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WEST GORMLEY OFFICIAL PLAN AMENDMENT APPLICATION & DRAFT PLANS OF SUBDIVISION

The Planning and Economic Development Committee recommends the following:

- 1. The communication from Natalie Helferty, President, Richmond Hill Naturalists, November 2, 2004, regarding West Gormley Secondary Plan Area Application, be received and referred to the report for consideration; and**
- 2. The recommendations contained in the following report, October 14, 2004, from the Commissioner of Planning and Development Services, be adopted:**

1. RECOMMENDATIONS

It is recommended that:

1. Staff be authorized to attend the Ontario Municipal Board Pre-Hearing Conference on November 17, 2004 to advise the Board that the proposed West Gormley Secondary Plan and associated draft plans of subdivision are premature given land use and servicing constraints.
2. Staff be directed to report back to Planning and Economic Development Committee on the outcome of the Pre-Hearing Conference and establish a more detailed position, if necessary.

2. PURPOSE

The purpose of this report is to inform the Committee of the status of the proposed West Gormley Secondary Plan within the Town of Richmond Hill and determine a position with respect to the Plan.

3. BACKGROUND

On November 19, 1999, the owners of the lands located on the west side of Leslie Street between Stouffville Road and Bethesda Sideroad filed an Official Plan Amendment application with the Town of Richmond Hill. The proposed amendment is in the form of a secondary plan, which the owners have named “the West Gormley Secondary Plan” comprised of primarily low density residential and medium density residential designations (*Attachment 1*).

On November 27, 2003, the owners filed four (4) draft plans of subdivision for the lands. The applications propose a residential community of 1029 single detached dwellings and

430 freehold townhouse dwellings, with an estimated population of approximately 5,162. In addition, there are two (2) proposed Elementary Schools, three (3) Neighbourhood Parks, two (2) Storm Water Management blocks, and a Neighbourhood Commercial block.

The applications were subsequently appealed to the Ontario Municipal Board (OMB) on the basis that a decision, either to approve or deny, had not been made within 90 days of the submission date. An OMB Pre-Hearing Conference has been scheduled for November 17th of this year.

3.1 Site Characteristics

The subject lands encompass approximately 90.7 hectares (224 acres) of land which is predominantly used for agricultural purposes. Land use in the surrounding area is also rural.

The site has typical Oak Ridges Moraine features, is rolling and generally slopes to the east and south. The subject lands lie within two subcatchment areas in the Rouge River watershed. The majority of the lands drain in an easterly direction, crossing Leslie Street and flowing into Berczy Creek, while the remaining lands drain south-westerly towards a tributary of the Rouge River.

4. ANALYSIS AND OPTIONS

The lands are designated “Settlement” in the Oak Ridges Moraine Conservation Plan (ORMCP) (*Attachment 2*), “Urban” in Regional Official Plan Amendment (ROPA) No. 41, and “Oak Ridges Moraine Urban Area” in Official Plan Amendment No. 218 for the Town of Richmond Hill. The approved policy context for development on the Moraine in this location, while acknowledging the urban designation of these lands, also establishes additional policies, both within the ORMCP and the Regional Official Plan, which must be addressed prior to the approval of any Official Plan Amendment that would facilitate a change in land use. Until the policies are addressed, development approvals on the lands are not appropriate.

Section 5.2 of the Regional Official Plan contains policies that guide the logical development of communities in the Region. One of the key elements of these policies is that comprehensive secondary plans are to be prepared for communities that are related and linked to adjacent communities. The logical extension of growth areas is essential to take advantage of existing and planned water and wastewater services, roads, utilities, and human services. The existing draft approved subdivisions within the Town of Richmond Hill therefore form the short-term residential growth areas of the Town, while the North Leslie Planning Area satisfies the medium-term growth area of the Town. The subject lands satisfy the long-term residential growth needs of the Town.

At this time, it is not appropriate to consider a secondary plan for the subject lands given that the area is an “island of urban”. Water and wastewater services, roads, utilities,

transit, and human services are not available and are not planned to be considered for upwards of 12 years, as detailed in this report. It is not appropriate to consider land uses that may have no relevance at the end of this period of time. In addition, it is not possible for the Region to prepare a relevant fiscal impact study for a development that will not be physically serviced for a minimum of 12 years.

Consideration of detailed planning for this area should be reconsidered when the Province initiates its 10 year review of the intervening Countryside Areas (2012), as described in the Oak Ridges Moraine legislation.

The developer's group has submitted some material to support their proposal. This report does not provide an analysis of the detailed studies, but is intended to deal with the substantive high level issues listed above.

4.1 Oak Ridges Moraine Conservation Plan Designations and Provisions:

In May 2001, the *Oak Ridges Moraine Protection Act, 2001*, placed a moratorium on development applications within the Oak Ridges Moraine and stayed the Ontario Municipal Board Hearing on-going in the Town of Richmond Hill dealing with lands on both sides of Yonge Street north of Jefferson Side Road (Yonge East/Yonge West). At that time, the Minister of Municipal Affairs and Housing appointed a Provincial Advisory Panel to recommend the means to provide long terms protection for the Moraine.

