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AMENDMENT NO. 637 TO THE VAUGHAN OFFICIAL PLAN (VAUGHAN 400 NORTH EMPLOYMENT AREA SECONDARY PLAN)

The Planning and Economic Development Committee recommends:

- 1. Receipt of the communication from Mr. M. Melling, Davies Howe Partners LLP, dated April 6, 2011; and**
- 2. Adoption of the recommendations contained in the following report dated March 28, 2011 from the Commissioner of Planning and Development Services.**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council support the approval of Amendment No. 637 to the Vaughan Official Plan at the Ontario Municipal Board, subject to the modifications as set-out in *Attachment 3* to this report.
2. The Regional Clerk circulate this report, for information purposes, to the City of Vaughan and the Township of King.
3. York Region staff be authorized to appear at the Ontario Municipal Board in support of the Region's position, as required.

2. PURPOSE

To provide the outcome of the consultation with the Vaughan 400 Landowners Group, the City of Vaughan and the Township of King, and information relating to two supplementary letters received from public agencies.

3. BACKGROUND

The report to March 2, 2011 Planning and Economic Development Committee was deferred to allow staff more time to consult

On March 2, 2011 the Planning and Economic Development Committee deferred staff's report dated January 24, 2011 (Clause 6, Report No. 3) on Amendment No. 637 to the Vaughan Official Plan ("OPA 637"), to allow time to consult regarding the Mixed-Use Area designation proposed at the southwest corner of Jane Street and King-Vaughan

Road. The deferral came at the request of Counsel for the Vaughan 400 North Landowners Group Inc., who appeared on deputation.

This supplementary report provides the outcome of the consultation, and two supplementary letters received from public agencies for information purposes.

4. ANALYSIS AND OPTIONS

York Region staff met with the landowners, City of Vaughan and Township of King

On March 11, 2011, York Region planning staff met with representatives and legal Counsel from the Vaughan 400 North Landowners Group Inc., the City of Vaughan and the Township of King. Discussion was primarily focussed on the Mixed-Use Area designation at Jane Street and King-Vaughan Road and retail permissions, including the nature and purpose of retail and its dispersion throughout the amendment area. The parties met, as requested by Planning Committee, to consult on opportunities to find creative solutions. Progress was made, however, discussions are on-going to try and reach a full agreement. Staff are optimistic based on this initial meeting that a common or creative solution can be reached through final mediation.

A Vaughan staff report regarding OPA 637 was considered in a closed session of their Committee of the Whole on March 22, 2011. The Committee's recommendation is not known at the time of writing this report but will be known through the mediation process. Staff from the Township of King has direction from Council to attend the mediation to seek a solution respecting the Mixed-Use Area designation at Jane Street and King-Vaughan Road and potential impacts on the planned retail/commercial structure and function of King City. Regional staff continue to coordinate with Vaughan and King Township staff.

York Region receives comments from the Ministry of Municipal Affairs and Housing ("MMAH") and the Toronto and Region Conservation Authority ("TRCA") on OPA 637 for the purpose of the upcoming mediation

On March 11, 2011, MMAH released its comments on OPA 637 (*Attachment 1*). The Ministry identifies: principles to implement ROPA 52 transportation corridor policies; specific transportation policies, and; suggests York Region review the Mixed-Use Area uses against the 2010 Regional Official Plan for conformity. The Ministry has indicated it will discuss all matters with all parties to arrive at a resolution through mediation.

The TRCA requested two additional policies to OPA 637. One policy strengthens protection of natural features. A second policy relates to stormwater management facilities that may need to be re-located or re-designed pending completion of the Humber Flood Flow Modelling Program. York Region staff has no objection to the

additional policies proposed by TRCA. TRCA comments will be tabled at the upcoming OMB mediation, commencing April 26, 2011.

