

3
YORK REGION OFFICIAL PLAN - DECEMBER 2009
ADDITIONAL SUBMISSION SUMMARY
AND
REQUESTED REGIONAL MODIFICATIONS

The Planning and Economic Development Committee recommends the following:

- 1. Receipt of the following deputations:**
 - (a) Don Given of Malone Given Parsons Ltd., on behalf of North Markham Landowners Group and on behalf of Armadale Properties – Buttonville Airport; and**
 - (b) Ben Quan on behalf of Living Water Faith Fellowship, property owner, Town of East Gwillimbury.**
- 2. Receipt of the following communications:**
 - (a) Town of East Gwillimbury regarding W.J. Smith Gardens Limited Proposed Holland Marsh Farm Operation Expansion, dated May 3, 2010;**
 - (b) Patricia Foran, Aird & Berlis LLP on behalf of E. Manson Investments, owners of lands at the northwest corner of 19th Avenue and Leslie Street, Town of Richmond Hill, dated May 4, 2010;**
 - (c) Diana Santo, MMM Group Limited regarding City of Vaughan Official Plan, dated May 4, 2010; and**
 - (d) Patricia Foran, Aird & Berlis LLP on behalf of North Leslie Residential Landowners' Group, dated May 5, 2010.**
- 3. Receipt of the memorandum from Bryan Tuckey, Commissioner of Planning and Development Services, dated May 5, 2010, providing revised maps for Attachment 3 to this Clause that were originally attached as pages 768-777 of the May 5, 2010 Planning and Economic Development Committee agenda.**
- 4. Adoption of the recommendations contained in the following report dated April 15, 2010, from the Commissioner of Planning and Development Services.**

1. RECOMMENDATIONS

It is recommended that:

1. This report and *Attachments* be endorsed by Regional Council and submitted to the Ministry of Municipal Affairs and Housing as part of the public record on the York Region Official Plan – December 2009.
2. The Ministry of Municipal Affairs and Housing be requested to include the modifications contained in *Attachment 2* in their decision on the York Region Official Plan – December 2009.
3. The Commissioner of Planning and Development Services be authorized to appeal the Minister's decision on the York Regional Official Plan – December 2009 should such be required as a result of requested Regional modifications not be made or Ministerial modifications that may result.

2. PURPOSE

This report:

- Summarizes and responds to submissions and meetings with area municipalities and submitters since the adoption since the December 2, 2009 Report to Council recommending adoption of the York Region Official Plan – December 2009.
- Identifies both in Matrix form and in the Adopted York Region Official Plan document a series of proposed Regional modifications to the Adopted Official Plan and requests Council endorsement of the proposed modifications.
- Updates the public record on the Region's Official Plan with additional reports.
- Updates Council on the ongoing review of the adopted York Region Official Plan – December 2009 by the Province and the expected timing of the Provincial decision on the Official Plan.

3. BACKGROUND

Additional submissions have been received and modifications identified by Regional staff since Regional Council adopted the York Region Official Plan in December 2009

Regional Council at its meeting of December 16, 2009, adopted Clause 1 of Report No. 9 of the Region Planning and Economic Development Committee. *Attachment 1* to that report was the York Region Official Plan – December 2009. *Attachment 3* to that report contained submissions and Regional staff responses for the majority of submissions received to the end of day on November 24, 2009. Since that time, an additional 60+

submissions have been received. The majority of these deal with previously identified issues. *Attachment 1* to this report contains copies of the additional submissions received since November 25, 2009 as well as the detailed analysis for all submissions received up to the end of day April 27, 2010.

As well, in reviewing the Official Plan following its adoption, Regional staff became aware of a number of areas where modifications to the Adopted Official Plan document are required to improve policies, correct oversights in policy and mapping and adapt to changing situations. *Attachment 2* to this report contains the policy, wording and mapping modifications requested in a matrix form. *Attachment 3* shows the proposed modifications as they would appear in the adopted document.

Since the Ministry of Municipal Affairs and Housing is the approval authority for this Official Plan, these modifications once endorsed by Council will be submitted to the Ministry to be included as part of the approval of the York Region Official Plan – December 2009.

4. ANALYSIS AND OPTIONS

Submissions received since the December report to Council largely deal with issues previously identified

Of the sixty plus submissions received since the December report, the vast majority deal with issues that have previously been raised. These include:

- **Transition status** where some, but not all of the *Planning Act* applications on property have been submitted.
- **Urban boundary and expansion status** and inclusion of lands.
- **Increased road widths** and the impact on adjacent properties.
- **Woodlands Policies.**
- **Greenlands policy and mapping** application and ability to refine designations in the future.
- **Guideline Status** being part of the plan by inference.
- **Figure 2 Status** and ‘Strategic Employment lands’ identification.

Additional submissions from both ratepayers groups and from the general public have also been received in respect to the proposed urban expansion debate in the Town of Markham.

Modifications requested by Region

Modifications requested by Regional staff are appended as *Attachments 2 and 3* and can be categorized as: policy modifications; minor wording and syntax modifications; and

mapping modifications. The key changes in each category are described below. Further *Attachment 3* contains pages from the Adopted Official Plan with modifications.

