

TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

LYNDA J. TOWNSEND PROFESSIONAL CORPORATION

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October 6, 2009

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

Attention: Mr. Bryan Tuckey, Commissioner of Planning and Development Services
Mr. Denis Kelly, Regional Clerk

Dear Sirs:

**Re: PROPOSED YORK REGION OFFICIAL PLAN, JUNE 2009 DRAFT
Courtney Valley Estates Inc. and Lillipad Developments Inc.**

We represent Courtney Valley Estates Inc. and Lillipad Developments Inc. with respect to the review of the proposed York Region Official Plan. Our client owns approximately 65 acres of land on the east side of 10th Line, north of Main Street, within the Town of Stouffville. We offer the following comments on the June 2009 draft policies (the "draft OP").

Affordable Housing

Our client is deeply concerned with policies 3.5.4 – 3.5.7, requiring that 25% of new housing units across the Region and 35% of new housing units in Regional Centres and Regional Corridors be affordable and offered through a mix and range of housing types.

Given the definition of affordable housing in the draft OP, this policy is not financially feasible. With the rising cost of housing and its associated new infrastructure, provision of new units at this rate would compel the development industry to subsidize a significant portion of all affordable housing, the cost of which would ultimately be passed on to the home buyer purchasing above the affordability limit. Furthermore, it is inequitable to make these costs the responsibility of new home buyers and new employment uses, with no portion being born by the various levels of government and the existing community. For the same reasons, our client objects to policy 3.5.11, considering the introduction of a social housing development charge.

Our client is also concerned with the implementation of the aforementioned affordable housing policies. If the 25% and 35% requirements will be applied at the Secondary Plan level, it is unclear how the costs will be distributed equitably among all development applications within the secondary planning area. Nor do we understand how the Region intends to ensure that the affordable units remain in the possession of low-income households and that they will not be transferred at a value above the affordability limit.

The Regional Greenlands System

Our client has concerns with the draft OP policies relating to identification of, and minimum vegetation protection zones for, Significant Woodlands. Such policies include 2.2.34 and 2.2.37, as well as the associated delineation of the Woodlands on Map 5, which constitutes part of the official plan.

Identifying a woodlot as significant on the basis that it meets only one of the seven criteria in policy 2.2.34 is overly onerous from an ecological perspective. From a planning perspective, this policy will significantly fragment the lands currently considered developable, which in turn will lead to discontinuous, sprawling communities.

Our client does not support standardized minimum vegetation protection zones. Such designations should be determined on a site-specific basis. The standardized zone proposed by the draft OP would compromise the development proposal, the draft zoning by-law and the draft plan, for the subject lands, which has been in the planning approvals process for approximately eight years.

Wellhead and Intake Protection

Our client is opposed to policy 7.3.40 and associated Map 6, prohibiting stormwater management ponds within 100 metres of a municipal well. The storm water management pond included in the development proposal for the subject lands cannot be reconfigured to conform to this policy. Consequently, this policy would seriously impact our client's proposed development with respect to the subject lands. However, our client is prepared to enter into discussions regarding an alternative pond design that would accommodate the necessary time of travel requirements.

We understand that comments on this version of the draft OP were also provided by Malone Given Parsons Ltd. on behalf of BILD York Chapter. We adopt the comments in that submission as they relate to affordable housing, the Regional Greenland System, and Wellhead and Intake Protection.

We would request that this letter be brought to Council's attention as our comments under the requirements of the *Planning Act*.

Yours truly,
TOWNSEND AND ASSOCIATES



Lynda J. Townsend

cc. Client
Mr. Julius De Ruyter, PMG Planning Consultants