An opportunity to add an institutional use, such as a university campus, to a community should be embraced. Institutional uses bring jobs and serve to diversify the business base of the community. NMLG requests that draft policy 4.3.12 b be deleted.

In addition, NMLG suggests it would be worthwhile at this time for the Region to review current permitted uses on employment lands and expand those uses. For instance, NMLG suggests that designating a single large area for employment in North Markham is counter to the Region's goals for reducing private vehicle use and its efforts to promote transit. Segregating employment from residential will serve only to continue the car culture i.e. having drive to work.

Business park areas today are very sterile quiet places after 5:00 PM. Integrating other uses into these lands would add vibrancy, directionally provide a sense of completeness to the community, further serve to support transit, and contribute to the efficient use of land and infrastructure.

Draft OP policy 4.3.3 which requires each development application on employment lands to achieve a minimum density of 40 jobs per developable hectare will prevent some forms of manufacturing, and warehousing from establishing business in the Markham Whitebelt specifically, and York Region in general. A target density of 40 jobs per hectare should apply to the sum of all new employment land development in a municipality or the Region as a whole, not to an individual application. The OP should emphasize that 40 jobs per hectare is a target and not a mandatory minimum requirement.

Draft OP policy 4.3.10, the protection of strategic employment lands beyond 2031, and Figure 2 are at odds with the Town of Markham's presentations and reports on growth management. Markham currently considers these same lands as developing by 2031. NMLG, consistent with its securement comments related to the Greenlands System, requests additional information on how the Region intends to address the protection of strategic employment lands, and the land securement policies related to its protection strategy.

NMLG supports the Region's *Land Budget* report, January 2009, which identifies the need for 120 hectares for Major Retail in the Markham Whitebelt. The number of persons and jobs projected by 2031 in the Whitebelt readily justify Major Retail on this scale. We are concerned with anecdotal comments made that Major Retail can be integrated into multi-use buildings and somehow the need for the associated parking and the 120 hectares of land simply disappears. While integration has proven effective for many forms of retails, NMLG does not regard this as a viable approach to Major Retail. We are not aware of any retail analysis supporting this action or examples where such a scheme has been attempted. Therefore, NMLG requests that 120 hectares for Major Retail in the Whitebelt be retained in all Regional planning studies and assumptions.

Draft OP policy 4.5.2 requires development proponents to fund additional services and costs related to growth. No definition is provided for the additional services, and it could result in Markham Whitebelt development paying for improvements to services not related to their project or in already developed areas. This is not acceptable. NMLG recommends that this policy be deleted.

Further, the Region, via Policy 4.5.11, will advocate for changes to the Development Charges Act to accommodate projected service levels particularly for those service areas that are maturing and have historically lower levels such as transit and emergency medical services. NMLG will oppose this change to the DC Act. Developers should not be funding these Regional transit and emergencies services.

Section 5 - Building Cities and Complete Communities

NMLG believes that York Region, in the new Official Plan, must identify the urban boundary expansion required in Markham. We have reviewed the Region's *Land Budget* report and agree with the quantum of additional lands required in Markham for an urban expansion to accommodate growth to 2031. We regard the Potential Urban Expansion (the stars) on Map 1- Regional Structure as inadequate.

Unaltered, Map 1 fails to protect the landowner's right of appeal under the Planning Act, and could be used by a municipality to frustrate development by avoiding or delaying the definition of local urban boundary expansions. Significant delays will be introduced as the municipality first identifies an urban boundary expansion and adopts a local OPA and then for the Region to prepare and obtain approval through a Regional OPA.

Draft Policy 5.1.13 states that expansions of the urban area shall only be initiated by the Region, in consultation with the local municipality, as part of a municipal comprehensive review. NMLG regards this as consistent with the expectations of the province for Growth Plan conformity. It is therefore incumbent on York Region to literally draw the urban expansion line for the Markham Whitebelt on Map 1 in this new OP. Should this not happen, it could be 2015 before there is an urban boundary expansion in Markham.

NMLG requests that the Region clearly identify the urban boundary expansion in Markham consistent with its land supply analysis.

NMLG considers it unacceptable for the Region to attempt to define urban boundary expansion in Markham in the *Definitions* section, under *New Community Areas*. It is inappropriate to include this in the definition. The descriptions provided for the new communities areas in Markham describes a land area substantially smaller than the Region identified in its *Land Budget*. NMLG agrees with the quantum of land identified by the Region for an urban boundary expansion in Markham. NMLG requests that the description included in the definition of New Community Areas be deleted.

NMLG is aware that the Region has completed more work regarding its land budget. NMLG would appreciate receiving this information as soon as possible so it might better understand the impact, if any, on the options for growth in North Markham.

Draft Policy 5.1.8 policy seeks to control the pace of outward growth stating that a new phase of new community area development must be substantially complete i.e. 75% of building permits must be issued before a subsequent phase can be registered.

NMLG considers using a threshold value to manage phasing i.e. 75% of building permits issued, as an overly simplistic and unworkable approach. This policy would place a huge brake on development, while ignoring the realities of the provision of infrastructure, and the buyers' need for choice. For instance, low density residential units within a new community would typically be the first to be purchased; the medium and high density typically taken up at a slower rate. As written the 75% rule makes no provision for this difference, and therefore the next phase of development may not be able to proceed because the 75% threshold for the total of all units has not been attained. Future non-compliance with PPS from the perspective of accommodating residential and employment growth (10 year and 3 year supply respectively to be maintained) is highly probable under the proposed policy.

