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WEST GORMLEY OFFICIAL PLAN AMENDMENT APPLICATION

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report February 9, 2006, from the Commissioner of Planning and Development Services:

1. RECOMMENDATION

It is recommended that:

1. Staff be authorized to attend the Ontario Municipal Board Hearing on May 8, 2006 to recommend that the Board approve the revised Town of Richmond Hill West Gormley Secondary Plan dated October 12, 2005, subject to the modification set out in *Attachment No. 1* to this report.

2. PURPOSE

The purpose of this report is to inform Committee and Council of the status of the proposed West Gormley Secondary Plan (see *Attachment No. 2*) within the Town of Richmond Hill and to recommend that York Region support the Plan, subject to the modification set out in *Attachment No. 1* to this report. This report is being brought forward to Committee and Council at this time in order to meet timelines for submission of witness statements to the Ontario Municipal Board in late March.

3. BACKGROUND

In April of 2002, the Province of Ontario finalized the Oak Ridges Moraine Conservation Plan (ORMCP) and as a result of the implementation of the Plan, the lands that are currently the subject of the proposed West Gormley Secondary Plan were designated "Settlement", "Natural Core", and "Natural Linkage" (see *Attachment No. 3*).

In November of 2003, several of the owners within the Plan area filed separate applications for Official Plan Amendments to adopt Secondary Plans for each of the two (2) Settlement Areas as shown in the ORMCP. The proposed Secondary plans were referred to as the "West Gormley Secondary Plan" and the "Casa Secondary Plan". In addition, applications for zoning by-law amendments and draft plans of subdivision were filed with the Town at this time. The applicants appealed the applications to the OMB in July, 2004. On October 20, 2004, the Casa applications were withdrawn from the Board by the applicant and the applications were closed at the Town.

In November of 2004, Regional Planning and Economic Development Committee had a report before it on the proposed West Gormley Secondary Plan. The Committee recommended the following:

1. “That Staff be authorized to attend the Ontario Municipal Board Prehearing 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; and
2. That Staff be directed to report back to Planning and Economic Development Committee on the outcome of the Prehearing Conference and establish a more detailed position, if necessary.”

OMB Prehearing Conference

At the OMB Prehearing Conference of November 17, 2004, the Board set aside February 15, 2005 to hear motions to dismiss all of the applications on the basis that they were premature. However, on December 1, 2004, the Regional Transportation and Works Committee dealt with a report concerning additional work that had to be done to the Environmental Assessment for the 19th Avenue Interceptor, which indicated that alternative routes for the location of the sewer would be explored. One of the alternative routes to be explored was along Stouffville Road. Given the implications on the West Gormley matter, counsel for the Town and the Region’s solicitor requested that the OMB postpone the Hearing of February 15, 2005 until May of 2005 and the OMB agreed to this request.

Minutes of Settlement

During this postponement period, the applicant approached the Region with the proposal to create policies for inclusion in the Secondary Plan that would require certain approvals of necessary infrastructure to be in place and be within two years of delivery before applications for development could proceed. As a result of these discussions, the applicant agreed to defer consideration of the zoning by-law amendment applications and the subdivision applications. Minutes of Settlement with respect to the above noted motion to dismiss between the Region, the Town of Richmond Hill, and the applicant were endorsed by Regional Council on May 19, 2005.

Section 5.2.7a) of the Regional Official Plan requires that Secondary Plans be undertaken on a concession block basis. Therefore, as part of the minutes of settlement, the applicant agreed to undertake planning on a concession block basis and at the OMB Prehearing Conference of October 25, 2005, attempted to lodge a varied appeal and thereby seek consolidation of the Casa applications with the West Gormley applications before the OMB. However, the applicant had not realized that the applications had been closed at the Town of Richmond Hill and therefore, the OMB decided that it could not consolidate applications that no longer existed. As a result, the OMB ordered that the applicant bring forward a motion to “modify” the West Gormley plan to include the Casa lands. The

applicant submitted a revised Secondary Plan and a new Master Environmental Servicing Plan to cover the entire concession block, including the Casa lands.