Policy Modifications

Policy modifications and changes, while appearing numerous are minor in effect. The modifications for the most part delete redundant policies, clarify wording and definitions. Policy modifications requested by area municipalities include:

- deletion of policy 4.3.8 which had exempted employment land conversions in Regional centres and *key development areas* from the requirements of a municipal comprehensive review.
- clarification of policy 4.3.12 to require local municipal official plans to exclude land uses other than employment and ancillary uses on local corridors and major streets within employment lands.
- clarification of policy 4.3.12 to ensure that minimum densities for employment lands are higher for lands adjacent to centres and corridors.
- clarification of policy 8.4.4 regarding amendments to land use designations in the Oak Ridges Moraine.

Minor wording and syntax Modifications

In a number of places throughout the document Regional staff identified syntax and punctuation errors that have been corrected as part of this modification package.

Mapping Modifications

Mapping modifications on the whole are minor and have resulted from a detailed review of the Adopted Official Plan with area municipalities as their own growth management exercises progress, Regional, municipal and provincial staff as well as changes required from additional information supplied from stakeholders.

Modifications are identified on each map in *Attachment 3* and refer to the numbering within the *Attachment 2* Matrix.

Additional reports, forming part of the Public Record have been considered by Council since the Official Plan was adopted in December 2009

Since the York Regional Official Plan December 2010 was adopted on December 16, 2009, Regional staff has brought forward additional reports:

- Revised Land Budget (Clause 2 of Report 2 of the Regional Planning and Economic Development Committee) adopted by Regional Council March 25, 2010.
- Preliminary Urban Expansion Area Report Clause 3 of Report 2 of the Regional Planning and Economic Development Committee) adopted as amended by Regional Council March 25, 2010.

As well on December 22, 2009, the Final Report on Aboriginal Consultations on the Draft Official Plan was received from the Regional consultants, First nations Engineering

Services Limited (FNESL). This Report has not been received by Council until this agenda, however, the conclusions of the consultation report were part of the December 2, 2009 Planning and Economic Development Committee report.

Land Budget

This report, the York Region 2031 Land Budget, was brought forward and endorsed by Council at its meeting March 25, 2010. This report provided an update of the previous land budget report (January 2009) based on the revised employment forecast and on further discussions with the Province and the local municipalities.

The report indicated that refinements to the land budget are minor and result in a decrease of 363 ha of land required (from previous report) for urban area expansion by 2031. The refinements do not impact the adopted policies in the ROP, and underscore that an urban area boundary expansion is required in the three white belt communities to accommodate the 2031 forecasted growth.

Preliminary Urban Expansions

An additional report, identifying preliminary urban expansion areas in the Town of East Gwillimbury, City of Vaughan and Town of Markham to meet the land budget requirements outlined above, was endorsed as amendments by Council on March 25, 2010. The result of the amendment to the report recommendations was to bring forward the introduction of proposed Amendments 1, 2 and 3 to the Planning and Economic Development Committee of May 5, 2010 (Clause X on this agenda) and to hold the Statutory Public meetings at the June 16, Planning and Economic Development Committee. Notice for these Proposed Amendments will appear in local newspapers the week of May 17, 2010.

Aboriginal Consultation

On December 22, 2009, First Nations Engineering Services Ltd. (FNESL), the Region's consultants dealing with Aboriginal consultation delivered their Final Report on Draft Plan consultations. The Final consultant's report is appended as *Attachment 3* to this report, but the conclusions of the report have already been reported to Council as part of the December 2, 2009 package.

This aboriginal consultation program exceeded the *Planning Act* requirements and involved contacting 14 First Nations with ties to this area as well as the Métis Nation. As part of the consultation First Nations were sent an introductory letters from Chair Fisch as Head of Council and from the consultant along with the Draft Plan and the Official Plan chapter summaries. Circulated First Nations were invited to a meeting held September 18, 2009 to discuss the Draft Official Plan. Five First Nations attended this meeting. No written comments were received from First Nations or the Métis Nation subsequent to the meeting or multiple additional email and telephone contacts by the consultant, however, the discussions held September 18, 2009 were beneficial and resulted in a several changes to the Official Plan adopted in December 2009. A summary

of the September 18, 2009 discussions was included in *Attachment 2* to the Regional staff report accompanying the adoption of the Official Plan December 16, 2009.

Council endorsement of FNESL Final Consultants report completes this portion of the consultation and officially enters the Final Report on Aboriginal Consultation on the Draft York Region Official Plan into the public record.

Provincial Review of the York Region Official Plan – December 2009 and Next Steps

The adopted York Region Official plan was submitted to MMAH staff on December 29, 2009. Regional staff met with Ministry of Municipal Affairs and Housing (MMAH) staff on March 26th to review circulation comments. A number of meetings have also taken place with individual Ministries, including the Ministry of Energy and Infrastructure and Ministry of Natural Resources to discuss individual aspects of their comments and resolve issues.

