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APPEAL TO OMB BY LAURIER HOMES (27) LTD., TOWNSHIP OF KING

The Planning and Economic Development Committee recommends the following report dated November 30, 2006, from the Commissioner of Planning and Development Services be deferred to the February 7, 2007 meeting of the Planning and Economic Development Committee.

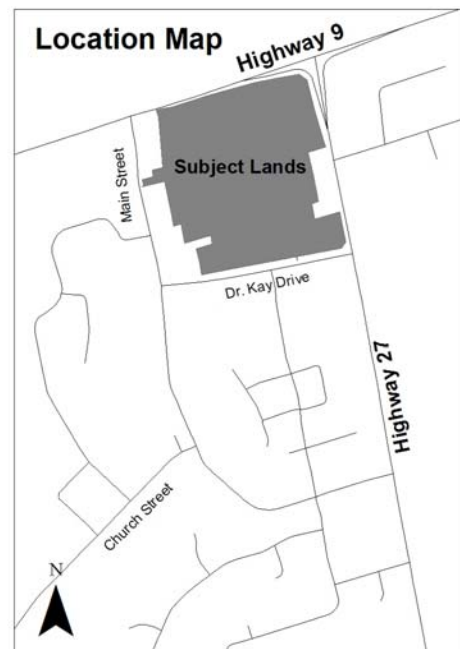
1. RECOMMENDATIONS

It is recommended that:

1. a) The Ontario Municipal Board be advised that York Region supports the approval of the request to amend the Township of King Official Plan by Laurier Homes (27) Ltd.
- b) The related plan of subdivision 19T-04K02 be subject to the pre-conditions and conditions of draft plan approval set out in *Attachment No. 1* to this report.
2. If the Environmental Assessment for the water supply system to serve the community of Schomberg is not complete by May 2007, the Ontario Municipal Board should be requested to withhold its Order for draft approval of plan of subdivision 19T04K02 until the EA is complete.
3. Regional staff be authorized to appear at the OMB in support of the Regional position, if required.

2. PURPOSE

This report provides recommendations to the Ontario Municipal Board on a request to amend the King Township Official Plan and a related plan of subdivision by Laurier Homes (27) Ltd. The amendment was appealed to the OMB for lack of decision by the local municipality within the prescribed timeframe. An Ontario Municipal Board Hearing is set for 9 days commencing May 1, 2007 and the Board has issued an Order requiring issues be identified by February 15, 2007 and conditions of draft approval established by March 20, 2007. This report is prepared in accordance with the Regional by-law, and policy requiring staff to report to Council on Official Plan amendments that impact Regional interests and/or have unresolved issues.



3. BACKGROUND

This section provides a description of the proposal, current Official Plan land use designations, status of water and sewer servicing, and a summary of the Region's protocol for issuing conditions of draft plan approval.

3.1 Proposal

The site consists of approximately 22.6 ha (55.8 acres) of land located at the southwest corner of Highway 9 and Regional Road 27 (formerly Highway 27) in the community of Schomberg (see Location Map). The amendment was initially submitted on September 8, 2004 and has recently been revised to request redesignation of approximately 1.05 ha (2.6 acres) of land from "District Commercial" uses to "Medium Density Residential" uses and redesignation of portions of the "District Commercial" designation to "Low Density Residential" and "Open Space" uses (*See Attachment No. 2*).

The proposed redesignation will facilitate approval of plan of subdivision 19T-04K02, which consists of 56 semi detached residential units, 30 townhouses, 143 detached units, park, open space lands and a storm water management facility (*See Attachment No.3*).

3.2 Land Use Designations

3.2.1 Regional Official Plan

The Regional Official Plan identifies Schomberg as a Local Centre and designates the site "Towns and Villages". A range and mix of residential, commercial, institutional and other employment uses is permitted by this designation.

3.2.2 Provincial Plans

The site is not located on the Oak Ridges Moraine.

The Greenbelt Plan designates the site "Towns and Villages", and defers to the municipal Official Plans for policies to guide development. The Greenbelt Plan encourages municipalities to support long term vitality of these settlement areas through intensification and revitalization approaches.

3.2.3 Local Official Plan

The Schomberg Community Plan (Amendment No. 47 to the Township of King Official Plan) designates the majority of the site for "Low Density Residential" uses, which permits primarily detached dwellings on full municipal services. Lands in the southern portion of the site are designated "Environmental Constraint Area" (Dufferin Marsh), which permits conservation and preservation of the natural environment. Lands on the eastern edge of the site are designated "District Commercial", which permits commercial uses heavily reliant upon vehicular traffic, or retail uses not conducive to the "downtown" area.

3.3 Servicing

There is currently no water or sewage servicing capacity to service any additional growth in the community of Schomberg. York Region has initiated the Environmental Assessment (EA) for additional water supply and completed the EA for additional sewage treatment capacity.

3.3.1 Water Supply

The EA for additional water supply commenced in March 2006 and is expected to be complete in the Spring of 2007. Subject to the final outcome of the EA, the preferred alternative proposed a new well and storage facility to be located on lands mostly owned by the Region, with a smaller portion owned by the Township. This additional water supply is anticipated to be available in April 2008.

3.3.2 Sanitary Sewage Treatment

The EA for sanitary sewage treatment is complete, tendering for the new treatment plant closed in October 2006 and the contract has been awarded. The plant is expected to be operational by June 2008.