Planning Staff of the Town of Richmond Hill revised the Secondary Plan and brought it forward to Town Council at its meeting of January 11, 2006. Town Council recommended that the Ontario Municipal Board be advised that Council supports the changes to the West Gormley Secondary Plan as revised. On February 3, 2006, at another Prehearing Conference, the OMB granted the applicant's motion to modify the Secondary Plan to include all of the lands within the concession block as shown on *Attachment 2*.

The OMB has scheduled the full Hearing on the proposed West Gormley Secondary Plan to commence on May 8, 2006 and it is expected to last for two (2) weeks.

3.1 Site Characteristics

The subject lands encompass approximately 361 hectares (892 acres) of land which is primarily rural and agricultural. Of the total land area, only 116.9 hectares (32%) are designated "Settlement" under the ORMCP. The remainder of the lands are designated "Oak Ridges Moraine Natural Core" and "Oak Ridges Moraine Natural Linkage" and will remain in a natural state, as per the ORMCP. A large portion of the lands designated Oak Ridges Moraine Natural Core Area have already been conveyed by the major landowners to the TRCA, and will remain in their natural state.

4. ANALYSIS AND OPTIONS

The original position of Regional Council was that "the proposed West Gormley Secondary Plan and associated draft plans of subdivision are premature given servicing constraints" and Staff was directed to report back to Planning and Economic Development Committee on the outcome of the Prehearing Conference and establish a more detailed position, if necessary.

The issue of the prematurity at that time was based on the following issues:

- Policies within the ORMCP and ROPA 41 had to be addressed before development approvals were appropriate.
- Section 5.2.7 of the Regional Official Plan requires the preparation of comprehensive secondary plans on a concession block basis for communities that are related and linked to adjacent communities.
- 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.

However, as noted above, the Town of Richmond Hill has created and brought forward a revised West Gormley Secondary Plan. The revised secondary plan meets the Sustainable Natural Environment criteria of the Regional Official Plan, including the policies with respect to the Oak Ridges Moraine. In addition, the Community Building criteria of the Regional Official Plan have been met. With the applicant's agreement to remove the zoning and subdivision from the OMB process, consideration of the West Gormley Secondary Plan is now considered to meet the intent of the Regional Official Plan.

The following sections will discuss the modifications and changes since the original draft secondary plan was brought forward for Regional Council's consideration in November of 2004.

4.1 ORMCP Designations and Provisions:

The Oak Ridges Moraine Conservation Plan (ORMCP) was filed on April 22, 2002 as an Ontario Regulation and the West Gormley and Casa lands were thereby designated "Settlement Area", "Natural Core", and "Natural Linkage" (*Attachment 3*). The ORMCP required both York Region and the Town of Richmond Hill to adopt amendments to bring their Official Plans into conformity with the Provincial ORMCP. Regional Official Plan Amendment No. 41 (ROPA 41) was adopted on March 25, 2003 and was given approval by the Minister of Municipal Affairs and Housing on October 21, 2004. The Town's conformity Amendment (OPA 218) was adopted October 7, 2003 and approval by the Minister is imminent.

ROPA 41 includes the following policies for lands within the proposed West Gormley Secondary Plan:

"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 and the community building and servicing policies of section 5.2 of the Regional Official Plan have been satisfied."

In addition to the above, Policy 2.5.3 of ROPA 41 states the following:

"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.”

Conformity of the West Gormley Secondary Plan to the above noted policies of ROPA 41 was initially an issue with Regional staff, given the lack of appropriate policies in the developer’s proposed West Gormley Secondary Plan. It is not premature to plan for the long term use of the lands, in accordance with existing Settlement designations; however, it is premature to provide approvals for development applications such as zoning amendments and subdivision approvals. The root of the concern lay in the fact that the developer had both zoning by-law amendment and subdivision development applications before the Board for approval and none of the above noted policies had been adequately addressed in the proposed secondary plan.

The policies proposed in the Town’s draft Secondary Plan require that prior to the approval of any zoning by-law amendment or draft plan of subdivision, the applicant(s) shall submit revised Master Environmental Servicing Plans (MESPs) which demonstrate that all requirements of the OMCP have been addressed and met. The Toronto and Region Conservation Authority has the delegated responsibility for determining conformity with the technical ORMCP requirements and will review the revised MESPs when submitted to ensure that the requirements of the Plan have been met.