Based on current timing, MMAH staff anticipates providing Regional staff with a draft decision (including proposed Provincial modifications and recommended Regional modifications) on the York Official Plan early in May. These proposed modifications will be reviewed and recommendations on the proposed Provincial modifications brought forward in the June, 2010, Council cycle.

Providing there are no slippages in timing, this may permit the Ministry to issue the Notice of Decision on the York Region Official Plan - December 2009 in early to mid July, 2010. Following the issuance of the Notice of Decision, there is a 20 day period for appeals of the Ministry's decision to the Ontario Municipal Board.

Commissioner of Planning and Development Services to be authorized to appeal the Minister's Decision on the York Region Official Plan – December 2009, if necessary

June 24, 2010 is the final Council meeting prior to the summer recess. Assuming that the Ministry makes a decision on the ROP in July, the 20 day OMB appeal period will occur without the ability of Regional staff to obtain Council authorization to appeal the Ministry's decision on the Plan, should such be required. Alternatively, the Minister may propose modifications that are untenable from the Region's viewpoint.

It is recommended that the Commissioner of Planning and Development Services be authorized to appeal the Ministry's decision on the York Regional Official Plan – December 2009 should such be required as a result of requested Regional modifications not be made or Ministerial modifications that may result.

Further reports to Council summarizing the Provincial decision as well as the number, extent and subject of appeals will be undertaken later in 2010 or early in 2011.

Relationship to Vision 2026

Vision 2026, York Region's strategic plan for the future, establishes the overall vision and direction for Regional Council. As well, Council has proceeded with the Sustainability Strategy, the Natural Heritage Directions Strategy, New Communities Criteria, and the Master Plans for Transportation and Transit and Water and Wastewater that will determine a new way of proceeding with development.

The adoption of an updated York Region Official Plan in December 2009 and the endorsement of proposed Regional modifications will further support the implementation of Vision 2026 and the York Region Sustainability Strategy.

5. FINANCIAL IMPLICATIONS

The York Region Official Plan – December 2009 was undertaken in-house with minimal consultant input. This work was covered through the 2009 budget allocations. Similarly, the ongoing review of the adopted Official Plan has been undertaken as part of the allocated 2010 Planning Department budget.

Appeals of the Official Plan to the Ontario Municipal Board will likely require additional allocations of funds within subsequent budget years and will be the subject of additional reports to Council at that time.

6. LOCAL MUNICIPAL IMPACT

Local municipalities have been consulted on an ongoing basis during the preparation of this Official Plan document. Formal comments have been received from all local municipalities and a number of municipalities provided comments on aspects of the adopted Official Plan.

Regional staff has held subsequent meetings or telephone calls with Planning staff of the local municipalities. These discussions have resulted in a number of modifications to policy and mapping identified in *Attachments 2 and 3*.

Local municipalities will continue to be consulted as the Region proceeds with the Regional Official Plan. The Region is the approval authority for local municipal official plans and Regional staff is involved in the review and approval of local official plans as they are brought into conformity with the Provincial Growth Plan and the new Region Official Plan.

7. CONCLUSION

The York Region Official Plan – December 2009 was adopted by Regional Council at its meeting of December 16, 2009 and submitted to the Ministry of Municipal Affairs and Housing for approval.

Additional Submissions have been received and Analyses attached

Since the time of the Official Plan adoption an additional 60+ submissions on aspects of the Plan have been received. The majority of these submissions deal with previously identified issues. *Attachment 1* to this report contains a matrix of the submissions as well as copies of the additional submissions received since November 25, 2009 and the detailed analysis for all submissions received up to the end of day April 27, 2010.

Regional staff has also met with many stakeholders on their submissions on the Official Plan, as well as Provincial Ministries and local municipal planning representatives to resolve issues leading to approval of the York Region Official Plan early in the summer of 2010. A number of the proposed Regional modifications respond to these requests. Modifications from the Ministry of Municipal Affairs and Housing will be forthcoming and the subject of an additional report to Council in June, 2010.

A number of Modifications are proposed but are Minor in Nature

As well, in reviewing the Official Plan following its adoption, Regional staff became aware of a number of areas where modifications to the adopted document are required to improve policies, correct oversights in policy and mapping, syntax and punctuation and adapt to changing situations or new information. *Attachment 2* to this report provides the proposed modifications in a matrix form. *Attachment 3* to this report is an annotated version of the Adopted Official Plan showing the proposed Regional modifications.

The overall conclusion is that the modifications requested by the Region, while numerous, are minor in nature. The Plan is well constructed and will withstand the test of formal review. There are likely to be a number of appeals of the Plan to the Ontario Municipal, Board, but Regional staff will work towards focusing these where possible.

Council to endorse Regional Modifications to enable inclusion in Provincial approval of the ROP

It is recommended that this report and Attachments be endorsed by Regional Council and submitted to the Ministry of Municipal Affairs and Housing as part of the public record on the York Region Official Plan – December 2009. Further it is recommended that the Ministry of Municipal Affairs and Housing be requested to include the modifications

contained in *Attachment 2* in their approval of the York Region Official Plan – December 2009.