The draft Stage 1 Environmental Assessment (EA) report for the GTA West Transportation Corridor has been released

On March 8, 2011, York Region received the draft Stage 1 EA report (Transportation Development Strategy) for the GTA West Transportation Corridor. The report recommends a new transportation corridor from Highway 400, terminating at Highway 401 west of Milton. The report also recommends a new north/south link to Highway 401 at 407 ETR (Express Toll Route) to serve more long-distance, inter-regional traffic. To protect for the transportation corridor opportunities as the EA study progresses, the study team developed a Preliminary Route Planning Study Area (*Attachment 2*) to accommodate several route alternatives and related facilities during Stage 2 of the EA. The refined study area may result in lands being released for development prior to the EA's completion through the approval of OPA 637. This information will be tabled at the upcoming OMB mediation.

York Region modifications to OPA 637 require house-keeping revisions

York Region's proposed modifications to OPA 637 are identified on Attachment 1 to Clause 6, Report No.3 of the March 2, 2011 Planning and Economic Development Committee. House-keeping revisions to these modifications are required in two minor areas.

In September 2006, Vaughan Council requested York Region incorporate a number of modifications to OPA 637, including increasing the maximum ground floor plate for individual retail uses in buildings from 929 square metres to 2,800 square metres in the Mixed-Use Area designation. York Region staff has no objection to the proposed modification. The modification in the original staff report (Clause 6, Report No. 3) makes reference to the "Employment Area Activity Centre" designation rather than the Mixed-Use Area" designation. This error has been corrected in the revised modifications, included as *Attachment 3* to this report.

OPA 637 proposes an "Estate Residential" designation for a 16 ha parcel of land located on the east side of Weston Road, north of Kirby Road. The original staff report (Clause 6, Report No. 3) recommends these lands be designated "Low Rise Residential" in keeping with Vaughan's new Official Plan. Certain modifications in this regard inadvertently make reference to "Residential" instead of "Low Rise Residential" and require revision. This error has been corrected in the revised modifications, included as *Attachment 3* to this report.

5. FINANCIAL IMPLICATIONS

There are no changes to this section as set-out in Clause 6, Report No. 3 to the March 2, 2011 Planning and Economic Development Committee (*Attachment 4*).

6. LOCAL MUNICIPAL IMPACT

City of Vaughan Council's instructions to staff for the OMB is not known at the time of writing this report but will be known through the mediation process. Staff from the Township of King has direction from Council to attend the mediation to seek a solution respecting the Mixed-Use Area designation at Jane Street and King-Vaughan Road. Regional staff continue to coordinate with Vaughan and King Township staff.

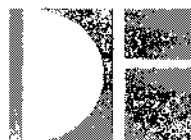
7. CONCLUSION

The March 11, 2011 consultation meeting was very productive and lead to further investigation of options for the purposes of a potential settlement on the issues of commercial/retail development blocks. York Region staff will continue to work towards a successful resolution of the commercial permissions in OPA 637, as well as other issues identified in the January 24, 2011 staff report at the upcoming mediation. Given there is no final resolution of issues as of this date, the proposed modifications to OPA 637, including the two house-keeping modifications, should remain (*Attachment 3*) but are subject to further revisions through the mediation process.

For more information on this report, please contact Duncan MacAskill, Senior Planner, at 905-830-4444, Ext. 1513 or Heather Konefat, Director of Community Planning, at Ext. 1502.

The Senior Management Group has reviewed this report.

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



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April 6, 2011

By Email to denis.kelly@york.ca

Mr. Denis Kelly
Regional Clerk
The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

**Attention: Chair and Members
Planning and Economic Development Committee**

Dear Sirs and Mesdames:

Re: City of Vaughan OPA 637

On behalf of my client, I would like to thank the Committee for the benefit of deferral of this item. As reflected in the staff report, it has enabled the parties to make substantial progress toward resolution of my client's concerns. I'd also like to thank your staff and outside legal counsel for their assistance and cooperation.

My client concurs with staff's observation at p. 4 of the report that the proposed modifications to OPA 637 will be "subject to further revisions" in the O.M.B. mediation process. We look forward to continuing to work with you and your staff as that unfolds.