An OP policy for phasing must respect the PPS requirements and be responsive to the employment and residential marketplace. NMLG suggests that the policy should be revised to allow the next phase of development to proceed provided the unit type has reached the substantially complete level.

The threshold for substantially complete (suggested 75%) should be reviewed as it may be too high and thus inadvertently impact the advanced planning and efficient delivery of infrastructure.

New OP Policy 5.1.9 requires sequencing plans to be tied to the provision of human services. These services can only be provided by the province, the Region and the municipality. Assuming the developer has fulfilled all application and DC payment requirements, his or her project should not be further constrained schedule-wise while the responsible jurisdiction arranges for the delivery of the required human service.

Similar to an earlier comment, NMLG does not support a new Development Charge or any other financial contribution to fund human services not covered by the current DC Act. This policy should be deleted.

In its April 16, 2009 letter to York Region, commenting on *The Criteria for Building New Communities in York Region*, NMLG raised concerns with the mandating of LEED, the prescriptive nature of the requirements, and increased costs associated with them. A copy of the letter is attached so those comments will not be repeated though they remain relevant. However, in the draft OP 5.6.12, the Region has raised the LEED bar even higher, making it mandatory for all forms of housing including ground-related. NMLG does not support this change either.

NMLG believes LEED, Energy Star and other similar programs are simply tools to achieve more important goals, and should therefore be voluntary. NMLG recommends that the Region's OP should explicitly set goals to improve energy and water conservation, and leave flexibility for the development industry on how they will be achieved.

As a general comment, draft OP policies 5.3.7 and 5.6.18, though referring to different development scenarios, are similar in that both require the provision of greater open space, parks and meeting places in close proximity to residents. As communities become more compact, uses get integrated, intensification occurs, and parking is structured, the requirement for more local green space will become difficult to deliver.

Section 6 - Agriculture and Rural Areas:

NMLG has no issues with this section. Based on its review of various Regional reports including land budget analyses, NMLG concurs with the Region's position that the Markham Whitebelt will be fully built-out by 2051. The Draft OP policies that encourage agriculture to continue in new community areas until expansion is required to accommodate growth are reasonable.

Section 7 - Serving Our Population

The Region's goal to affect a substantive change in the use of transit, specifically trip reduction for private vehicles, is well understood and conceptually the right thing to do.

NMLG has some general concerns. The major investment and ongoing funding required to deliver the transit infrastructure must be available from the Region and Markham when new communities in North Markham start to be developed. In North Markham, where ground-related housing will be the predominant housing form, the design of the total Whitebelt community e.g. the relationship between employment and residential areas, the road network, and the early provision of transit, will ultimately determine the ability to achieve a 30 percent modal split. Planning must occur on the broadest level and transit must be delivered early in the development process. NMLG supports the Region's transit goals and wishes to be actively involved in any associated efforts.

Draft policy 7.2.26 appears to mandate an overall modal split of 30% during peak periods in the Urban Area, and 50% in Regional Centres and Corridors by 2031. However, the Region's Transportation Master Plan Update identifies these modal splits as targets. NMLG supports these modal splits as targets but is concerned that this policy could be used in an attempt by the Region to enforce a change to modal splits with potentially dire consequences to developers. NMLG requests clarification of this policy, and suggests the Region regard achievement of these modal splits as targets, and focus on encouraging change to achieve them.

Draft OP policy 7.2.88 states that residential and other noise sensitive land uses "...shall be prohibited within the appropriate updated Noise Exposure Forecast contour." The PPS identifies 30 NEP/NEF as the contour determining the locational limits of residential and noise sensitive uses. The final OP must acknowledge PPS and this 30 NEP limit, and remove any possibility for a future subjective discussion on what's appropriate.

On April 17, 2009, NMLG responded to the CVC-TRCA draft *Low Impact Development Stormwater Management Manual*. A copy of the letter is attached for your review. Though that manual is not specifically referenced in the region's draft OP, the draft OP identifies, in policy 7.1.21, its interest in implementing innovative water efficiency techniques. NMLG's letter to CVC-TRCA expresses concerns that we feel York Region should consider when advancing these kinds of technologies.

In general, NMLG takes the position that any LID techniques considered for use in North Markham be:

- Technologically proven – NMLG does not support development delays while an LID method is piloted, nor is it willing to bear financial liability should an unproven technique be implemented and subsequently fail.
- Economically feasible – has a positive cost-benefit result over their lifecycle, and
- Financially viable – the developer does not have to subsidize or take a loss to provide it.

In summary, NMLG recognizes the importance of a new OP and the efforts York Region has put into delivering this draft. The intention of the comments above is to affect changes that will contribute to making the adopted OP robust and workable.

Representatives from NMLG and its counsel, Aird & Berlis, would be pleased to meet with you and key staff to discuss these comments.

Sincerely,



Don Given, *M.C.I.P., R.R.P.*
President, Malone Given Parsons Ltd.

Cc.