For more information on this report, please contact Barbara Jeffrey, Manager Land Use Policy and Environment at (905) 830-4444, Ext. 1526 or John Waller, Director Long Range and Strategic Planning at Ext. 1508.

The Senior Management Group has reviewed this report.

(The full attachment 1 was distributed at the Planning and Economic Development Committee on May 5, 2010. Pages 87 to 91 only of attachment 1 and attachments 2, 3, and 4 referred to in this clause are attached to this report.)



CWC 2010 _____

COMMITTEE OF THE WHOLE COUNCIL

PLANNING & BUILDING SERVICES

MOVED BY

DATE: May 3, 2010

BE IT RESOLVED THAT Planning and Building Services, dated May 3, 2010, regarding the Proposed Holland Marsh Farm Operation Expansion for W. J. Smith Gardens Limited, be received;

THAT the Town's New Official Plan acknowledge the importance of the Holland Marsh farming community and supports a policy approach which recognizes and protects agriculture as an important component of the Town's economy;

THAT the Town support the proposed expansion of the W.J. Smith Gardens Limited farming operation subject to the Region's, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing's review and acceptance of the conclusions and recommendations for expansion as outlined in the Environmental Impact Study, prepared by Savanta Inc., dated February 2010;

THAT the Clerk forward a copy of this report to the Region of York, Lake Simcoe Region Conservation Authority, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources; *and an MPP.*

THAT Council request that the Region of York undertake a peer review of the Environmental Impact Study completed by Savanta Inc., in consultation with the Town of East Gwillimbury, to assist with the Province's consideration of the Region of York's and the Town's draft Official Plan policy approach.

CARRIED

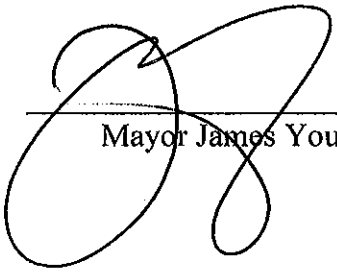


DEFEATED



TIED (LOST)





Mayor James Young, Chair



Town of East Gwillimbury

PLANNING & BUILDING SERVICES REPORT P2010-39

To: Committee of the Whole Council

Date: May 3, 2010

Subject: W.J. Smith Gardens Limited
Proposed Holland Marsh Farm Operation Expansion

Origin: Planning & Building Services,
Policy Planning Branch

RECOMMENDATION

1. THAT Planning & Building Services Report P2010-39, dated May 3, 2010, regarding the Proposed Holland Marsh Farm Operation Expansion for W. J. Smith Gardens Limited, be received;
2. THAT the Town's New Official Plan acknowledge the importance of the Holland Marsh farming community and supports a policy approach which recognizes and protects agriculture as an important component of the Town's economy.
3. THAT the Town support the proposed expansion of the W.J. Smith Gardens Limited farming operation subject to the Region's, the Ministry of Natural Resources and the Ministry of Municipal Affairs and Housing's review and acceptance of the conclusions and recommendations for expansion as outlined in the Environmental Impact Study, prepared by Savanta Inc., dated February 2010;
4. THAT the Clerk forward a copy of this report to the Region of York, Lake Simcoe Region Conservation Authority, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources.

PURPOSE

The purpose of this report is to respond to the deputation by W. J. Smith Gardens at the April 19 Committee of the Whole Council meeting and the direction for staff to provide information and make a recommendation regarding an issue raised by W. J. Smith Gardens Limited (Smith Farm), with respect to the proposed expansion of its farming operations located within the Holland Marsh.

BACKGROUND

Location

Smith Farms is comprised of 850 ha (2,100 acres) located within the Holland Marsh of which approximately 364 ha (900 acres) are being actively farmed. The lands are generally described as being located north of Holborn Road, west side of 2nd Concession Road, south of Ravenshoe Road, and east of the Holland River, (refer to Appendix 1 and 2).

History of the Smith Gardens Farm Operations (provided by the applicant)

The Smith Farms is currently the largest, family owned, farming business within the Holland Marsh, and is the largest producer of carrots and onions within the Province supplying local, provincial, national and international markets. The Smith family has farmed the subject lands since the early 1940's, and play a leading role in the Holland Marsh Growers' Association and, are actively involved with the University of Guelph in the testing of a variety of field management practices.

The first parcel of land purchased by William J. Smith was located at the south west corner of Boag Road and 2nd Concession Road in 1937. At that time Boag Road was the only access available to the property as Ravenshoe Road was yet to be constructed. Additional properties were acquired over the years with the most recent acquisitions occurring in 1997. Canal systems were constructed around the property at the time between 1937 and 1951. Approximately 160 ha (400 acres) of farmland were in production at that time. The arrival of Hurricane Hazel in 1954 destroyed all of the crops, filled in canals and levelled dykes. All of the development of the farm land at that time had been in the mid-easterly area of the current farm. In or around 1962, Ravenshoe Road was extended to Yonge Street making that the preferred access to the Smith property.