Yours sincerely,
DAVIES HOWE PARTNERS LLP

per Michael Melling

MWM:jc

Copy: Stephen Waqué
Rosemarie Humphries

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Via Email

January 19, 2011

Borden Ladner Gervais LLP
Scotia Plaza, 40 King Street West
Toronto, ON M5H 3Y4

Attention: Stephen Waque

Dear Mr. Waque,

RE: Confidential and Without Prejudice Settlement Discussions
Proposed Amendment No. 637 to the City of Vaughan Official Plan
and associated policies in New Vaughan Official Plan (Ch. 11.4) the
Vaughan 400 North Employment Area Secondary Plan
OMB File No. PL100850

The purpose of this letter is to provide input into the Region of York review of proposed Amendment No. 637 to the City of Vaughan Official Plan ("OPA 637") that is currently under appeal to the Ontario Municipal Board (the "Board"). Input is also provided on the policies in the new Vaughan Official Plan, currently with the Region as approval authority, that relate to the OPA 637 lands.

In *Attachment 1* to this letter, the Ministry has set out principles for developing policies in OPA 637 to implement the transportation corridor policies in approved Region of York Official Plan Amendment No. 52 ("ROPA 52").

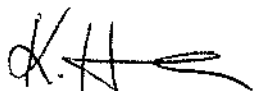
In *Attachment 2*, transportation corridor protection policies that could be included in both OPA 637 and the Vaughan 400 North Employment Area Secondary Plan (Ch. 11.4) in the new Vaughan OP are identified. The attachment does not address changes that may be necessary to address other matters, such as conformity with Region of York employment land policies. Provincial comments on the entire new City of Vaughan Official Plan will be provided by Municipal Services Office, Central Region.

In *Attachment 3*, the Ministry provides some considerations for the Region when evaluating OPA 637 and Chapter 11.4 of the new Vaughan OP in the context of the new Region of York Official Plan.

In addition to the substantive matters addressed in this letter, the Ministry may raise timing and procedural issues regarding the inter-related ongoing planning exercises and appeals during the April 2011 mediation or later in the OPA 637 proceedings.

The Ministry looks forward to discussing these matters with the Region and the other parties with the goal of arriving at a resolution.

Yours very truly,

A handwritten signature in black ink, appearing to read 'K. Hare', with a stylized flourish at the end.

Kenneth G. Hare
Legal Counsel

Attachment 1

**Principles to develop policies to include in OPA 637 to conform
with ROPA 52 transportation corridor protection policies**

1. As noted in the Region of York proposal (letter dated October 7, 2010), OPA 637 should include policy language recognizing the on-going GTA West Corridor EA study process.
2. Also as noted in the Region's proposal, OPA 637 mapping should identify the "dotted" area shown in Attachment 4 to this letter. Lands outside of the Greenbelt Plan area, but within the "dotted" area could be given a general designation such as *"Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area"* rather than the specific land uses presently shown for this area. The mapping should also include the GTA West Corridor conceptual arrow.
3. Identify planning principles for the *"Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area"* designated area. For instance, prestige employment uses on arterial roads, general employment areas along interior roadways, a significant enhanced landscape area along the central east-west axis, provision of stormwater management ponds to minimize direct run-off to storm drains, the provision of regional park, and the provision of "significant interface areas" on the outer edges at major intersections of the employment area.
4. Provide clear policy direction that no development approvals (including site plan, zoning, subdivision, consent, or building permits) for lands within the "dotted area" shall be issued until such time as the lands are removed from the "dotted area."
5. Recognize that as the GTA West Corridor EA study area is further refined, the "dotted" area can be further narrowed (providing for a phased release of lands) subject to the written consent of the Province. Identify conditions to be satisfied before lands can be released from the dotted area. Conditions shall include written confirmation from the MTO Director of the Transportation Planning Branch that the development will neither preclude nor predetermine the future transportation corridor and/or related infrastructure and that the site/area can be released from the "dotted" area and associated policies.