Therefore, with the new policies in the draft secondary plan and with the applicant’s agreement to remove the zoning and subdivision from the OMB process, consideration of the West Gormley Secondary Plan is considered to be within the intent of the Regional Official Plan.

4.2 Community Building

Section 5.2 – Community Building of the Regional Official Plan speaks to the preparation of secondary plans for communities that are related and linked to adjacent communities. Specifically, Section 5.2.7 requires the preparation of comprehensive secondary plans for new areas of development within the urban areas of Map 5 based on several criteria including the following:

- a) That plans are generally for large continuous blocks of land, approximately concession blocks of 400 hectares (1,000 acres).
- b) The areas encompass one or more communities.
- i) A system of walkways and bicycle paths link the community internally and externally to other areas.
- j) The incorporation of the Regional Greenlands System into the community plan and the inclusion of pedestrian-accessible green space and local parks.

The developer’s original draft of the West Gormley Secondary Plan consisted of only 90.7 hectares (224 acres) of land that staff referred to as an “island of urban”. The plan

did not include any links to other communities, nor did the plan incorporate the Regional Greenlands System into the community plan.

The revised secondary plan now meets the Community Building criteria of the Regional Official Plan as it evaluates the entire block and protects key environmental areas. The area now comprises approximately 361 hectares (892 acres) of land, encompassing essentially two communities that can be connected by walkways and bike paths through the environmental lands. The West Gormley Secondary Plan is contiguous with the existing urban areas of OPA 129 (the North Urban Area) and OPA 204 (the Yonge East Secondary Plan) of the Town.

The revised policies of the Town's proposed West Gormley Secondary Plan acknowledge the objective of fostering a sense of community identity by connecting neighbourhoods through public uses and open space systems (Section 2.2 b). Section 4.5.1 a) of the Plan states the following:

"In the long term, it is intended that there will be an open space system linking the Town's parkland at Lake Wilcox, the Lake St. George Conservation Area, the Oak Ridges Moraine Natural Core and Linkage Areas and the Rouge Watershed together with the public park land dedicated within the Settlement Areas of the West Gormley Secondary Plan. The linkages between these facilities shall be through the development of a natural trail system."

Further, the plan states that:

"The design of neighbourhoods in the West Gormley Secondary Plan shall provide for suitable connections into the "Oak Ridges Moraine Natural Core Area" or "Oak Ridges Moraine Natural Linkage Area" to facilitate a portion of the trail system envisaged in the Oak Ridges Moraine Conservation Plan." (Section 4.5.1 b).

4.3 Infrastructure

One of the key issues with respect to the original proposal for the West Gormley Secondary Plan area was the lack of policies with respect to water and wastewater services and roads.

The Region has consistently maintained that the means of servicing the subject lands will be determined by an Environmental Assessment.

4.3.1 Wastewater

The original Master Environmental Servicing Plan (MESP), prepared by the developers in support of the proposed development, stated that the site would be serviced by the extension of the Upper Leslie Street Trunk Sewer. However, this project was not within the Region's 10 Year Wastewater Construction Program and therefore, the applicant

submitted a revised MESP that suggested that the sewer could be constructed from 19th Avenue to the development as a developer initiated project with a sinking fund to be provided by the developers that would provide sufficient funds to cover the long term operational and maintenance costs for the required pumping station and forcemain.

However, Minister of the Environment Leona Dombrowsky, in her letter to the Region dated October 1, 2004, had acknowledged York Region's commitment to prepare an individual environmental assessment for the project. Therefore, the Minister stated the following:

“To provide certainty and to ensure that this commitment is fulfilled the special features of the Oak Ridges Moraine and the environment are protected, I am ordering, pursuant to subsection 16(1) of the Environmental Assessment Act, the Regional Municipality of York to comply with Part II of the Environmental Assessment Act for the proposed Upper Leslie Trunk in the event that it proceeds with this project.”

Therefore, Region Staff have indicated to the applicant that the Region will not support the applicant's revised servicing scheme. Region Staff have maintained that, in accordance with the Minister's letter, if the Upper Leslie Trunk Sewer is to proceed and thereby service the West Gormley lands, then it is subject to an Individual Environmental Assessment. If the Upper Leslie Trunk Sewer is not to proceed, then the West Gormley area will be serviced by alternative servicing solutions to be determined under the Environmental Assessment Act.

