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OFFICIAL PLAN AMENDMENT AND SUBDIVISION ONTARIO MUNICIPAL BOARD APPEAL BALLYMORE DEVELOPMENT (SUTTON) CORP. COMMUNITY OF SUTTON

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated November 20, 2007, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. The Ontario Municipal Board (OMB) be advised that York Region considers the request to amend the Sutton Secondary Plan by Ballymore Development (Sutton) Corp. to be premature until such time as the current review of the Sutton Secondary Plan is completed and the Northwest Sutton Development Area Plan is approved by Georgina Council.
2. The Ontario Municipal Board (OMB) be advised that York Region considers the request to approve draft plan of subdivision 19T-95085 by Ballymore Development (Sutton) Corp. to be premature until such time as the current review of the Sutton Secondary Plan is completed, the Northwest Sutton Development Area Plan is approved by Georgina Council, and until there is sufficient sanitary, water, and traffic infrastructure to accommodate the plan.
3. Regional staff be authorized to appear at the OMB, as required, in support of the Regional position.

2. PURPOSE

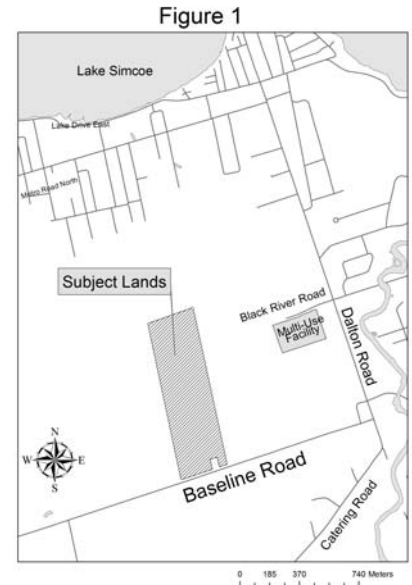
This report seeks authorization from Regional Council to appear at the OMB in support of the Region's position that approval of the proposed Official Plan Amendment and the proposed plan of subdivision by Ballymore Development (Sutton) Corp. is premature. This report has been prepared in accordance with 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. The OMB Hearing is scheduled to begin on January 15, 2008.

3. BACKGROUND

This section provides a brief description and history of the proposals and a recent appeal by the neighbouring property owner to the east.

3.1 Proposed OPA & Draft Plan of Subdivision by Ballymore

Ballymore Development (Sutton) Corp. owns the subject lands, which are located at 4950 Baseline Road in the Town of Georgina. The original draft plan of subdivision was submitted on March 27, 1995. In May of 2006, Ballymore submitted an application to the Town of Georgina to amend the Sutton Secondary Plan. On December 22, 2006, the Official Plan Amendment and the subdivision applications were appealed to the OMB for lack of decision by the approval authority (York Region), within the timeframe prescribed by the Planning Act. A revised draft plan of subdivision was submitted in January of 2007, and it was revised on November 4, 2007.



The Official Plan Amendment requests the following:

1. An increase to the “maximum average residential density” within the Northwest Sutton Development area;
2. An exemption for the subject lands from the requirement for the approval of the Northwest Sutton Development Area Plan;
3. The re-designation of a portion of the lands from “Industrial” to “Low Density Residential”, “Medium Density Residential” and “General Commercial”; and,
4. The re-designation of a portion of the lands currently designated “Low Density Residential” to “Medium Density Residential”.

The draft plan of subdivision (*Attachment 1*) proposes the following:

- 237 Single detached dwellings;
- 70 Townhouse Units;
- 3.35 ha General Commercial;
- 8.32 ha Future Development Block; and,
- 0.87 ha Park.

3.2 OMB Appeal by Dimitra’s Walk Estates Inc. & Nicholas Court Inc.

On November 8, 2007, the Region received an appeal of draft plan of subdivision 19T-95082 & 19T-95084 (*Attachment 2*) by Dimitra’s Walk Estates Inc. and Nicholas Court Inc. (DWNC). This plan abuts the east side of the lands owned by Ballymore and DWNC has requested consolidation of its appeal with the Ballymore OMB Hearing.

Many of the issues discussed in this report with respect to Ballymore are also applicable to the DWNC plan.

The motion for consolidation is scheduled to be heard by the OMB on November 20, 2007, and therefore, as of the writing of this report, the OMB has not determined if it will consolidate the Ballymore and the DWNC appeals. Region staff will submit to the Board that there are fundamental environmental issues with the DWNC application that could affect the phasing of the hearing and impact the OMB's decision to consolidate.

4. ANALYSIS AND OPTIONS

Approval of the proposed OPA and associated plan of subdivision is premature pending approval of a Development Area Plan, and completion of the Sutton Secondary Plan Review by the Town of Georgina.

