



MEMORANDUM

TO: Planning and Economic Development Committee

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

DATE: November 28, 2012

RE: **Status Update - Appeals of the York Region Official Plan 2010, ROPA 1 - Town of East Gwillimbury Urban Expansion, and ROPA 3 - Town of Markham Urban Expansion**

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

On October 12, and November 19, 2012, the OMB held pre-hearing conferences on the York Region Official Plan (2010) and ROPA's 1 and 3. An additional prehearing conference (PHC) is also scheduled for December 10, 2012.

OCTOBER 12, 2012 PRE-HEARING CONFERENCE RESULTS:

ROPA 1 (East Gwillimbury) approved by oral decision

As reported in early October, the settlement of the Rice Commercial, Edenmills Estates and Pick et al appeals through Minutes of Settlement was to be implemented through the approval of ROPA 1. Prior to the October 12, PHC, the Region prepared and circulated appropriate affidavit evidence on the planning merits of the settlements and the urban expansion to all parties to the hearing and to land owners within 120 metres of the lands being added to ROPA 1. The OMB accepted this evidence on October 12 and through an oral decision, approved ROPA 1.

A draft Order implementing this approval will be finalized for the Board's consideration on December 10, 2012. The draft Order as currently proposed would not be formally issued until certain conditions are met including the conveyance of road widenings on 2nd Concession and until the urban area related policies of the ROP, setting development standards for the newly expanded ROPA 1 area, are in force.

Loblaws Properties - Markham and Richmond Hill – Minutes of Settlement

Minutes of Settlement to resolve the Loblaws Properties appeals were also presented and accepted by the Board on October 12, 2012.

Loblaw's properties owns or leases 2 properties – one in Markham at the north east corner of Major Mackenzie and Highway 404 and the second in the Town of Richmond Hill on the east

side of Yonge Street, north of Leventdale Road, opposite Richmond Heights Plaza. Both sites have been zoned for some years to permit large format grocery stores. In the case of the Markham site, the new draft Markham Official Plan recognizes the existing zoning and places the site into a Commercial designation. In the case of Richmond Hill, the Town's new Official Plan seeks to curtail the large format retail use. In both cases Loblaws sought to have its current permissions continue.

The settlement of Loblaws' appeals completely resolves their ROP issues related to the two sites, but also in so far as their appeal of the Region's Employment and Retail policies are concerned. The appeal of the Richmond Hill Official Plan remains. The minutes of Settlement do not prevent the Region from participation in that hearing, if necessary

NOVEMBER 19, 2012 PREHEARING CONFERENCE RESULTS:

On November 19, 2012 the Board held the 13th Prehearing Conference. Regional solicitors filed two motions in preparation of this PHC.

Employment and Retail policies approved in principle

The first motion filed brings Employment and Retail policies into effect. Regional affidavit evidence indicated that the Employment and Retail policies, as modified through mediation and through the execution of various Minutes of Settlement, were appropriate and represented good planning. The mediated policies are stronger, clearer and conform with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

On the basis of the affidavit evidence and the support of appellants, the Employment and Retail policies of the Plan were approved in principle, subject to the imminent filing with the OMB of the North Leslie employment land conversion minutes of settlement, discussed below. The OMB Order will follow.

Omnibus Motion filed, to be considered at the December 10, 2012 PHC

The second motion filed, termed an "Omnibus" motion, was directed at bringing into force the balance of the ROP policies where neither objections nor appeals remain. Such policies, among others, include Chapter 1 dealing with Provincial Context, Chapter 3, policy 3.3.13 dealing with the consideration of a social housing and hospital development charge, Chapter 4, policies 4.5.2 and 4.5.11 dealing with development charges and Section 6.5 dealing with Aggregate Resources. The Omnibus motion and supporting affidavit will be discussed at the December 10, 2012 PHC. If the Omnibus motion is successful, then the majority of the Region's ROP- 2010 policies and mapping will be approved on a Region-wide basis.

North Markham Landowners Group and Angus Glen Minutes of Settlement

The North Markham Landowners Group, representing some 24 property owners both inside and outside the boundary of the ROPA 3 area, appealed the entire ROP and ROPA 3 in September 2010. York Region and the Appellant Group have come to a settlement on the entirety of their outstanding appeals on both the ROP and ROPA 3, save and except for their appeal of policy 7.2.50 (dealing with the width of new roads to be conveyed without compensation). This settlement is the product of many hours of meetings/negotiations and OMB assisted mediation.

The settlement involves York Region agreeing to various modifications to the ROP-2010 and ROPA 3 documents, primarily relating to future urban expansions and post 2031 policies.