Attachment 2

Potential policies for both OPA 637 and the Highway 400 North Employment Lands Secondary Plan (Ch. 11.4) in the new Vaughan Official Plan

DRAFT – CONFIDENTIAL – FOR DISCUSSION PURPOSES

OPA 637		Highway 400 North Employment Lands Secondary Plan (Chapter 11.4) in the new Vaughan OP	
All Maps	Note: ROPA 52 has identified the south west and south east corners of the amendment area as "deferred areas." These areas were not approved to be within the Urban Area through the OMB process, and as such the maps need to be modified accordingly.		
Schedule C Land Use Plan	- Introduce a new legend item "Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area" - Identify the "dotted area" coincident with the ROPA 52 "dotted area," but not including the Greenbelt area, on the map with reference to the above legend item - The "dotted area" may be transparent with the City's underlying designations shown as "conceptual" or the "dotted area" could be opaque so as to highlight that no designations for this area shall be predetermined prior to having more certainty regarding the transportation corridor through the EA process.	Map 11.4A	- Introduce a new legend item "Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area" Note: policy in the Secondary Plan refers to an "interchange Study Area" which is not present on the map. - Identify the "dotted area" coincident with the ROPA 52 "dotted area," but not including the Greenbelt area, on the map with reference to the above legend item. - The "dotted area" may be transparent with the City's underlying designations shown as "conceptual" or the "dotted area" could be opaque so as to highlight that no designations for this area shall be predetermined prior to having more certainty regarding the transportation corridor through the EA process. - Include the arrow (per ROPA 52) indicating the future GTA West Transportation Corridor - Note: The mapping as it relates to natural Area and Agriculture may also need to be adjusted however that is part of a broader discussion regarding the City of Vaughan Official Plan. - Change legend name "Amendment Area" to "Secondary Plan Area"
Schedule D Transportation – Regional Road Network	- Show new legend item and map change as noted above - Include the arrow (per ROPA 52) indicating the future GTA West Transportation Corridor		
Schedule 7 Transportation – City Road Network	- Show new legend item and map change as noted above		
Schedule 8 Transportation	- Show new legend item and map change as noted above		

– Recommended Transit Network	- Include the arrow (per ROPA 52) indicating the future GTA West Transportation Corridor		
Schedule G – Areas Designated by OPA 600	- Show new legend item and map change as noted above		
Item 16 Re: policy 2.3.3.1	(d) i) Provincial Highways – <i>add the following policies:</i>	11.4.10.1	<i>Replace the policy with the following:</i>
1. The City of Vaughan recognizes the importance of protecting the Future GTA West Corridor and its associated interchanges and accesses. The City recognizes the interests of the Province, Region and neighbouring municipalities to ensure that the development of the Vaughan 400 North Employment Area does not preclude or predetermine the implementation of the transportation facilities within the corridor. In recognition of these interests, the following policies will apply to all development applications and approvals within the area designated as “<i>Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area</i>” on the Vaughan 400 North Employment Area Land Use Schedule. a. The Province of Ontario is undertaking an environmental assessment to determine the alignment for a transportation corridor extending from Highway 400 in Vaughan to Halton Region. The study area for this assessment within the 400 North Employment Area is located within the <i>Transportation Corridor Study Area</i>. A potential highway 400 interchange may also be included within this study area. b. Any development within this designation will be limited to existing uses which will not preclude or predetermine the future transportation facilities, until such time as the Province, Region and City are satisfied that sufficient information is available to determine more specifically the location of such facilities. In particular, new buildings and structures, and new accessory buildings and structures within this designation, will be prohibited.¹ i. For clarity: “development” includes the approval of all planning applications (i.e. official plan, site plan, zoning, and subdivision). c. The City will continue to work with the MTO to assist with the EA process. d. As the EA study advances, the Province will notify the City and Region whether the Province would support the release of certain lands from this designation, on the basis that they are no longer within the potential transportation corridor area. e. The review of development applications within this designation shall occur as follows: i. The City shall determine whether the application is premature given the status of the Environmental Assessment. ii. If the application is deemed premature, the City shall refuse the application and/or notify the applicant that the application will remain on hold until such time as the study has advanced enough for the City to be able to evaluate the application in accordance with the policies of this plan. f. Until the province notifies the City otherwise, all development applications within this area, where the City has determined they are not premature, shall be circulated to the province for comment. i. Where the province deems the application premature, it shall notify the City and the City shall apply policy (e) (ii) above.			