Utilizing best management practices the entire Smith farm has never been under cultivation at one time. Lands originally farmed and dyked were left fallow with the intention that they would be re-opened over time. As the Smith operation has grown it has become increasingly necessary to open up new lands for cultivation in order to provide appropriate crop rotation, etc. and maintain adequate production to meet market demand.

Current Situation

In 2008, the landowners proceeded to re-open a contiguous parcel of land for farming that had been dyked and cultivated prior to Hurricane Hazel. During the preparation of the lands they were advised by the Lake Simcoe Region Conservation Authority that the clearing and filling of the property was in contravention of Provincial Regulation 179/06. The Smiths were advised that notwithstanding their lands are located within the Holland Marsh and designated as "Specialty Crop" within The Greenbelt Plan; the lands were also identified as a Provincially

Significant Wetland (PSW) by the Ministry of Natural Resources. The PSW designation affects the entire Smith Farm property with the exception of those lands actively being farmed at this time (364 ha). Savanta Inc. has been retained to complete an Environmental Impact Study (EIS) to determine the extent of the PSW and assess opportunities to expand the farming operation in a manner that would avoid, minimize and/or mitigate potential effects on the natural features and functions of the property.

Numerous meetings and discussions have been held between the Smiths and their consultants and the Conservation Authority, Town Staff, the Region of York, MNR, MMAH and the OMAFRA to resolve this issue and determine how the expansion of the farm operation could be facilitated in consideration of the Provincial policy framework. It was agreed in the early fall of 2009 that the matter should be considered from the context of a detailed Environmental Evaluation of the affected wetland and associated environmental areas. In March 2010 the Savanta EIS Report was distributed to all stakeholders for review and comment. Qualified staff with the Region of York, LSRCA and Provincial Ministries are in the process of reviewing the E.I.S. At this time, the applicant has not requested that the Town conduct an independent Peer Review through the Town's Environmental Consultant, Beacon Environmental.

Proposal

The Smith's original intention was to bring their entire landholdings into active farm production over time. With the assistance of the Savanta EIS work, the owners recognize the importance and significance of the wetland and natural heritage features of the property and acknowledge there is an opportunity for preservation and enhancement of certain areas. It is the landowner's intention to reach a reasonable compromise for the expansion of the farming operation while preserving and enhancing the most significant areas of the PSW, as recommended in the E.I.S.

ANALYSIS

The Greenbelt Plan

The subject property is located within an area affected by the Provincial Greenbelt Plan. The subject property is located in the “Protected Countryside” of the Greenbelt Plan; and, is further designated as a Specialty Crop Area within the “Holland Marsh”. The Greenbelt Plan was approved by the MMAH February 28, 2005. A portion of the lands are also identified as being within the Greenbelt “Natural Heritage System”.

The Greenbelt Plan policies for “Specialty Crop Areas” are as follows:

3.1.2 Specialty Crop Area Policies

- 1. Within specialty crop areas, normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.*
- 2. Lands within specialty crop areas shall not be redesignated in municipal official plans for non-agricultural uses, with the exception of those uses permitted in the general policies of sections 4.2 to 4.6.*
- 3. Towns/Villages and Hamlets are not permitted to expand into specialty crop areas.*
- 4. New land uses, including the creation of lots, as permitted by the policies of this Plan, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.*

The Natural Heritage System policies state:

- 1. The full range of existing and new agricultural, agriculture-related and secondary uses and normal farm practices are permitted subject to the policies of 3.2.2.2 below.*
- 2. New buildings or structures for agriculture, agriculture-related and secondary uses are not subject to the Natural Heritage System policies below, but are subject to the policies on key natural heritage features and key hydrologic features as identified in the natural features policies of section 3.2.5.*

Regional Municipality of York Official Plan

The subject lands are designated “Holland Marsh Specialty Crop Area” in the Region of York Official Plan recently adopted by Regional Council in December, 2009 and pending Minister’s approval. The new Official Plan includes the following policy as recommended by Regional Staff in their report of November 25, 2009.

6.3.13

"That within the Holland Marsh Specialty Crop Area, the Region will encourage and support the Province in balancing continued agricultural production and potential expansion with natural heritage values and policies."

As part of the associated staff report addressing submissions from the applicant in relation to the Draft Regional O.P., Regional Staff stated that:

Regional staff is confident that the above noted new policy addresses the issues related to the W.J. Smith Gardens Limited property with respect to the Speciality Crop designation and wetland identification in the Regional Official Plan. This policy would allow for the assessment of the site, and potential expansion to operations, subject to approval by the appropriate provincial authorities.

Town of East Gwillimbury Official Plan – OPA 95

The northwest quadrant of the subject property is designated "Agriculture Area" and "Environmental Protection Area" within Official Plan Amendment No. 95. The area of the lands designated as "Environmental Protection Area" is further identified as being "Core Areas" on Schedule B – Natural Heritage System of OPA 95.