Bruce Macgregor, *Chief Administrative Officer, 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:

- April 16, 2009 letter to York Region: Comments on *The Criteria for Building New Communities in York Region*
- April 17, 2009 letter to CVC-TRCA: Comments on the Draft *Low Impact Development Stormwater Management Manual*

April 16, 2009

140 Renfrew Drive, Suite 201, Markham
Ontario, Canada, L3R 6B3
Tel: (905) 513-0170
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The Regional Municipality of York
17250 Yonge Street,
Newmarket, ON
L3Y 6Z1

Attention: Mr. Bryan Tuckey, MCIP, RPP
Commissioner Planning and Development Services

Re: Comments – The Criteria for Building New Communities in York Region

Dear Mr. Tuckey,

I am writing on behalf of the North Markham Landowners' Group (NMLG). NMLG owns 748 hectares of land in the Markham Whitebelt, with the intention of development by 2031. Their holdings constitute 25% of the Markham Whitebelt.

With the *Best Practices for New Communities Discussion Paper* and the workshop in December 2008, York Region demonstrated its desire to take a leadership position in terms of sustainable development, and a high level of stakeholder engagement.

The Group supports the direction York Region is taking regarding sustainable development. We do however have several concerns with the *Criteria* as written which we would like to see discussed. The comments are presented on behalf of NMLG but could be regarded as equally applicable to all York Region Whitebelts.

The imposition of additional costs and substantially higher densities will place new Whitebelt communities at a competitive disadvantage. It should be recognized that these developments will have to compete with those within the current municipal settlement areas, or with developments in adjacent regions. The *Criteria* should demonstrate equity with future designated greenfield, brownfield and infill developments.

Creating new communities in the Whitebelt at 20 units per hectare (70 persons+jobs/ha) will be a major challenge. Pending decisions on environmental and other acceptable take-outs could drive this density figure even higher. Work is required to understand how these communities can be delivered while still attracting the broad spectrum of buyers. There are two topics we think worthwhile to discuss. How is the Region going to measure success and manage the process to ensure this density is achieved? What will be the Region's process for planning Whitebelt communities?

The *Criteria* lacks flexibility and is too prescriptive. As written, many sustainability features are mandatory regardless of whether they are technically feasible, financially viable, or better alternatives exist. This compulsory quality of the criteria is accomplished through the frequent use of text such as "shall", "maximizes", and "Make full use of all available...". We feel the

Criteria should be less prescriptive, and instead present options that could be implemented to achieve the equivalent sustainable result.

The *Criteria* would benefit if it incorporated clear and measurable goals. For example, a 50% improvement in energy efficiency is a goal. LEED is just one vehicle to achieve it. There may be other ways to achieve the goal and we believe developers should be afforded the flexibility to determine the approach they would take to meet the goal.

The *Criteria* places no limit on what developers could be required to provide now or in the future or on the costs that could be incurred. This open-ended characteristic is troubling, and needs to be addressed.

The *Criteria* does not appear to consider economics or the financial feasibility of the various sustainability features it incorporates.

A goal of increasing energy efficiency for new buildings is commendable but it comes with a cost. A US Green Building Council study indicates initial costs escalating from 2% to 4% to 9% on average for LEED levels Silver, Gold and Platinum respectively. Anecdotally, developers might say that LEED costs are much higher.

Solar photovoltaic (PV) systems and ground source heat pumps (GSHP) are not cost justified over their life cycles. The technology breakthroughs required to make them economically viable have not happened. Both suffer from high initial costs while delivering only modest annual energy savings in urban settings. GSHP systems only yield a tiny reduction in greenhouse gas emissions. PV and GSHP systems add significantly to the purchase price of a new home. At estimated costs of \$25k-\$30k for each type of system, the resulting increased house prices will serve to deter potential buyers.

This discussion of economics could be extended to other elements included in the *Criteria* such as green roofs, permeable pavers and other low impact development options.

The requirement for Zero Carbon buildings post-2031 deserves special mention. The government of the UK, through extensive investigation of Zero Carbon for homes, predicts that the cost of new homes under such a program will increase by up to 20% yet the new communities will still fall substantially short of zero carbon. From their work, zero carbon communities will require large scale wind/biomass energy plants in/near the communities. Since this *Criteria* requirement is identified as post-2031, I suggest it be removed from the *Criteria* until the concept, costs and benefits are fully understood.

A reference is made in the March 4, 2009 York Region report accompanying the draft *Criteria* to piloting some of the elements in Regional projects. We have heard comments in another forum that piloting should be done and development accordingly delayed because some LID technologies are as-yet unproven. Implementation of those technologies on a broad scale therefore bears an element of risk. Another basis for delay is not helpful to the industry.

The *Criteria* obligates developers to provide new infrastructure systems which frankly could be beyond their capacity to deliver. Two examples are renewable technologies on a municipal,

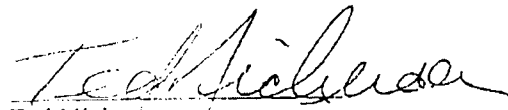
community and site scale, and community mobility plans. It's one thing to ask a developer to produce an energy plan for their proposed development. It is quite another to expect them to provide a wind/biomass/district energy plant. Similarly, a developer can design the new community to be compact, transit-oriented and pedestrian friendly. But only the region and the municipality can ensure that transit is provided in the initial stages of the development.

For these specific *Criteria* elements, it must also be recognized that this type of infrastructure is almost certainly beyond the scope and ability of a single developer.