¹ Note: This policy borrows from the City’s proposed interchange protection policy found in both OPA 637 (see policy 2.3.3.1 (d) (ii)) and the new secondary plan.

ii. Where the province has identified concerns or issues with the application, the City shall work with the Province to address them. The City may approve the application, only after the Province, through written correspondence from the MTO Director, has expressed its satisfaction with the proposal. g. Lands shall be removed from this designation by amendment to this secondary plan, subject to written confirmation from MTO Director of the Transportation Planning Branch that development will neither preclude nor predetermine the future transportation corridor and/or related infrastructure. h. No final approval of plans of subdivision or site plan may occur until a comprehensive development phasing plan related to the timing of transportation infrastructure improvements has been completed to the satisfaction of the City of Vaughan and York region. Such phasing plans shall be supported by a Traffic Impact Study, submitted to the satisfaction of the City of Vaughan and York Region, in consultation with the Ministry of Transportation, demonstrating how the transportation network is sufficient to accommodate the proposed development.			
New Policy Section	Insert a new policy section: entitled: "Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area"	Insert New Policy Section following 11.4.7	Insert a new policy section: entitled: "Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area"
The "Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area" coincides with lands shown in ROPA 52 and identified as "lands subject to policy 6.1.22" on Map 5 of the Region of York Official Plan, as approved by the OMB in August 2010. These lands shall be designated by future amendment to this Plan in conformity with the objectives and development policies of this secondary plan. Such redesignation does not require an amendment to the Regional Official Plan; but, does require Regional Council approval. For lands west of highway 400, outside of the Greenbelt Area, lands shall be designated Prestige Areas – Office/Business Campus. Subject to development policy 2 of section 2.2.3.2, a Regional Park shall be located within this area. For lands east of highway 400, outside of the Valley and Stream corridor as shown in Schedule F of OPA 600, lands shall be designated Prestige Areas and General Employment Area. All policies which reference Kirby Road are on hold and subject to change as a result of the GTA West environmental assessment.		The "Prestige and Employment Area subject to the GTA West Transportation Corridor Study Area" coincides with lands shown in ROPA 52 and identified as "lands subject to policy 6.1.22" on Map 5 of the Region of York Official Plan, as approved by the OMB in August 2010. These lands shall be designated by future amendment to this Plan in conformity with the objectives and development policies of this secondary plan. Such redesignation does not require an amendment to the Regional Official Plan; but, does require Regional Council approval. For lands west of highway 400, outside of the Greenbelt Area, lands shall be designated Prestige Employment -Office/Business Campus. Subject to 11.4.3.7, a Regional Park shall be located within this area. For lands east of highway 400, outside of the Natural Areas as shown Schedule 13-D of Volume 1 to the Official Plan, lands shall be designated Prestige Employment and General Employment. All policies which reference Kirby Road are on hold and subject to change as a result of the GTA West environmental assessment.	

Attachment 3

Potential discord between OPA 637 / Chapter 11.4 of new Vaughan OP and the new Region of York Official Plan and other related matters

Policy 2.2.1 (e) in OPA 637 / 11.4.1.1 in the new Vaughan OP permits institutional uses including major educational facilities and hospital/health care facilities in all areas of the OPA outside of the Greenbelt Plan area – The region should evaluate this permission against the current Regional Official Plan and the Ministry approved Regional Official Plan that is presently before the OMB.

Similarly, the Region should review the permissions in the Employment Area Activity Centre to determine whether they conform with the Regional Official Plan, i.e. do the Corridor policies of the Regional Official Plan apply and if so how do they coincide with the Employment policies of the Regional Official Plan.