3.4 Protocol for Issuing Conditions of Draft Approval

In February 2003 Regional Council adopted a protocol for the allocation of servicing capacity, which is directly linked to when and how the Region issues its conditions of draft approval (*see Attachment No. 4*). The protocol allows the Region to issue its conditions of draft plan approval if the required infrastructure is available within 2 years and the EA is complete, all land acquired and the area municipality employs various tools such as “H- Holding” zones in the related by-law, and no pre-sales agreements.

In June 2006 the protocol was refined to permit the Region to issue its conditions of draft plan approval if the required infrastructure will be available within 4 years. Fulfillment of other criteria, including completion of the EA and all land being acquired remained in effect. Additional criteria were added, including but not limited to: the area municipality having a Section 34 (5) By-law, local servicing protocol and phasing plan in place.

4. ANALYSIS

The proposed medium density townhouse development and related plan of subdivision that incorporates the revised land use pattern constitutes infill development consisting of a mix of uses and housing types within the existing community of Schomberg. The principle of development has regard for the Provincial Policy Statement (1996), meets the general intent of the Provincial Growth Plan and Greenbelt Plan, and conforms to the Regional Official Plan.

The timing of draft plan approval for the related plan of subdivision is dependant upon the completion of the Environmental Assessment for water supply, acquisition of any

required land in connection with the preferred alternative for water supply, and the construction of the Schomberg sewage treatment plant.

4.1 Provincial Policy Statement, Growth Plan and Greenbelt Plan

The Official Plan amendment was submitted in September 2004 and is required to have regard for the Provincial Policy Statement (1996). The Provincial Growth Plan and Greenbelt Plan do not apply as the application commenced prior to these Plans coming into effect; however the application is considered to meet the general intent of these plans by providing municipally serviced, infill development within an existing community.

4.1.1 Provincial Policy Statement

Policy 1.1.1 a) of the Provincial Policy Statement states that “Urban areas and rural settlement areas will be the focus of growth”; and Policy 1.3.1.1 a) states that “full municipal sewage and water services are the preferred form of servicing for urban areas and rural settlement areas”. The proposal has full regard for these policies.

4.2 Regional Official Plan

Schomberg is a local centre, as defined by the Regional Official Plan, and as such, development within its boundaries is guided by the Schomberg Community Plan (OPA 47). In accordance with the Regional Official Plan, secondary plans for local centres should provide for a range and mix of uses, provide transit facilities that are easily accessible to pedestrians, protect significant natural features, and encourage efficient land use patterns. The proposed plan of subdivision meets this criteria by providing for commercial, open space, and detached, semi detached and multi attached residential (townhouse) units, protects the Dufferin Marsh by delineating blocks for wetland purposes, and, as required by the conditions of draft approval, the owner is to provide sidewalks, pedestrian access, passenger standing areas and shelter pads to planned transit services along Highway 9 and Regional Road 27. The proposal conforms to the Regional Official Plan.

4.3 Region's Servicing Protocol

The Region's conditions of draft approval for plan of subdivision 19T-04K02, covering road, transit, servicing, financial, land acquisition and planning matters are set out in *Attachment No. 1* to this report. In accordance with the Region's protocol, the approval authority should only issue draft plan approval once the EA's for infrastructure are complete, land is acquired, and the area municipality has confirmed that it has satisfied the Region's criteria for draft approval of development prior to the required infrastructure being in service. These criteria include:

- Growth Management Policies – municipal-wide phasing plan in place
- Local Municipality Servicing Protocol in place
- Secondary Plan Complete
- Phasing Plan Complete
- Housing Supply – within 3-7 year Draft Approved Supply (OP Policy)
- Monitoring in Place

- Section 34(5) By-law
- Holding By-law and Provisions in OP
- Willingness to enter into no-presales agreement
- Conditions Included in Draft Approval
 - Detailed infrastructure requirements
 - Required review/lapsing

King Township staff have confirmed that these criteria have been met or in the case of the local municipal servicing protocol, will be in place by January 2007 (*see Attachment No. 5*). All requirements of the Regional Servicing Protocol criteria have been met to the satisfaction of Regional planning staff, except for the outstanding EA for water supply.

Prior to the approval authority (OMB) issuing draft plan approval, the completion of this EA for the water supply system is required. In this respect the OMB should be requested to withhold its Order to draft approve the plan of subdivision until the Region advises that the EA is complete.

4.4 Relationship to Vision 2026

An action area for Goal 6 - *Managed and Balanced Growth* of Vision 2026, is “*using land, infrastructure and services efficiently in urban areas*”. This application provides efficient use of land by developing various housing types on full municipal services, at the maximum densities permitted, approximately 15 and 30 units per ha for low and medium density residential development, respectively.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. If the OMB approves the proposed development it will provide additional assessment to the Township and the Region. Regional staff may be required to attend the OMB hearing.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the staff position of the Township of King set out in their report scheduled for their Council in January 2007.

7. CONCLUSION

The principle of development proposed by this application meets the requirements of the Regional Official Plan, and has regard for the Provincial Policy Statement (1996). The proposal pre-dates the Provincial Greenbelt Plan and Growth Plan, and is not subject to either one; however, it can be considered to be consistent with the intent of both.

In order to comply with the Region's protocol for issuing conditions for draft plan approval prior to servicing infrastructure being complete, the Ontario Municipal Board should be requested to withhold its Order until the EA for water supply is complete. Draft plan approval is subject to the conditions set out in *Attachment No. 1* to this report.

For further information about this report please contact Paul Belton, Manager of Development Review, Community Planning Branch, 905 830-4444 extension 1507, or paul.belton@york.ca.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)