Lastly, the *Criteria* introduces a new requirement - a Greenlands System Assessment. We would like to understand the Region's securement policies associated with this process. Also on this topic, we have some reservations about the ability of new infrastructure to contribute to an overall net system gain by increasing natural cover etc. and would appreciate the opportunity to discuss this further with you.

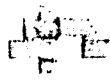
We believe York Region is on the right track in developing sustainable solutions. However, the *Criteria for Building New Communities in York Region* would benefit from further discussions with stakeholders and adjustments before its final adoption. I look forward to your April 22nd meeting with BILD.

Sincerely,



Ted Nickerson

Cc Bruce Macgregor, York Region
 John Waller, York Region
 North Markham Landowners Group
 Don Given, Malone Given Parsons
 Paula Tenuta, BILD York Chapter
 Fraser Nelson, BILD



STONYBROOK

April 17, 2009
File 60181

Ms. A. Chauhan
Water Resources Specialist
Sustainable Technologies
Credit Valley Conservation
1255 Old Derry Road
Mississauga, Ontario
L5N 6R4

Dear Ms. Chauhan,

**Re: Comments on the Draft Low Impact Development Stormwater
Management Manual dated November 2008**

We are writing on behalf of the North Markham Landowners' Group to provide comments on the draft Low Impact Development Stormwater Management Manual ("Draft LID Manual"), dated November 2008, prepared jointly by the Credit Valley Conservation and Toronto & Region Conservation Authorities. We appreciate the opportunity to provide comments on emerging requirements with respect to Low Impact Development measures to be incorporated into development in the future.

The North Markham Landowners' Group (NMLG) is a group of landowners and developers that own or control 750 hectares in Markham's Whitebelt. The attached drawing lists the participants in NMLG and illustrates the locations of their landholdings. Stonybrook Consulting is one member of the NMLG's consulting team studying the environment and stormwater management to provide input on these matters to development planning of the NMLG landholdings.

The NMLG supports future development of large portions of their lands to meet requirements of the Province's Growth Plan. Based on past discussions with the Toronto & Region Conservation Authority (TRCA), we understand that the TRCA will require future development to implement Low Impact Development (LID) measures in development design in North Markham. The findings of the Rouge River Watershed Plan require that LIDs and other best management practices be implemented to manage surface water runoff to minimize changes in erosion potential and flooding in downstream areas. Within this context, we provide the following comments on the Draft LID Manual.



GENERAL COMMENTS

- **Implementation Considerations** - While the document has addressed several aspects of LID planning and provides guidance on LID designs, little attention has been given to implementation issues associated with the use of the Draft LID Manual and specific LID measures including:
 - municipalities' reluctance to support LID measures that will increase maintenance and operational requirements and costs;
 - lack of certainty/Ontario experience regarding the effectiveness of LID measures;
 - long term viability of LIDs on private property; and,
 - comments from some municipalities that they will not accept any size reduction in end-of-pipe solutions with the implementation of LID measures on private lands.

Implementation considerations should be addressed since they have the potential to substantially affect development timing and cost. Timing delays have recently been experienced on projects because a municipality does not accept the maintenance implications of LID measures. In cases such as these, the developer is caught between differing requirements of the CA and the municipality. It can be time consuming and costly to resolve differences between CA and municipal requirements. As such, it is important that the above types of Implementation considerations be addressed in the Draft LID Manual.

- **Flexibility** is essential in the application of the Draft LID Manual because of variations in development design, site conditions and municipal acceptance of LID measures. This should be emphasized in the introductory sections of the manual.
- **Format of Draft LID Manual** – There is very little experience in Ontario with some types of proposed LIDs and as a result, there are many questions from municipalities and developers regarding their design, performance, cost, longevity, maintenance requirements, etc. While the Draft LID Manual answers some of these questions, we suggest that the manual stay a draft document that is reviewed on a regular basis and modified as more is learned about Ontario experiences with LIDs.
- **End-of-Pipe Sizing and LIDs** - Several sections of the Draft LID Manual appear to support the concept of sizing end-of-pipe solutions recognizing the benefits of LID measures. This anticipates that in some circumstances, end-of-pipe solutions could be reduced in size. While the NMLG support the concept of accounting for the functions of LID measures in end-of-pipe sizing, it is not clear how this would be assessed to determine end-of-pipe reductions. Further discussion is needed on the analytical approach that would support end-of-pipe sizing recognizing LID measures.

We are aware that the CVC/TRCA are working on a hydrologic model that may provide an analytical approach to simulate the performance of various LID measures. What is the status of this new model?



SPECIFIC COMMENTS

- **Maintenance of Hydrologic Cycle** - Several discussions in the Draft LID Manual identify the goal or objective to maintain or replicate the predevelopment hydrologic cycle (pages 1 and 6). We suggest that further discussion should be added recognizing that this is not entirely or practically achievable in all circumstances. This comment is not intended to diminish the objective to manage/minimize changes to various components of the hydrologic cycle, but rather acknowledges that this is not practical to achieve in many cases.
- **Relationship Between Planning and Environmental Studies** - Figure 1.7 does not accurately reflect the relationship between planning and environmental studies in the CVC or TRCA jurisdictions. Any graphic used to illustrate the relationship between planning and environmental studies should be reflective of municipal policy in the CVC and TRCA watersheds.

