



Office of the Chief Administrative Officer
Long Range Planning Branch

MEMORANDUM

TO: Planning and Economic Development Committee

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

DATE: October 3, 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 Amendments 1 and 3, the urban area expansion amendments in the communities of East Gwillimbury and Markham respectively.

On September 21, 2012, the Ontario Municipal Board held a further pre-hearing conference on the York Region Official Plan. The Region's solicitor presented a number of important documents for the Board's information and approval as follows:

The Ontario Municipal Board approved Transportation and Transit policies of the York Region Official Plan 2010 (ROP)

The Ontario Municipal Board, through an oral decision, approved the Transportation and Transit policies in Section 7.2 of the Plan, Maps 11 and 12 and repealed the corresponding section and maps of the 1994 Official Plan. The only remaining policy appeal of the transportation and transit section deals with policy 7.2.50. That policy requires lands up to and including the first 36 metres for new or realigned Regional streets to be conveyed to the Region at no cost. A written order for this approval is currently being drafted for submission to the Board.

Additional Minutes of Settlement have been executed and presented to the Board

Minutes of Settlement to resolve appeals were presented and accepted by the Board as follows;

Times Group:

The settlement deals with the Appellant's remaining vacant employment lands in the Leitchcroft Secondary Plan in the City of Markham and all outstanding Region-wide appeals, primarily relating to the employment retail policies. City of Markham staff were involved in the discussion related to this settlement and support the outcome.

On the basis of this agreement, the Region will allow for the consideration of the conversion of employment lands to non-employment lands through Markham's current Official Plan review process. The minutes fully resolve the Times appeal of the Region of York Official Plan, allowing them to withdraw from the hearing in its entirety.

Regional Official Plan Amendment 1- Town of East Gwillimbury Urban Expansion Area – Minutes of Settlement for Rice Commercial, Eden Mills and Pick et al

Minutes of Settlement have been executed with the following appellants to the ROP-2010 and ROPA 1 – Rice Commercial, Eden Mills and Martin Pick et al. The effect of the settlements expands the urban boundary by approximately 75 ha, and brings some of the appellant's lands into the urban boundary. The agreement also allows the Region to obtain road widenings along 2nd Concession (Pick et al and Rice) and Bathurst Street (Rice and Eden Mills) through conveyance at no cost to the Region, instead of through expropriation. The area subject to the additional urban expansion is shown in black hatching on *Attachment 1* to this report.

For Rice Commercial, the Minutes completely resolve their ROPA 1 appeal as well as their corresponding Region-wide YROP 2010 appeal, except for that portion of the YROP 2010 appeal relating to their site in Richmond Hill, south of Major Mackenzie between Highway 404 and Leslie Street. This aspect of their appeal will be adjudicated separately as part of the Richmond Hill Official Plan OMB hearing.

For Eden Mills and Pick et al, the appeals of the ROP and ROPA 1 are completely resolved.

Prior to the Board issuing its order on ROPA 1, the Region will prepare and circulate appropriate affidavit evidence on the planning merits of the settlements and the urban expansion. The affidavit evidence will be circulated to all parties in the proceedings (including East Gwillimbury) and land owners within 120 metres of the lands being added to ROPA 1. An oral decision will be requested at the next pre-hearing conference on October 12, 2012.

Additional Mediation and pre-hearing conference dates have been added and the start date of the OMB Hearing has been delayed to January 14, 2013

As a result of the progress through mediation and the settlement of ROPA 1, the Board has scheduled an additional 5 days of mediation (October 1 to 5, 2012) to build on the resolution momentum already seen by all parties. Two additional pre-hearing conferences are also scheduled for October 12, 2012 and November 19, 2012. An updated hearing timetable will be discussed at the October 12, 2012, pre-hearing conference.

As a result of the mediation, settlements and the partial approval of ROP section, Phase 1B of the Hearing (Transportation/Transit) has been significantly scoped and Phase 2 (ROPA No. 1) has been avoided. The hearing start date can therefore be delayed and the length of the hearing can be reduced. There appears to be general consensus that the hearing start date can be delayed to start January 14, 2013. This will be finalized at the October 12, 2012 pre-hearing conference.

York Region Official Plan Package July 11, 2012

The first iteration of the York Region Official Plan package includes the Board Order of August 23, 2012, approving part of the ROP, the ROP-2010 showing the status of all policies and the ROP-1994, showing the status of policies. Since the new ROP is only partially approved, parts of the 1994 Official Plan remain in force. This package was provided to the Board at the September 12, 2012 pre-hearing conference.

Further iterations of this ROP package will be published as additional sections of the ROP-2010 are approved. Copies of the ROP package have been sent in hard copy and CD to all local municipalities, those parties and appellants that have requested it and is available on the Region's website.

Next Steps

Through a continued focus on mediation and negotiation, Regional staff is optimistic that additional parts of the ROP can be brought into force or the issues scoped considerably, thereby avoiding a protracted hearing and related costs. Regional staff and expert witnesses are also preparing for the potential of a hearing.

A further report will be brought forward to the October 31, 2012 Planning and Economic Development Committee advising Committee and Council of the outcome of the further mediation and the pre-hearing conference of October 12, 2012.

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

Attachment 1. Excerpt from Map 1 - Lands to be Included in the Urban Area Boundary by
Inclusion in ROPA 1 Boundary

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EXCERPT FROM MAP 1

REGIONAL STRUCTURE

-  Regional Centre
-  Regional Corridor
-  Subway Extension
-  Urban Area
-  Towns and Villages
-  Regional Greenlands System (Schematic, See Map 2 for details)
-  Oak Ridges Moraine Conservation Plan
-  Oak Ridges Moraine Boundary
-  Natural Core Area Designation
-  Natural Linkage Area Designation
-  Countryside Area Designation / Hamlet
-  Greenbelt Plan
-  Greenbelt Plan Area Boundary
-  Greenbelt Protected Countryside / Hamlet
-  Holland Marsh Specialty Crop Area

-  Area Subject to the Lake Simcoe Protection Plan
-  Parkway Belt West Plan
-  Ministers Decision on ORMCP Designation Deferred

Provincial Highways

Existing

Controlled Access Highway

Under Construction

Proposed

Conceptual - Alignment Not Defined

Municipal Boundary

Regional Boundary

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



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© Queen's Printer for Ontario 2003-2010, Includes Greenbelt and Oak Ridges Moraine Boundaries and Water Features

Lands to be Included in the Urban Area Boundary by Inclusion in the ROPA Boundary



ROPA 1 Boundary