The Draft Oak Ridges Moraine Conservation Plan (based on the recommendations of the Provincial Advisory Panel) was released by the Province in November 2001 and showed the lands on both sides of Leslie Street north of Stouffville Road as Settlement Area, with the large Natural Core Area west of the West Gormley OPA area and Natural Linkage Areas along the tributaries of the Rouge River on the east side of Leslie Street (*Attachment 3*). When the final Oak Ridges Moraine Conservation Plan (ORMCP) was filed on April 22, 2002 as an Ontario Regulation, the lands on the west side of Leslie Street were designated as Settlement Area. (*Attachment 4*).

The ORMCP required both the Region of York and the Town of Richmond Hill to adopt amendments to bring their Plans into conformity with the Provincial ORMCP. Regional Amendment 41 was adopted on March 25, 2003 and designated the subject lands in as Urban Area accordance with the ORMCP. The Town's conformity Amendment 218 was adopted October 7, 2003 and designated the subject lands as Urban Area.

Regional Amendment 41 was approved by the Minister of Municipal Affairs and Housing on October 21, 2004 with the lands designated as Urban Area. ROPA 41 retroactively applies to these lands and the subject applications under the ORM legislation. In so far as these lands are concerned, Amendment 41 contains the following approved policies:

- 2.5.2 d) *Urban Areas and Towns and Villages on the Moraine are intended to focus and contain urban growth. These areas permit a full range of residential, commercial, industrial, and institutional uses.***

The ORMCP designation of Settlement Area on the Moraine in York includes Urban Areas (Aurora, Newmarket, Vaughan and Richmond Hill) and Towns and Villages (King City, Nobleton, Mt. Albert, and Stouffville). In these areas, existing Regional policies and municipal official plans shall guide development subject to the applicable provisions of the ORMCP.

In the Town of Richmond Hill, the ORMCP provides for the designation of an urban area on the west side of Leslie Street, between Stouffville Road and Bethesda Road. Development of this area shall not be permitted until the provisions of the ORMCP have been satisfied, the community building and servicing policies of section 5.2 of the Regional Official Plan have been satisfied.

- 2.5.3 *That transportation, infrastructure and utilities are prohibited in all Oak Ridges Moraine Land Use designations, including all key natural heritage features and hydrologically sensitive features unless the provisions of Section 41 of the ORMCP have been met, including the need for the project has been demonstrated. Need for a project will be typically assessed and included as part of an Environmental Assessment Act process. If an Environmental Assessment Act process does not apply, the requirements of Section 41 will be met through Planning Act, Condominium Act, and Local Improvement Act processes, or other applicable approval processes. Also, the opening of a road within an unopened road allowances, are prohibited unless all other requirements of the ORMCP are met.***

“Development”, as defined in the ORMCP, means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act. The approved policy context for development on the Moraine in this location, while acknowledging the urban designation of these lands, also establishes additional policies, both within the ORMCP and ROPA 41, which must be addressed prior to the approval of any Official Plan Amendment that would facilitate a change in land use. Until the policies are addressed, development approvals on the lands are premature.

The requirements of Section 5.2 of the Regional Official Plan are addressed in Section 4.2 of this report below.

Policy 2.5.3 of Regional Amendment 41, requires that transportation, utilities and infrastructure projects (TUIs) meet the provisions of Section 41 of the ORMCP. In accordance with Section 41, need for a TUI project would be assessed and included as part of the *Environment Assessment Act* process unless the EAA did not apply. In this case, wastewater servicing for the subject lands is proposed through the Upper Leslie

Street Trunk sewer. This is a Regional project for which an Individual Environmental Assessment (IEA) is required. This IEA has not yet commenced and approval of development on these lands cannot therefore at this time satisfy the requirements of section 41 of the ORMCP through the Regional Plan. Development approvals are therefore premature.

4.2 Land Use

Despite the fact that the lands are designated for urban purposes as noted above, the area is physically separated from any developed area and is surrounded by rural lands on all four sides, forming an “island of urban”.

Given the isolated geographical location of these lands, the site is difficult to service from a human services and an infrastructure perspective. These services are much more appropriately invested in other areas of the Region.

Further, the Regional Official Plan speaks to the preparation of secondary plans for communities that are related and linked to adjacent communities. The policies of the OP are intended to promote communities that have opportunities for people to work, enjoy recreation and be housed. Communities are to be designed so that effective transit systems can be operated and so that people have the choice of walking and bicycling throughout the community and beyond. Communities are to provide a broad range of housing types at overall transit-supportive densities. In addition to the above, secondary plans are to consider the entire Town and are to integrate the new development area into the existing community.

Consideration of detailed planning for this area should be reconsidered when the Province initiates its 10 year review of the intervening Countryside Areas (2012), as described in the Oak Ridges Moraine legislation.