While we understand that this figure was taken from the MOE Stormwater Planning and Design Manual, it is not reflective of current municipal policy and should be modified if left in the Draft LID Manual. There is no blanket requirement for Watershed Plans in support of Official Plans and Subwatershed Studies are not necessarily required in support of Environmental Assessments or Growth Management Studies. This figure should clearly note that the studies under the Environmental Planning heading are background studies in support of the land use applications listed in the right column. The 'Municipal Land use Planning' column contains legislated requirements under the Planning Act. The 'Environmental Planning' requirements are not legislated, hence they should be noted as background studies. We also suggest that the heading, 'Approval Agencies/Public' be changed to 'Approval Agencies/Commenting Agencies/Public' since several of the agencies shown are not 'Approval Agencies' under the Planning Act.

While it may be difficult to accurately reflect the process in both the CVC and TRCA jurisdictions in one graphic, further commentary on the general nature of any figure used would be helpful to capture the fact that the relationships shown in a modified figure are not fixed or necessary in all circumstances.

- **Balance in Development Design** - We note that the discussion on page 19 does not reflect the balance that must be brought to development planning and design. In particular, it notes, "*The chapter provides an overview of a landscape-based approach to stormwater management planning. This approach is founded on the principle that development form, servicing and stormwater management strategies should be defined by the biophysical, hydrological and ecological attributes of the environmental and the landscape*". The NMLG do not support such a narrow definition of the process to identify development form. This discussion needs to be amended to reflect that development form, servicing and stormwater



management are also defined by other planning objectives such as land use, densities, urban design, transportation, etc. As well, we suggest that a discussion on the balance that needs to be achieved in development planning be added to the introductory sections of the document; reference to the Provincial Growth Plan would be appropriate to explain the variety of objectives that must be considered for balanced/complete community design and recognize that stormwater management and LIDs are only one consideration of many.

- **Table 2.1, Summary of Stormwater Management Planning at Key Scales and Land Use Planning Stages** – This table should be revised to remove reference to "Detailed design" being carried out at the Draft Plan of Subdivision stage. This is not correct; detailed design is done following draft plan approval in support of construction and plan registration.
- **Table 2.2, Summary of Sources of Runoff, Typical Characteristics and Opportunities for Treatment and Use** – This table lists the characteristics, opportunities, and principles for sources of runoff. We suggest that the option of a third pipe system that collects roof runoff and is infiltrated be added to the table. This is a viable option that should be recognized.
- **Roads on Drainage Divides** - Page 37 notes that, "...where possible, roads should be aligned to follow the drainage divides between sub-catchments areas in order to facilitate the maintenance of pre-development drainage characteristics". We request that this statement be removed. The location of roads are affected by many planning considerations; it is not as simple as "aligning roads to follow drainage divides were possible".
- **Landscape Community Design Process** – Page 38 notes differences in landscape-based community design versus traditional development planning. This is a superficial and incomplete discussion that should be removed. There are many more considerations brought to the planning process than those outlined here. For example, the configuration of a road network and development blocks should not be determined solely by, "limits of drainagesheds" as inferred by the second bullet, and, while we would support the integration of SWM and parks uses, the siting of parks also involves considerations other than their location in drainagesheds. The NMLG also do not support a slab-on-grade housing product that is not marketable. References to this type of housing form should be removed.
- **Figures 2.7, 2.8 and 2.9** – Please confirm if these figures were taken from the Markham Small Streams Study. If so, they were developed for a different purpose, and require an Official Plan Amendment to become enforceable. Since that OPA has not yet been tabled and the support for it uncertain, these figures should not form part of a manual intended to address LID practices.



- **Section 2.9.3 – Opportunities at the Site Scale – Page 55:** This section introduces strategies that would place easements over properties to access LID installations on private lands for monitoring, require owners to enter into legally-binding agreements to maintain those installations, and to post a surety with the municipality to ensure those systems remain fully operational. If this is intended to apply to individual homeowners, we suggest that these strategies are not appropriate.
- **Biofilter Design - Page 63** illustrates an example of a biofilter at the Edithvale Community Centre. The example at the bottom of the page does not appear consistent with the recommendations of Table 2.2 – where is the pretreatment of road runoff? Should Table 2.2 be modified to reflect this biofilter design?
- **Adapting Individual Practices for Southern Ontario Conditions -** Section 3.2 notes that the LIDs discussed in this chapter were carefully adapted to reflect development in Ontario. It states that research and experience on LID practices from elsewhere in North America was evaluated to ensure that practices could be, *“feasible in the context of more intense development and lot sizes that occur in metropolitan areas that provide relatively little open space to locate practices;”*. We do not agree that all types of LIDs proposed in the Draft LID Manual are compatible with all housing form and lot sizes. For example, some LIDs are not feasible on small lots or townhouse blocks. This should be recognized and text should be added noting that not all of the LID measures listed are compatible with all land uses or housing forms.
- **Calculation of Runoff Volume Reduction -** Section 3.3 presents a step-by-step process for a designer to apply to identify LID measures to meet target runoff volume reduction. Clarification is needed to identify:
 - How runoff volume reduction targets are set; and,
 - What are the “simple equations” that are referenced in Step 4?
- **Table 3.2, Comparison of Site Constraints for the Range of LID Practices –** What is a stormwater hotspot?
- **Table 3.3, Performance Comparison of Selected LID Practices –** Please provide the background data (soils, location, lot size etc.) and calculations on how the Runoff Volume Reduction percentages were achieved.
- **Section 3.5, Comparative Costs and Benefits of LID Approaches –** We are currently reviewing the case studies and their costing and may have further comments in this regard. The last bullet in this section notes that more research is needed to monetize the cost reductions of LIDs. Is this comment suggesting that the cost reductions reported in Table 3.4 are not a valid comparison in the context of development in the GTA and therefore more study is needed?