Section 4.2.2 in OPA 95 regarding lands designated "Agricultural Area" states *"that the predominant use of land is for farming and accessory uses, including dwellings accessory to a farm use and additional residential structures for farm help if grouped with existing farm structures."*

The permitted uses within "Environmental Protection Area" are:

- i) Existing legally established uses, including agricultural uses;
 - ii) Forest, wildlife and fisheries management;
 - iii) Archaeological activities;
 - iv) Non-intensive recreation uses such as nature viewing and pedestrian trail activities;
- and,
- v) Watershed management and flood and erosion control projects carried out or supervised by a public authority.

The area subject to the proposed agricultural expansion is within the "Environmental Protection Area" of the existing O.P which provides for the following:

The *Environmental Protection Area* designation means that the permitted uses shall be limited to:

- (i) existing legally established uses, including agricultural uses;
- (ii) forest, wildlife and fisheries management;
- (iii) archaeological activities;
- (iv) non-intensive recreation uses such as nature viewing and pedestrian trail activities; and,
- (v) watershed management and flood and erosion control projects carried out or supervised by a public authority.

The expansion is for cultivation purposes only and no buildings are being proposed. Under the existing approved policies of the OP, an approved OPA would be required to facilitate expansion of the farm operation as proposed.

East Gwillimbury Official Plan – Draft

The Town is currently in the process of its Official Plan Review. A draft Official Plan has been prepared and a number of Public Open Houses and Public Meetings have taken place. Consistent with the Provincial Greenbelt Plan, Provincial Policy statement and the Region of York Official Plan, the subject property is designated “Specialty Crop Area (Holland Marsh) with a NHS level A feature (wetland) on-site.

It is expected that the draft Consolidated Official Plan will be finalized over the next two months with a Statutory Public Meeting of Council and consideration of adoption of the draft Consolidated Official Plan by Council to occur in June, 2010. The Draft policy approach being proposed by staff will generally follow the adopted policy of the Regional Plan with the overall objective of encouraging the careful balancing between environmental protection (wetland) and supporting agricultural uses and food productions for Holland Marsh agricultural operation to expand where appropriate without the need for amendment.

Zoning By-law

The subject property is currently zoned “Open Space (O1)” with an easterly portion of the site zoned “Rural (RU)”, by the Town’s Zoning By-Law 97-50, as amended.

Both zones permit agricultural uses and therefore an amendment would not be required for the expansion of the Smith Farms operations.

DISCUSSION

A deputation on behalf of W. J. Smith Gardens Limited was made to Committee of the Whole on April 19th, 2010 which provided a brief overview of the issues being experienced by Smith Farms with respect to their intent to expand and re-instate farming operations on the subject property; and, the conflict between Provincial Policy, the intent to support agriculture, and Greenbelt Plan policies and MNR policies regarding Provincially Significant Wetlands.

Through its Provincial Policy Statement and Greenbelt Plan, the Province has recognized the importance of the agricultural industry and its sustainability. It has established very specific policies for the protection of agricultural lands and, more importantly, specialty crop areas. In addition, the Province has also established similar policies to recognize the importance of natural heritage resources and to ensure their protection. The PPS includes agricultural lands within the natural heritage resource category; and, states that *“management of these resources over the long term is a key provincial interest”*.

The Greenbelt Plan states that the Natural Heritage System is not a designation in and of itself but *“rather, it functions as an overlay on top of the prime agricultural and/or rural area designations contained within municipal official plans.”*

There is no indication in either of the Provincial policy documents that one of these two resources supersedes the other. Rather, it appears more appropriate to review both and consider opportunities for reasonable compromise.

The Savanta EIS has provided an analysis of existing features in and around the subject site and has identified areas that are particularly significant from an environmental perspective. Conversely, the EIS has identified areas that exhibit potential for farm expansion. The EIS further details how suitable farm expansion would be subject to certain measures designed to enhance the habitat for certain species. The Study identifies opportunities for restoration and enhancement that can improve the wetland function itself thereby creating a net benefit to the overall area.

Collaboration between Smith Farms, the Town, Region, LSRCA and provincial governments will be critical to not only addressing the issues being faced by Smith Farms but also to seize an opportunity to enhance a significant environmental feature now and into the future.

As the Town is in the process of finalizing its Draft Comprehensive Official Plan, policies could be proposed to reflect the Town’s intentions; and, the request made to the Province through the Region of York in this regard.

NEED FOR PUBLIC CONSULTATION

There is no need for public consultation as a result of the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no anticipated budgetary implications which would result from this report.

ALIGNMENT WITH THE STRATEGIC PLAN

Council endorsed a Strategic Plan for the Town of East Gwillimbury in November 2005. This Strategic Plan represents Council's vision for the future direction of the Corporation and establishes the framework for all projects and plans to be undertaken by the Town.

ATTACHMENTS

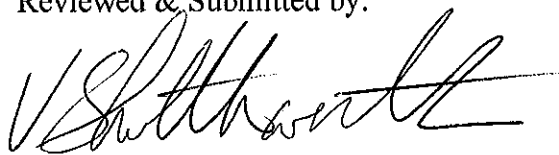
Appendix 1 – Locate Map

This report has been reviewed by the Senior Management Team.