4.3 Infrastructure

4.3.1 Wastewater

The Master Environmental Servicing Plan (MESP), prepared by the developers in support of the proposed development, states that the site will be serviced by the extension of the Upper Leslie Street Trunk. However, this project is not within the Region’s 10 Year Wastewater Construction Program.

The MESP therefore suggests that the sewer could be constructed from 19th Avenue to the development as a “developer initiated project”, under an Up Front Financing agreement with the Region to advance the infrastructure. In May of 2004, Region Staff clearly indicated in writing to the applicant that the lands are far removed from the existing built up area and are not a priority growth area for the Region and the Region would not support advancing this infrastructure. In addition, it was noted that this section of the York Durham Sanitary Sewer (YDSS) is not required until 2016 and given the existing system constraints, priority must be given to supporting existing, planned communities.

It is also noted that existing YDSS capacity in Richmond Hill cannot service existing draft approved development. It would not be prudent to add to the inventory in Richmond Hill if there is no capacity available.

Subsequently, as noted in recent correspondence from the Minister of the Environment, given that the project is on the Oak Ridges Moraine, the Minister has ordered the Region to comply with Part II of the Environmental Assessment Act if and when the Region decides to proceed with the project. An application for approval under Part II consists of a Ministry review of the Individual Environmental Assessment, followed by a decision by Cabinet whether or not to approve the proposed undertakings.

It is therefore premature to consider approval of the secondary plan and it is premature to provide draft approval of the plans of subdivision given the wastewater constraints.

4.3.2 Water

The MESP states that the subject lands would be connected to the Pressure District 9 system through the construction of a 300 mm diameter watermain on Bethesda Sideroad and to a second loop 300 mm diameter main through the open space lands to the west, where it would connect to new watermain works provided in new development planned at Bayview Avenue. The applicant's proposal to build the water pipe through the open space lands to the west involves construction through the Natural Core Area designation of the ORMCP, and more particularly through a Key Natural Heritage Feature. It is the opinion of regional staff that this proposal requires further justification, review and consideration under the provisions of section 41 of the ORMCP.

Regional Staff are also undertaking a detailed review of water capacity in south central York. Given the existing development commitments in Richmond Hill and the on-going study, advocating additional development at this time is premature.

4.3.3 Roads

To support the proposed development, Leslie Street would have to be widened to four (4) lanes south and north of Stouffville Road. However, the 10 Year Roads Capital Program (approved by Regional Council, March 2004) identifies Leslie Street from Elgin Mills Road to Stouffville Road for reconstruction of only the existing 2 lanes and the elimination of the Leslie Street jog. This work is not scheduled to be commenced until 2013. The widening of Leslie Street to four (4) lanes is not in the 10 Year Capital Plan.

The environmental assessment (EA) for these works was completed in 1996 and subsequently, the Oak Ridges Moraine legislation has come into effect. Therefore, an addendum to the EA that analyzes the project against the requirements of section 41 of the ORMCP will be required.

Given the above, there is no justification to advance the construction of the work that is planned to commence in 2013.

4.4 RELATIONSHIP TO VISION 2026

The Region's 2026 Strategic Plan states that land, infrastructure, and services are to be used efficiently in urban areas and the development of new growth areas shall be co-ordinated with the timing of infrastructure and service development. The proposed Official Plan Amendment and associated draft plans of subdivision do not contribute to the goals of Vision 2026.

5. FINANCIAL IMPLICATIONS

The proposed development would require significant alteration of the 10 Year Capital Plan if development is to be accommodated. Development Charge Credit Agreements for water, sewer, and roads would be necessary to advance the infrastructure into the 10 Year Capital program.

Other fiscal impacts will be determined at such a time as it is appropriate to review the proposed West Gormley Secondary Plan.

6. LOCAL MUNICIPAL IMPACT

The Town of Richmond Hill is also preparing for the OMB Pre-Hearing Conference of November 18, 2004 and the recommendations of this report are consistent with the Town's position.

7. CONCLUSION

Although the subject lands are designated urban, there are critical infrastructure and human services constraints that make consideration of a proposed Official Plan Amendment and draft plans of subdivision premature.

First and foremost, the lands are not serviced by sanitary services and the timeframe for the Part II Environmental Assessment is 2016, at the earliest. In addition, the provision of water to the site involves crossing a Key Natural Heritage Feature of the Oak Ridges Moraine and the Regional road improvements for Leslie Street are not scheduled to proceed until 2013. Lastly, this form of development is not a priority growth area and is not what is envisioned by the Regional Official Plan, given that the community is unrelated and not linked to adjacent communities.

It is recommended that Staff be authorized to attend the Ontario Municipal Board Pre-Hearing Conference on November 18, 2004 to argue that the proposed West Gormley Secondary Plan and associated draft plans of subdivision are premature given servicing constraints and that Staff be directed to report back to Planning and Economic Development Committee on the outcome of the Pre-Hearing Conference and establish a more detailed position, if necessary.

The Senior Management Group has reviewed this report.

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