Ms. A. Chauhan
April 17, 2009
Page 6 of 6

- **New Criteria Documents** - Page 88 references, "CVC and TRCA Stormwater Management Criteria" documents. What are these documents? When are they available for comment?
- **Section 4 – Monitoring** – This section provides little direction on monitoring of LID effectiveness hence monitoring requirements of future LID measures are not clear. If the discussion was intentionally left flexible to be addressed on a site specific basis, this should be noted.

We suggest that the CVC and/or TRCA should be further investing in performance monitoring to identify specific benefits of various LID measures. References to monitoring results from the STEP program should be provided.

We thank you for the opportunity to comment on the Draft LID Manual. Should you have any questions regarding our comments, please contact the undersigned.

Yours truly,

STONYBROOK CONSULTING INC.

Nancy Mather, P. Eng.

c. North Markham Landowners' Group
Mr. T. Nickerson, Malone Given Parsons

AIRD & BERLIS LLP

Barristers and Solicitors

N. Jane Pepino, C.M., Q.C., LL.D
Direct: 416-865-7727
E-mail: jpepino@airdberlis.com

October 6, 2009

File. 102653

VIA EMAIL

Chair and Members – Planning
and Economic Development Committee
Regional Municipality of York
York Administrative Centre
17250 Yonge Street,
Newmarket, ON L3Y 6Z1

Dear Sirs and Mesdames:

Re: Draft York Region Official Plan Statutory Meeting

We act on behalf of the North Markham Landowners Group, a group of developers and interested landowners that own or control approximately 902 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 Ninth Line on the east. Their holdings represent approximately 22% of the gross total area of the Markham Whitebelt.

Our client group, through the planning firm of Malone Given Parsons, has monitored and participated in the development of the draft Official Plan for the Region of York.

In particular, a letter dated September 9, 2009 from Malone Given Parsons, together with a letter from Aird & Berlis LLP dated September 10, 2009, sets out our client's concerns with respect to the June 17, 2009 draft of the York Region Official Plan. That correspondence also summarizes requests for amendment or redrafting.

Rather than take the time of the Committee to hear a verbal deputation, we would ask simply that you take this letter, and the attached correspondence of September 9th and September 10th, 2009, into consideration and into the public record.

In addition, we would request that we be provided with notice of any further reports, meetings or consideration of the proposed York Region Official Plan, and that we be provided with a copy of the Notice of Decision.

October 6, 2009
Page 2

We look forward to working with the Region and its staff to a satisfactory resolution of the concerns expressed.

Yours very truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read 'N. Jane Pepino', written over the printed name.

N. Jane Pepino, C.M., Q.C., LL.D.

NJP/ly
Encls.

cc: Malone Given Parsons Ltd.
North Markham Landowners Group

5849884.1

AIRD & BERLIS LLP

Barristers and Solicitors

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

December 1, 2009

File No. 102653

BY EMAIL: john.waller@york.ca

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

Attention: John Waller, Director of Long Range and Strategic Planning

Dear Mr. Waller:

Re: York Region Official Plan - December 2009

**Report of the Commissioner of Planning and Development Services –
December 2, 2009**

We act on behalf of the North Markham Landowners Group, a group of developers and interested landowners that own or control approximately 902 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 Ninth Line on the east. Their holdings represent approximately 22% of the gross total area of the Markham Whitebelt.

We write further to correspondence dated September 9, 2009, sent by Malone Given Parsons ("MGP") and correspondence from our firm dated September 10th and October 6th, 2009, respectively. The purpose of the aforementioned correspondence was to communicate to the Region our client's issues and concerns respecting the June, 2009 draft Official Plan ("OP").

Since the release of that correspondence, we have received clarification of certain issues from Regional Staff. We have not repeated those issues in this letter, given the clarifications received. However, we reserve the right to request additional policy modifications to ensure that matters of clarification are adequately addressed in the Plan, prior to adoption.

Along with MGP, we have conducted a preliminary review of the December, 2009 draft OP. A number of the issues that were previously raised on behalf of our client have not been addressed with this new draft OP. To that extent, our client's original concerns remain outstanding.

We do not propose to repeat those basis of our client's concerns and issues through this correspondence; however, we wish to highlight the following major issues that our client continues to identify with the Regional OP:

1. Failure to identify the urban boundary expansion for the North Markham area. We are disappointed to see that the draft OP before you continues to identify potential urban boundary expansions through the use of an asterisk symbol, versus identification of an urban boundary. For the reasons expressed in earlier correspondence to you, it is our client's position that in order for this OP to conform with the Provincial policies such a boundary should be identified in the Plan.
2. Reflection of Markham's draft natural heritage system in the Regional Greenland map and policies: The Town of Markham is in the process of preparing natural heritage mapping and policies, for future adoption through a local OPA. That process, including input and comments by the public and affected landowners, has not concluded. We remain concerned that Regional council has reflected the draft NHS in its Regional Greenway mapping, without the full public review and comment having been concluded locally. We would request that Map 2, which is based on this draft system, be removed or deferred as it would relate to our client's lands. Additionally, we note that the policies respecting refinements to the mapping (for example, policy 2.2.44) do not address our client's concerns with the basis for the mapping.