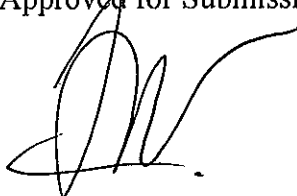
Prepared & Recommended by:


 Dan Stone, MCIP, R.P.P.
Manager, Policy Planning

Reviewed & Submitted by:


Valerie Shuttleworth, MCIP, RPP
General Manager, Planning & Building
Services

Approved for Submission:


Thomas R. Webster,
Chief Administrative Officer

Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

May 4, 2010

File No. 66490

BY EMAIL

Planning and Economic Development Committee
The Regional Municipality of York
Planning and Development Services Department
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Sirs and Mesdames:

Re: York Region Official Plan - December 2009

**Report of the Commissioner of Planning and Development Services –
May 5, 2010 – Report No. 3**

We represent E. Manson Investments, owners of lands at the northwest corner of 19th Avenue and Leslie Street, in the Town of Richmond Hill. Our client's lands are part of the North Leslie Secondary Plan area.

We are writing to you respecting the above-referenced Report which proposes certain modifications to the adopted York Official Plan. This correspondence is in addition to previous comments made on behalf of our client (and by reference, comments made on behalf of the North Leslie Residential Landowners Group Inc.). This correspondence responds in particular, to the changes proposed through modification 23, which relates to Figure 2 (Strategic Employment Land) and to companion policies, including policy 4.3.21.

Policy 4.3.21 reads as follows:

"That the Strategic Employment Land symbol associated with the North Leslie Secondary Plan Area, shown on Figure 2 is subject to an Ontario Municipal Board hearing which will determine the detailed land use designations at the local municipal level. **When the Ontario Municipal Board decision and order are issued, Figure 2 will be revised accordingly.**" (emphasis added)

York Regional Council, in having adopted its Official Plan in December with the foregoing policy, resolved to amend Figure 2 to reflect the OMB Decision for North Leslie.

That Decision was issued on March 16, 2010. By way of brief background, the Decision followed a rehearing respecting the appropriate land use designations for certain lands in the Secondary Plan area. In accordance with that Decision, the E. Manson lands are designated Low Density Residential, Medium Density Residential and Neighbourhood Commercial. The OMB specifically rejected an Employment designation for our client's

May 4, 2010

Page 2

lands. Rather than carry out Council's direction to reflect the OMB Decision, Regional Staff now propose instead to delete policy 4.3.21 (through proposed modification 23) but have not brought forward any modifications to Figure 2 or the policies to reflect the OMB Decision of March 16, 2010.

We note that the cover report which accompanies the proposed modifications identifies that many of the proposed modifications are intended to be minor in nature. The cover report does not identify the intent to remove this policy or, by extension, to have Council rescind its position as reflected in the adopted York Official Plan. We do not consider this modification to be minor.

We would request that Committee not adopt modification 23 without also amending Figure 2 to remove the identification of the E. Manson lands on Figure 2 as Strategic Employment Land. This would reflect the OMB Decision and would also be consistent with Council's adopted policy.

Yours truly,

AIRD & BERLIS LLP

Patricia A. Foran

PAF/jag

c. John Waller, Regional Municipality of York
E. Manson Investments

6687282.1

From: Diana Santo [mailto:SantoD@mmm.ca]
Sent: Tuesday, May 04, 2010 2:22 PM
To: Tuckey, Bryan; Zipay, John; Waller, John
Cc: Jeffrey, Barb; mayor@vaughan.ca; Mayor Linda D. Jackson; Sebastian Mizzi; Anthony DiBattista; Shaylagh McLaren
Subject: City of Vaughan Official Plan
Importance: High

Bryan and John,

As you are aware, we represent landholdings in Block 67 (Nashville area) of the City of Vaughan and have been proactively involved in both the City and Regional Official Plan processes' on their behalf. The property is owned by DiBattista Farms, whose principle heads up Clearway Construction and Signature Developments Inc. We first corresponded with the Region and the City in July 2008, where we advised that our client was seeking to have their lands included in the urban boundary expansion area that would result from the comprehensive review and conformity exercises. It is our professional opinion that these lands provide the opportunity to round out and complete the Nashville community, and that the rail line to the west forms a natural boundary between the proposed residential focused land uses in the Kleinberg-Nashville community and the future employment uses in northwest Vaughan. We have been active in pursuing this opinion with the Region and the City through both numerous meetings and further correspondence with Regional staff, John Zipay at the City and Urban Strategies who were retained by Vaughan to undertake the City's Official Plan process.

We have also actively participated in the Focused Area Study that the City has been undertaking with the assistance of the Planning Partnership to plan for the balance of the Kleinberg-Nashville community as part of the Official Plan process. We would note that the Focus Area Study, in preparation for the Secondary Plan, has recognized our client's lands in its planning program for rounding out the lands on the east side of Huntington Road. This makes abundant sense, as the interface and inter-relationship of land uses on the east and west sides of Huntington Road is fundamental. Likewise, good planning dictates that these lands be included so that proper analysis can be undertaken with regard to the community needs and soft services that must be planned for, such as schools and community parks, let alone the application of an appropriate mix of densities to achieve the Places to Grow requirements and the desire to create "complete communities". From the perspective of sound and good planning, our request to include these lands in the urban boundary has been positively received by both Regional and City staff. The frustrating point is that while all agree that the complete boundaries of the Nashville community should be determined as part of this exercise to protect the residential character of this area in anticipation of the major employment uses to the west, the ongoing issue is that the land budget numbers game does not allow for this at this time---but to wait five years until the next review.