The policies of the Town's proposed West Gormley Secondary Plan are intended to address the Region's preferred alternative and they were developed in cooperation with the Region's Transportation and Works Department. The policies state that subdivisions cannot be approved and development cannot occur until it is clear that the lands can be appropriately serviced. The conclusions of the Environmental Assessment will determine the appropriate method of servicing the lands.

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 was the opinion of regional staff that this proposal requires further justification, review and consideration under the provisions of section 41 of the ORMCP.

As noted in Section 4.1 of this report, the policies proposed in the Town's draft West Gormley Secondary Plan require that prior to the approval of any zoning by-law or draft

plan of subdivision, the applicant(s) shall submit revised Master Environmental Servicing Plans (MESPs) which demonstrate that all requirements of the OMCP have been addressed and met. The Toronto and Region Conservation Authority has the delegated responsibility for determining conformity with the technical ORMCP requirements and will review the revised MESPs when submitted to ensure that the requirements of the Plan have been met.

4.3.3 Roads

Similar to the water and wastewater concerns noted above, Staff originally had issues with respect to the lack of policies with respect to roadway infrastructure. Section 5.2.3 – Master Environmental Servicing Plan of the Town’s proposed Secondary Plan now requires, prior to approval of development applications, an Environmental Assessment for required Regional infrastructure and that all land necessary to enable construction of the required Regional infrastructure has been secured by York Region. Regional infrastructure includes roads and therefore, Staff’s concerns have been resolved.

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 policies of the Town’s West Gormley Secondary Plan therefore contribute to the goals of Vision 2026.

5. FINANCIAL IMPLICATIONS

Section 7.3.8 of the Region’s Official Plan requires that an economic/fiscal impact analysis be completed for comprehensive secondary plans. Since a fiscal impact analysis includes the costs for servicing and they will only be determined when the EA is complete, it is recommended that the proposed secondary plan be modified to include the following wording:

“Prior to any development approval (including but not limited to plan of subdivision, site plan or rezoning applications), the Region shall have completed an economic/fiscal impact analysis and the recommendations of the analysis shall be incorporated into future development approvals, if applicable.”

6. LOCAL MUNICIPAL IMPACT

The Council of the Town of Richmond Hill has recommended support for the Town’s version of the West Gormley Secondary Plan and the recommendations of this report are consistent with the Town’s position.

7. CONCLUSION

In November of 2004, Regional Planning and Economic Development Committee had a report before it on the proposed West Gormley Secondary Plan. The Committee recommended the following:

1. "That Staff be authorized to attend the Ontario Municipal Board Prehearing 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. That Staff be directed to report back to Planning and Economic Development Committee on the outcome of the Prehearing Conference and establish a more detailed position, if necessary."

Since that time, circumstances have changed and the draft Secondary Plan for West Gormley has been modified substantially as follows:

- The applicant has agreed to remove development approvals in the form of zoning by-law amendments and subdivisions from the OMB proceedings, leaving the Board to deal strictly with the proposed Secondary Plan.
- The Secondary Plan area is now based on a concession block planning basis, thereby allowing for a comprehensive secondary plan, including the Regional Greenlands System.
- The Town of Richmond Hill has prepared a Secondary Plan and it has been endorsed by Town Council.
- There are stringent policies in the new Secondary Plan that require all infrastructure components to be completed before any development approvals will be issued.
- The Town's secondary plan requires that, prior to the approval of any Zoning By-law or draft plan of subdivision, the applicant(s) shall submit revised Master Environmental Servicing Plans which demonstrate that all requirements of the OMCP have been addressed and met.

Since a fiscal impact analysis includes the costs for servicing and the means of servicing has not been determined to date, it is recommended that the proposed secondary plan be modified to include wording that requires the completion of a Regional fiscal impact analysis.

Therefore, it is recommended that Staff be authorized to attend the Ontario Municipal Board Hearing on May 8, 2006 to recommend that the Board approve the revised Town

of Richmond Hill West Gormley Secondary Plan dated October 12, 2005, subject to the modifications set out in *Attachment No. 1* to this report.

The Senior Management Group has reviewed this report.

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