With respect to the proposed OPA, the determination of the appropriate land use designations for the lands, including whether the employment lands should be converted to residential, is best determined through the Sutton Secondary Plan Review.

With respect to the proposed plan of subdivision, the plan should only receive draft approval at such time as the OPA issues are resolved and sanitary, water, and traffic infrastructure is available. The above issues will be discussed in the following subsections.

4.1 Provincial Policy

The subject lands are not located on the Oak Ridges Moraine and, although the Greenbelt Plan designates the site "Towns and Villages", it defers to the municipal Official Plans for policies.

The proposed Official Plan Amendment was submitted in May of 2006 and is therefore not subject to the policies of the Growth Plan. However, the application is subject to the policies of the 2005 Provincial Policy Statement (PPS).

4.1.1 The 2005 PPS

The Provincial Policy Statement provides direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement sets the policy foundation for regulating the development and use of land in Ontario. The Planning Act requires that decisions affecting planning matters "shall be consistent with" the 2005 PPS.

The 2005 PPS contains several policies that speak to accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses; ensuring that necessary infrastructure and public service facilities are or will be available to meet current and

projected needs; and, ensuring that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters. To ensure consistency with the PPS, it is necessary to complete the Sutton Secondary Plan review and ensure the site specific land uses and road pattern are consistent with the overall community plan.

4.2 York Region Official Plan

At this time, additional information is required in accordance with the Regional Official Plan (ROP) including the following: the Sustainable Natural Environment policies of Section 2, the Economic Vitality policies of Section 3, the Community Building policies of Section 5.2, the Road Network policies of Section 6.1, and the Water and Sewer Strategies policies of Section 6.7.

4.2.1 Section 2 – Sustainable Natural Environment

With respect to the Sustainable Natural Environment policies, the Lake Simcoe Region Conservation Authority (LSRCA) has identified several issues with the applicant's Environmental Assessment Analysis (EAA), including the need to provide additional information and to demonstrate that the proposed development will have no negative impacts on the features and functions of the adjacent Provincially Significant Wetland (PSW). These components could impact the layout of the land uses and the draft plan of subdivision and therefore, approval of the proposed OPA, the draft plan of subdivision, and the Development Area Plan is premature until the EAA is updated.

4.2.2 Section 3 – Economic Vitality

Section 3 – Economic Vitality of the ROP speaks to the need for area municipalities to improve opportunities to live and work in the same area. The Sutton Secondary Plan recognized the need for a variety of locations for employment opportunities and the need for employment areas to be in close proximity to housing opportunities by designating the western portion of the subject lands "Industrial". The applicant's Official Plan Amendment application proposes to convert the employment area in favour of more residential dwellings. Until the review of the Sutton Secondary Plan is complete, it is premature to convert the Industrial lands.

4.2.3 Section 5.2 – Community Building

With respect to policy 5.2, the subject lands are part of the "Towns and Villages" designation of the Regional Official Plan (ROP). The ROP requires that major growth in towns and villages be governed by secondary plans based upon several criteria including the following: population and employment targets for the area municipality; policies with respect to ensuring a mix of uses in order to improve the possibilities for working and living in close proximity; and, and the need for sewer and water services to be available to accommodate the proposed growth.

With respect to the above, the Region is currently in the process of reviewing and establishing new population and employment targets for the Town of Georgina, which will be incorporated into the review of the Sutton Secondary Plan. Until the review of the Sutton Secondary Plan is complete, it is premature to eliminate the Industrial lands.

4.2.4 Section 6.1 – The Road Network

Policy 6.1.10 requires that development proposals that are likely to generate significant traffic include a transportation study so that the impact on the regional transportation system and surrounding land uses can be assessed.

A transportation study was submitted with the Northwest Sutton Development Area Plan. Regional staff has reviewed the study and has issues with some of the calculations, assumptions and recommendations of the study. The study should include a detailed comprehensive analysis of the ultimate transportation requirements to support the overall Community of Sutton. The Sutton Secondary Plan review is incorporating such an analysis and therefore, the proposed development is considered to be premature until the Sutton Secondary Plan review is completed.

4.2.5 Section 6.7 – Water and Sewer Strategies

Policy 6.7.5 of the ROP states that it is the policy of Council “To ensure that no draft approval of a plan of subdivision or plan of condominium proceeds in advance of the confirmation of allocation of appropriate sewer and water servicing capacity.

With respect to the need for sewer services to be available to accommodate the proposed growth, the recent expansion of the Sutton Water Pollution Control Plant has provided sanitary capacity for approximately 7,500 persons. This capacity has been allocated by the Town of Georgina and Ballymore is currently limited to only 100 units, while the plan proposes 307 units. The Region has recently initiated an Environmental Assessment (EA) to expand the Plant to approximately 16,500 persons equivalent. However, it is premature to predict the outcome of the EA and, if additional capacity is eventually approved, the Town of Georgina will determine allocation of the capacity. At this time, it is premature to draft approved the draft plan of subdivision.