The draft OP also fails to outline any policies respecting securement of the lands proposed to be designated Regional Greenlands. Our client's previous concern in this respect remains outstanding.

3. On a related matter, we are in the process of reviewing Map 5 and the policies respecting significant woodlands. Despite the fact that some changes have been made to the policies and mapping, our original concerns remain outstanding. We would request that Map 5 be removed from the Regional OP prior to adoption.
4. Revised Figure 2 and identification of lands as Strategic Employment Area: We note that while Figure 2 is intended to be conceptual in nature, it is cross-referenced in various policies within the Plan. Our client is concerned that the most appropriate lands and land area for employment uses has not been identified for Markham. The combined effect of Figure 2 and companion policies will be to remove consideration of more suitable lands for future employment uses.

Our client remains concerned with the policies restricting uses, particularly major retail uses, within employment areas. Our client does not accept the proposed definition of "major retail" proposed and note that the need identified by the Region for additional lands within Markham for major retail uses has not been addressed through the Official Plan policies.

5. Other Matters Identified:

In addition to those issues outlined above, or through earlier correspondence, we note the following additional matters for Committee's and Council's consideration:

- (i) Policy 2.2.4: We would request that the policy be amended to insert "unacceptable" before "impact" and reference "no net loss of function".

- (ii) Policy 2.2.28 and 2.2.29 respecting fixed buffers: Our client has previously outlined its concerns with a rigid approach to identifying buffers in a regional policy document. We continue to be concerned with the Region's approach regarding this issue.
- (iii) Policy 2.2.43 – Vegetation protection zones act as buffers: We would request that the policy be amended to permit site alteration in vegetation protection zones, to permit consideration of the placement of trails and other infrastructure, such as storm water management facilities, within these areas.
- (iv) Policies 2.3.5 and 2.3.33(d): Given that these are policies intended to guide development in areas of groundwater recharge, we do not agree with the requirement to enhance the quality and quantity of groundwater recharge areas. As we noted earlier, this policy must acknowledge that best efforts may be used, and the policy should require enhancement "where possible."
- (v) Policies 5.1.12(f) and 5.3.3(g): We are concerned that the effect of these policies is to prevent Regional council from considering an urban boundary expansion until such time as a local municipality completes its own growth management conformity exercise, including determination of its policies respecting achieving intensification targets. We note that the Regional OP contains intensification targets for its constituent local municipalities. We would expect that the process of identifying urban boundary expansions would be led by the Region, and determined first through the Region's OP.
- (vi) Policy 3.4.11: The modifications proposed to this policy may be interpreted as requiring landowners to maintain heritage resources *in situ*. We do not believe that this is the intent of the provincial legislation and would ask that staff clarify the change prior to adoption.
- (vii) Policy 3.3.13: Our client had previously identified this policy as an issue. We note the policy has been expanded to reference DC's for both social housing and hospitals. To the extent that the *Development Charges Act* does not support DC's for these matters, we are of the opinion that the policy is beyond Council's jurisdiction.
- (viii) Policy 7.2.88 respecting the Noise Exposure Forecast contour: We note the additional requirement in the revised policy which would require landowners to be "consistent with Transport Canada guidelines". We are very concerned about this reference, particularly since the aforementioned guidelines impose a development restriction (25 NEF) that is not consistent with the current Provincial Policy statement (30 NEP/NEF limit). Accordingly, this additional requirement should be deleted from the policy prior to adoption of the Plan.
- (ix) Map 12 and the companion transportation policies: We are concerned about the basis for, and practical effect of, the proposed regional road

widths identified on Map 12 and the companion policies that together require landowners to assume a greater burden for road infrastructure through the development process.

- (x) Policy 8.4.7 (b): Our client strongly objects to any policy that would support or suggest that lands not identified as part of the urban boundary through this plan, be considered for as candidate lands for an Oak Ridges Moraine or Greenbelt designation. This approach is short-sighted and removes any flexibility to consider future urban expansions, should they be justified on the basis of updated information.

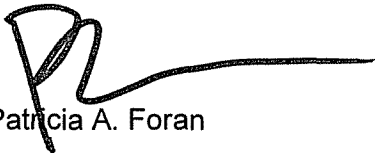
Moreover, there is absolutely no policy or scientific support for such designations to be imposed by the Region or local municipalities, particularly in the absence of any direction through provincial policy.

- (xi) Map 7: We would suggest that Map 7, like other regional maps, be subject to refinement following field confirmation at the time of development applications being filed.

Our client remains committed to working with Regional staff to address these issues prior to any consideration of the proposed Official Plan by Regional Council.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran

PAF/jag

- c. Barbara Jeffrey, Region of York
North Markham Landowners Group

6059124.1

Submission Number
D05.2009.1.135

Date of Submission:
December 3, 2009

Submission Author:
Michael Smith Planning Consultants
(on behalf of Karma Tekchen Zabsal Ling)

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Property: 13900 Leslie Street, Part of Lot 3, Concession 4 (NG); Aurora.