We believe that there must be a way to recognize the importance of these lands to the completion of the Nashville community and that the development of these lands can be phased appropriately. In this regard, we met with Mayor Linda Jackson on May 3rd, 2010 and she is most supportive of finding a way to recognize these lands as being needed to complete the Nashville community, to protect the community from fear of infiltration of employment uses at its interface on Huntington Road and establish the rail line as the natural separator between the future employment uses and the residential nature of Nashville. The area we are proposing to include is not vast, a mere 38 hectares. Surely good planning should dictate the recognition of these lands in the Region and the City's Official Plans. It is unfair to wait until the next comprehensive review when everyone that reviews our request agrees with the planning merit of our request. As time is of the essence, we would welcome the opportunity to meet with you as soon as possible to discuss a mechanism of recognizing these lands at this time.

cheers

Diana Santo, MCIP, RPP
Senior Planning Director
Planning and Environmental Design

MMM Group Limited

100 Commerce Valley Dr. West
Thornhill, ON L3T 0A1
T: 905-882-4211 x2248
F: 905-882-0055
W: www.mmm.ca

YORK-#1937185-v1-

Patricia A. Foran
Direct: 416.865.3425
E-mail: pforan@airdberlis.com

May 5, 2010

File No. 103864

BY EMAIL

Planning and Economic Development Committee
The Regional Municipality of York
Planning and Development Services Department
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Sirs and Mesdames:

Re: York Region Official Plan - December 2009

**Planning and Economic Development Committee meeting scheduled for
May 5, 2010**

**Report of the Commissioner of Planning and Development Services –
May 5, 2010 – Report No. 3**

We represent the North Leslie Residential Landowners' Group Inc., a group of landowners with a significant ownership interest in the North Leslie Secondary Plan area in Richmond Hill.

We have reviewed the proposed modifications, response document as well as blacklined extracts of the adopted York Official Plan (reflecting proposed modifications) which are to be considered at the May 5, 2010 Planning and Economic Development Committee meeting.

We offer the following comments which are in addition to those previously made respecting the Official Plan:

1. We are disappointed that a clearer statement recognizing the status of the North Leslie Secondary Plan policies has not been made through modification to the adopted Official Plan. We have previously offered suggested revisions to the transition clause in policy 8.4.13 and 8.4.15 to reflect the North Leslie Secondary Plan. We remain concerned that the transition provisions do not adequately and appropriately recognize the approved status of the North Leslie Secondary Plan and the policies within that plan.
2. Under separate cover, affected landowners have or will address Figure 2 and related policies respecting Strategic Employment Land. We support the request that Figure 2 be amended to delete reference to lands in the North Leslie Secondary Plan area.

3. Some of the landowners in the group own lands that are partially located within the Oak Ridges Moraine (the regulation line). Through previous Ontario Municipal Board Decision(s), the transitioned status of the lands, the secondary plan, and any further applications needed for development to proceed has been recognized by the Board. It is important that the Region's Official Plan continue to fully reflect the status of the North Leslie secondary plan lands. Policy 6.2.13 (proposed to be renumbered 8.4.22) does not fully or properly recognize the fully transitioned status of the lands so affected. We continue to request that a policy recognizing this status be incorporated in the Region's Official Plan.
4. Our client's concerns respecting the mapping, including the proposed new road widths in the vicinity of the secondary plan area, remain unresolved and in conflict with the position taken by the Region in the context of the OMB hearing and rehearing respecting the North Leslie secondary plan area. In addition to the foregoing, we note that Maps 10, 11 and 12 are proposed to reflect further modifications and we remain concerned about the potential impact of same.
5. We continue to have concerns with policies 5.2.15 and 5.2.19 and do not believe that the proposed modifications adequately address the concerns expressed previously. With respect to policy 5.2.19 in particular (which references proposed Guidelines), we understand that no such Guidelines exist today. It is inappropriate to apply or require development to meet "requirements" associated with such Guidelines in the absence of being able to review same first.

While we have reviewed Staff's response to previously expressed concerns on behalf of our client, we note that a number of the issues raised are not addressed either through the modifications brought forward or through Staff's response document. We remain concerned therefore with the effect of the policies in the Official Plan and inconsistencies with the approved secondary plan for North Leslie.

Yours truly,

AIRD & BERLIS LLP



Patricia A. Foran
PAF/jag

- c. J. Waller, Regional Municipality of York
A. Madden, North Leslie Residential Landowners' Group Inc.
W. Sorensen, Sorensen Gravely Lowes Planning Associates Inc.

6691179.1