As noted above, the Town of Georgina has confirmed allocation of 100 units of servicing capacity to the subject development and the proposal currently contains 307 units.

York Region has adopted an alternate approach for the approval of draft plans of subdivision to permit the issuance of draft plan approval in the absence of full servicing allocation being available. However, at this time, the proposed plan of subdivision does not meet several of the criteria that are required to be met prior to the implementation of the policy. This includes completion of the EA, local municipal servicing policy in place, and a block plan or development area plan in place.

4.3 Local Official Plan Policies – Sutton Secondary Plan (OPA 72)

The subject lands are currently designated Rural, Industrial, Low Density Residential, and General Commercial (*Attachment 3*) in the Sutton Secondary Plan (OPA 72). The lands are also shown in OPA 72 as being part of the Northwest Sutton Development Area.

OPA 72 requires that “prior to the approval of any plans of subdivision within a Development Area, the Town of Georgina shall require the preparation and approval of detail Development Area Plans.” Development Area Plans (DAPs) shall adhere to the policies of the Sutton Secondary Plan and shall include, amongst other components, land use layouts and road design. While a DAP has been submitted for the Northwest Sutton Development Area, the DAP has not been approved by the Town of Georgina due to several issues including land use conflicts with the Secondary Plan, increased residential densities, traffic and environmental issues, and the implications of such issues on the remainder of the Sutton Secondary Plan Area.

As part of the proposed OPA, the applicant has requested that the Ballymore lands be exempt from the requirement for a Town approved DAP. The purpose of the DAP is to ensure comprehensive block planning and in its absence, such planning will not occur.

It is also noted that Town of Georgina Planning Staff prepared a report for the September 24, 2007 Georgina Council Meeting listing many other local concerns with the proposed Official Plan Amendment and Subdivision. Council did not support the proposed applications, as noted in the recommendations attached to this report (*Attachment 4*).

4.4 Proposed Employment Land Conversion

In June of 2007, Regional Council directed staff to utilize a staff report entitled “Protecting Areas of Employment” as guidance for preparing recommendations on planning applications that propose employment land conversions. The report notes that a conversion application is to be deemed premature if the application is subject to the 2005 PPS and is not preceded by a Comprehensive Review as defined by the PPS. In this case, the application is subject to the 2005 PPS and includes an employment land conversion component.

The 2005 PPS states that planning authorities may permit conversion of lands within employment areas to non-employment uses through a “*comprehensive review*”, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. With respect to the subject application, while the applicant has submitted a report that indicates that the land is not required for employment purposes over the long term, there is no discussion with respect to the need for the conversion.

In addition, the term “Comprehensive Review” is defined in the PPS and, while a critical component of a comprehensive review is the projections and allocations by upper-tier municipalities, a truly comprehensive analysis needs to be supplemented through a further comprehensive local Official Plan review or Secondary Plan review process.

Therefore, at this point in time, the Ballymore application has not been preceded by a Comprehensive Review and, given that the Town is in the process of reviewing the Sutton Secondary Plan, the subject Official Plan Amendment application is premature until the review is completed.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report; however, Regional staff may be required to attend the OMB hearing.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the position taken by Georgina Council at its meeting of September 24, 2007 (*Attachment 4*).

7. CONCLUSION

Approval of the proposed OPA and associated plan of subdivision is premature until the Development Area Plan and Sutton Secondary Plan review are complete and approved by the Town of Georgina.

With respect to the proposed OPA, the determination of the appropriate land use designations for the lands, including whether the employment lands should be converted to residential, is best determined through a comprehensive review such as the ongoing Sutton Secondary Plan Review.

With respect to the proposed plan of subdivision, the plan should not be draft approved until such time as the OPA issues are resolved and sanitary, water, and traffic infrastructure is available.

Therefore, it is recommended that the Ontario Municipal Board (OMB) be advised of the following:

- That York Region considers the request to amend the Sutton Secondary Plan by Ballymore Development (Sutton) Corp. to be premature until such time as the current review of the Sutton Secondary Plan is completed and the Northwest Sutton Development Area Plan is approved by Georgina Council.
- That York Region considers the request to approve draft plan of subdivision 19T-95085 by Ballymore Development (Sutton) Corp. to be premature until such time as the current review of the Sutton Secondary Plan is completed, the Northwest Sutton Development Area Plan is approved by Georgina Council, and until there is sufficient sanitary, water, and traffic infrastructure to accommodate the plan.
- That Regional staff be authorized to appear at the OMB, as required, in support of the Regional position.

The Senior Management Group has reviewed this report.

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