Within our letter we advised you that applications for amendments to the Town of Aurora Official Plan and Zoning By-law were being prepared. This however was an oversight on our part. Applications for the required amendments have been submitted to the Town and were done so sometime ago. The confusion stems from the Town misplacing the applications after the applications were submitted. The Town of Aurora has recently located the applications. What should have been conveyed to the Region in our letter was that minor changes to the applications are in process.

In light of the above information, we believe that the comments made by Regional Staff in its December 2nd report to the Planning and Economic Development Committee do not reflect the existing development situation. In this regard, it is our opinion that it is not premature for permission for this development within the Region's Official Plan.

Applicant requests a special provision in the ROP to permit a "place of worship" on the subject lands

The Region's Plan does not permit small scale commercial institutional or industrial uses within the Oak Ridges Moraine Countryside Area. This limitation was established through ROPA 41 when it was approved by the Minister in 2004.

Adopted policy 6.4.5 states that within the Rural Area, applications for redesignation of lands for non-agricultural uses are only permitted if they comply with the Oak Ridges Moraine Conservation Plan, Greenbelt Plan and local municipal official plans.

The adopted Official Plan permits the proponent to apply for a redesignation, but it should be undertaken within the context of an Amendment to both the Town Plan and the Region's Plan.

A request to permit this use through the new Regional Official Plan, without the ability to examine supporting information and have the Town's input is premature.

Received December 3, 2009

D05.2009.1.135

*Michael Smith*Planning Consultants
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Keswick, Ontario, L4P 3S6
Tel. (905) 989-2588
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mspc@bellnet.ca

FACSIMILE COVER			
Date:	December 3, 2009	No. of PAGES (Incl. cover)	3
From:	Gord Mahoney	Phone No:	
To:	✓ John Waller, Director of Long Range Planning	Fax No:	(905) 895-3482
Copy To:	Karma Tekchen Zabsal Ling, owner		by Mail
	Barbara Jeffrey, Region of York		(905) 895-3482
	✓ Glen Letman, Town of Aurora		(905) 726-4736
Company:	Regional Municipality of York	Project:	13900 Leslie Street, Aurora

Michael Smith

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December 2, 2009

Our File No. 831-00

John Waller, MCIP, RPP
Director of Long Range & Strategic Planning
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Waller:

Re: Draft Region Official Plan
Proposed Place of Worship
13900 Leslie Street Part of Lot 3, Concession 4 (N.G.)
Owner: Karma Tekchen Zabsal Ling (KTZL)
Town of Aurora, Region of York

Further to our letter date November 5th, 2009, and comments by Regional staff in its December 2nd, 2009 report to the Planning and Economic Development Committee regarding our letter, we would like to inform you of an oversight within our November 5th letter.

Within our letter we advised you that applications for amendments to the Town of Aurora Official Plan and Zoning By-law were being prepared. This however was an oversight on our part. Applications for the required amendments have been submitted to the Town and were done so sometime ago. The confusion stems from the Town misplacing the applications after the applications were submitted. The Town of Aurora has recently located the applications. What should have been conveyed to the Region in our letter was that minor changes to the applications are in process.

In light of the above information, we believe that the comments made by Regional Staff in its December 2nd report to the Planning and Economic Development Committee do not reflect the existing development situation. In this regard, it is our opinion that it is not premature for permission for this development within the Region's Official Plan.

We look forward to discussing this matter further with Region and Town staff.

Yours truly,

A handwritten signature in black ink, appearing to read 'Gord Mahoney', written in a cursive style.

Gord Mahoney
Planning Consultant

Copies to: KTZL, Owner
Barbara Jeffrey
Glen Letman

Submission Number
D05.2009. 1.136

Date of Submission:
December 9, 2009

Submission Author:
Tim Hortons/TDL Group Corp.

Comments or Requested Change to Draft Official Plan

Analysis and Recommendation

Requests Written Notification 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, 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.

The Region will notify Tim Hortons/TDL Group Corp. of the requested items. 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.

Received December 9, 2009

D05.2009.1.136

REGION OF YORK
CLERK'S OFFICE

FILE No. -

D06
B. JEFFREY

Tim Hortons

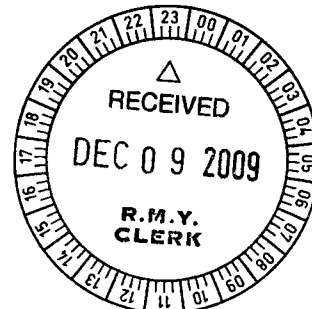
OPERATED BY THE TDL GROUP Corp.

874 SINCLAIR ROAD, OAKVILLE, ONTARIO L6K 2Y1
TELEPHONE (905) 845-6511 • FACSIMILE (905) 845-0265

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November 27, 2009

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



To Whom It May Concern:

**RE: REQUEST FOR NOTICE
PROPOSED AMENDMENTS TO OFFICIAL PLANS, VARIOUS BY-LAWS**

On behalf of The TDL Group. ("TDL"), operator and licensor of the Tim Hortons system of restaurants in Canada, TDL hereby requests written notification of any and all 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-dependant 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 (2) of the *Planning Act*.

TDL 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.

Should you require any further information or clarification, please do not hesitate to contact the undersigned at your earliest convenience.

Yours truly,
THE TDL GROUP CORP.

Maurice Luchich, Planning Manager, MCIP RPP
Development – Real Estate Department
Email: luchich_maurice@timhortons.com