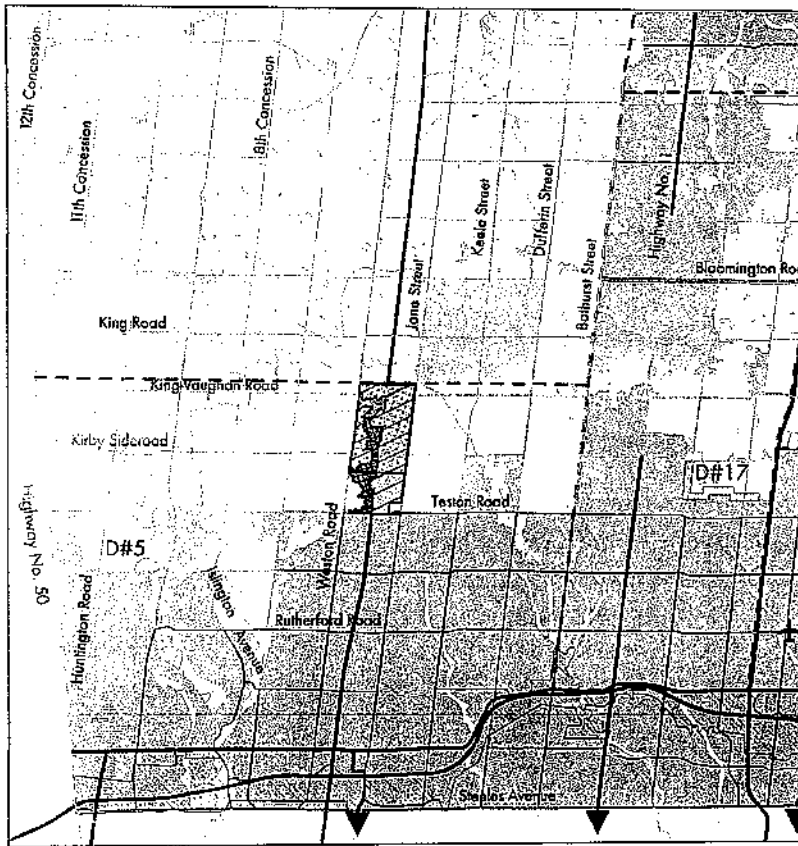
Policy Section 2.2.5.2 in OPA 637 / 11.4.7 in the new Vaughan OP permits large scale institutional uses, places of worship, banquet halls and small scale commercial facilities, and contemplates permitting a food store; the Region should review these policies and confirm with which policies of the ROP these permissions conform.

Policy 2.2.5.2 in OPA 637 / 11.4.7.7 in the new Vaughan OP needs to be clarified, it is not clear to what area it refers.

Policy 2.3.2.10 (a) in OPA 637 / 11.4.9.1 (a) in the new Vaughan OP would benefit by highlighting the need to undertake an Environmental Impact Study. The last sentence should be clarified by indicating that the "Where a potential valley or stream feature designation is relocated or eliminated through the Block Plan study process, the underlying land use designation shall apply."

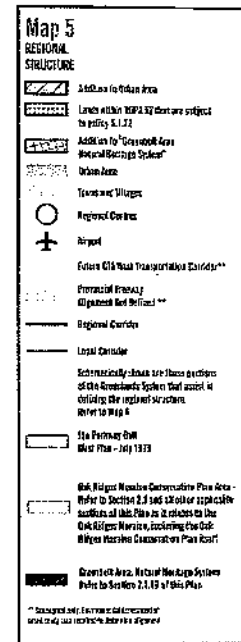
Policy wording in section 11.4.5 and 11.4.7.6 in the new Vaughan OP needs to be revised given that policies are now specific to the 400 North Employment Area as opposed to a broader area in OPA 637.