City of Markham staff and their legal counsel were involved in the settlement process and support the Minutes of Settlement. As well, representatives from the Ministry of Municipal Affairs and Housing were involved in the OMB mediation process and consulted in regard to the post 2031 language. However, wording in one clause (supported by the Region, the land owners and the City of Markham) has raised an issue for MMAH and they wish additional time to consider the policy proposal. The clause of concern relates to protecting the opportunity for *new community area* and employment area lands outside the Urban Area boundary and the Greenbelt boundary. A meeting has been arranged with MMAH, the City and the North Markham Landowners Group representatives in regard to this matter. Should resolution of the Ministry's concern not be possible, then the matter can be adjudicated as part of the Phase 1 OMB hearing, beginning on January 14, 2013.

The NorthMarkham Landowner's Group settlement does not apply to lands owned or represented by CHFMS (Trinison) and lands owned by Minotar/Corlots et al. Their appeals of the Regional Plan and ROPA 3 remain and will be adjudicated as part of Phases 1 and 3 of the hearing. Phase 2 of the hearing is no longer required given settlement of the ROPA 1 matter.

ADDITIONAL MINUTES OF SETTLEMENT HAVE BEEN EXECUTED

583753 Ontario Limited/Amir Hessam Limited and 668152 Ontario Limited (in the North Leslie Secondary Plan Area)

York Region and the North Leslie developers previously entered into Minutes of Settlement dealing with the majority of the North Leslie Secondary Plan issues and the Region's new ROP. However, the aspect of their appeal relating to the employment land protection policies in the YROP 2010 was not resolved through those Minutes. That appeal of the employment land protection policies related to a parallel appeal of the Richmond Hill Official Plan and their ultimate desire to convert a portion of their landholdings within the North Leslie Secondary Plan from employment to residential and/or mixed use.

While York Region does not support their proposal to convert lands from employment to residential and/or mixed uses, this settlement merely clarifies that as part of a request to convert the lands York Region will not, in our capacity as the approval authority for local official plans, require a Regional Official Plan Amendment, Regional Municipal Comprehensive Review or a Region-wide land budget analysis. However, a local Municipal Comprehensive review is not precluded. Town of Richmond Hill staff and legal counsel were consulted during the preparation of these Minutes of Settlement.

The Minutes of Settlement fully resolve the appeal, allowing the modified employment and retail policy set to be approved. The minutes will be filed with the OMB at the December 10, 2012 PHC.

Romandale Farms

Romandale Farms, a member of the North Markham Landowners Group, chose not to sign to the North Markham Minutes of Settlement, as they wished to maintain the appeal of certain ROP

policies on a site specific basis. The terms of the Romandale Farms Minutes, which have been executed but not yet presented to the OMB, are the same as the North Markham Minutes, except that their appeals are maintained for certain policies dealing with significant woodlands, affordable housing, new communities guidelines, sustainable building and 3 maps related to environmental features, on a site specific basis.

City of Markham staff and their legal counsel were involved in the settlement process and support the Minutes of Settlement.

NEXT STEPS

Additional Prehearing Conference December 10, 2012

At the request of the Region, the OMB has scheduled an additional PHC for the afternoon of December 10, 2012, to deal with a number of matters including:

- Filing of additional Minutes of Settlement
- The Omnibus Motion
- The OMB written decision and order for approval of ROPA 1
- Finalizing the procedural order

Hearing to start January 14, 2013:

Regional counsel filed a draft updated Procedural Order on November 19, 2012. It should be noted that the length of the hearing has been significantly reduced, given the number of appeals resolved. With resolution of ROPA 1, Phase 2 has been eliminated. The procedural order contemplates the following timing for the hearing, commencing on January 14, 2013:

Timing	Action/Issue
November 30, 2012	Exchange of witness statements for Phase 1.
December 10, 2012	Additional PHC.
December 21, 2012	Exchange of Reply Witness statement for Phase 1
January 14, 2013	Phase 1 commences - Land Budget matters - for 4 weeks (CHFMS [Trinison] and Minotar/Corlots).
March 19, 2013	Exchange of Witness Statements for Phase 3.
April 3, 2013	Exchange of Reply Witness statement for Phase 3.
TBD	Phase 3 -Location of urban expansion in Markham and policy 7.2.50.
TBD	Phase 4 - Resolution of other Region-wide policies.
TBD	Phase 5 –Remaining site specific appeals.

NEXT VERSION OF THE ANNOTATED ROP TO BE PRODUCED IN DECEMBER, 2012

In order to provide an ongoing record of the Official Plan policy approvals and maintain transparency in the process, Regional staff has updated the Region's OMB web pages as each OMB decision is released and has provided (online and in hard copy) an annotated version of the ROP - 2010 and ROP 1994 based on the July 11, 2012 and September 21, 2012 OMB partial approvals of the Plan. As well, online updated ROP pages are provided as policies are approved by the OMB.

The next full version of the annotated ROP – 2010 and ROP 1994 will be issued following the December 10, 2012 PHC.

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