Attachment 4

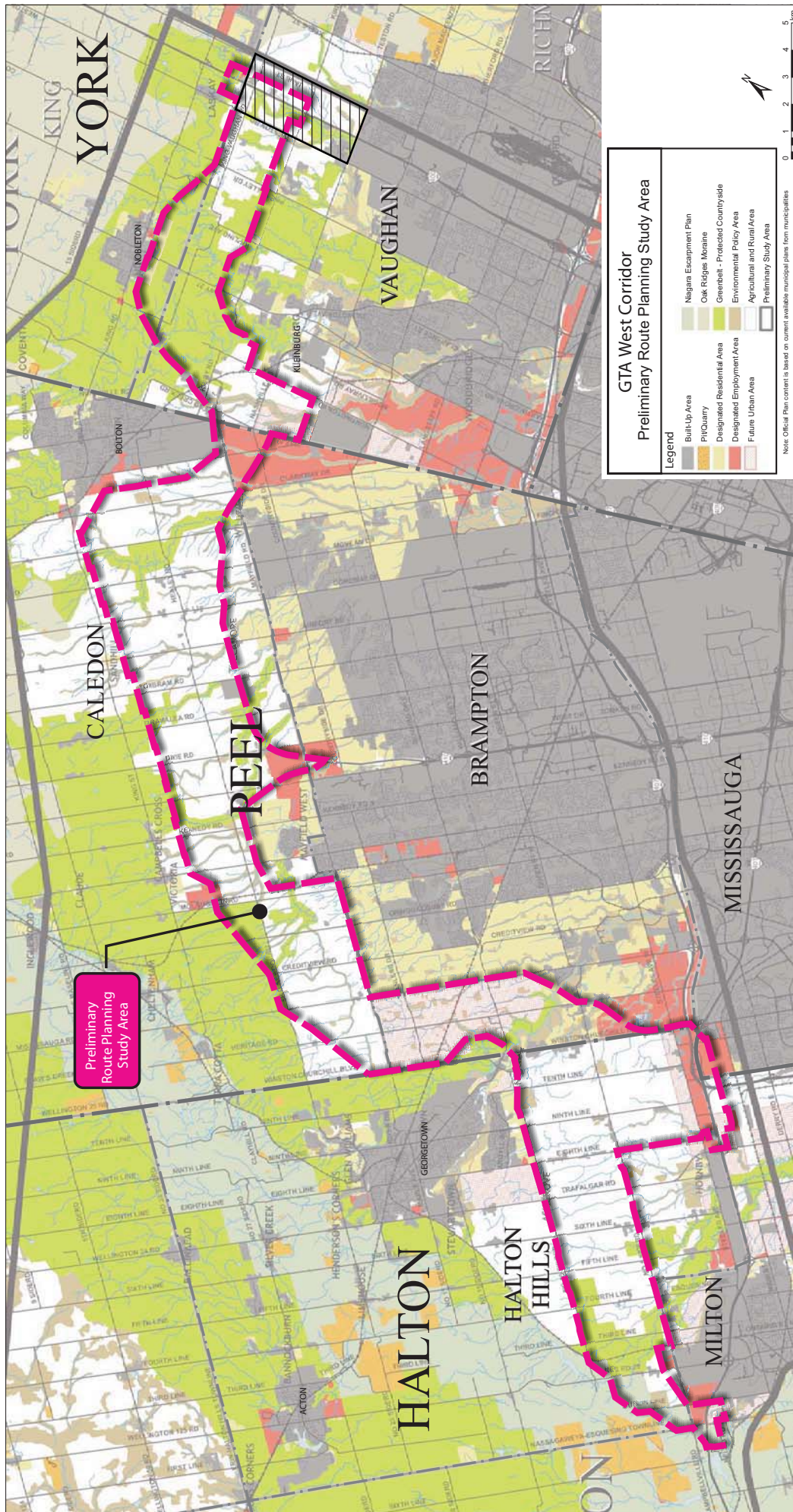


York Region

Figure 2
Regional Official Plan
Amendment 52



ROPA 52 Regional Structure map, identifying lands subject to policy 6.1.22, being the "dotted area."



Modified by Planning and Development Services Department
The Regional Municipality of York, March 2011

Source: GTA West Corridor Environmental Assessment Transportation
Development Strategy Report, Draft for Consultation
February 2011

City of Vaughan Official Plan Amendment No. 637

YORK REGION MODIFICATIONS

MODIFICATIONS TO PART A: BASIS OF THE AMENDMENT.

1. Modify Section 2.0 – “POLICY CONTEXT” by adding the words “the Provincial Growth Plan,” following the words “Provincial Policy Statement (PPS)”, so that the section reads as follows:

“The existing policy context for the development of the Highway 400 North Employment Lands, is found in the Provincial Policy Statement (PPS), the Provincial Growth Plan, the Provincial Greenbelt Plan, the Region of York Official Plan, and the City of Vaughan Official Plan, particularly Amendment #450, Employment Area and Growth Management Plan.”

2. Modify the first paragraph in Section 2.1 – Provincial and Regional Policy Framework, by deleting the word “with” after the word “conform” in the first sentence and replacing it with the words “to the Provincial Growth Plan and”, and adding the words “the Provincial Growth Plan and in” after the words “directions in” in the second sentence, so that the first paragraph of the section reads as follows:

“Any planning decisions must be consistent with the PPS and conform to the Provincial Growth Plan and the Regional Official Plan. A number of policies are relevant, but the most significant are the requirement that the proposed urban expansion meet a range of criteria in the PPS (Section 1.1.3.9), as well as a number of similar directions in the Provincial Growth Plan and in the Regional Plan. These include: ...”

3. Modify Section 3.2 iv) by adding the words “and Provincial Growth Plan,” after the words “Provincial Policy Statement”, so that the paragraph reads as follows:

“3.2 iv) The proposed urban expansion satisfies the criteria in the new Provincial Policy Statement and Provincial Growth Plan, and the requirements of the Region of York Official Plan.”

4. Modify Section 4.0 – DESCRIPTION OF AMENDMENT, by deleting paragraph ii) titled “Special Policy Area” and re-numbering the remaining paragraphs in the section that follow, accordingly.

5. Modify Section 4.0 iii) c) titled “Mixed Use Areas – Employment/Commercial”, re-numbered 4.0 ii) c) as modified above, by deleting the words “and King-Vaughan Road and Jane Street.” after the words “Teston Road and Jane Street” in the first sentence of the first paragraph, and by adding the words “and east” after the word “west” in the second sentence of the first paragraph, so that the first paragraph reads as follows:

“4.0 ii) c) “The Mixed Use Areas – Employment/Commercial designation permits the development of a range of retail and service commercial uses, in addition to other permitted uses in the Prestige Area designation at the

intersection of Teston Road and Jane Street. It also recognizes existing commercial uses on the west and east side of Highway 400. The intent is to serve through traffic, as well as the surrounding employment area to the north and existing residential area to the south.”

6. Modify Section 4.0 by adding a new paragraph after paragraph iv) titled “Policies Respecting Specific Uses”, re-numbered 4.0 iii) as modified above, so that the new paragraph reads as follows:

“4.0 iv) Official Plan Amendment #600 updated and replaced OPA #400 of the Vaughan Planning Area by re-designating certain lands through Vaughan and modifying schedules and policies in OPA #400 pertaining to a variety of planning issues. The philosophy of OPA #600 placed emphasis on two major themes, being environmental protection and compact and efficient urban form.

This Amendment re-designates the lands at the northeast quadrant of Weston Road and Teston Road, north of the existing estate residential subdivision, to “Residential”, with a density permission contributing to achieving an average minimum density of not less than 50 residents and jobs per hectare combined in the development area.”

7. Modify Section 4.0 vii) titled “Transportation” by adding the following sentence after the second sentence: “Policies respecting the protection for the future GTA West Transportation Corridor Environmental Assessment Study, in accordance with the policies contained in the Region of York Official Plan Amendment No. 52, have been added.”, and deleting the word “traffic” and replacing it with the word “transportation” in subparagraph b), so that the paragraphs in Section 4.0 vii) reads as follows:

“4.0 vii) The Transportation policies of Section 2.3.3 provide general directions which are relevant to the Highway 400 North Area. However, policies are added with respect to the need to conduct an Environmental Assessment to determine the location of one or two new interchanges with Highway 400 in the Highway 400 North Area. Policies respecting the protection for the future GTA West Transportation Corridor, in accordance with the policies contained in the Region of York Official Plan Amendment No. 52, have been added. In addition, some modifications are necessary to emphasize the need for an integrated multi-modal transportation system in this area including policies:

a) outlining the proposed development of a comprehensive walkway and bikeway system with a continuous trail system in the Greenbelt Natural System Area; and,

b) providing for a transportation demand management plan.”

8. Modify Section 4.0 by adding a new paragraph after paragraph ix), and renumbering paragraph x) to xi), so that the new paragraph reads as follows:

“4.0 ix) Sustainable, Complete and Vibrant Community

The Region of York Official Plan requires local municipalities prepare comprehensive Secondary Plans for new employment areas that are consistent with its applicable policies respecting both its sustainable policies and policies for complete and vibrant communities. Additional policies have been added in this regard.”

MODIFICATIONS TO PART B: THE AMENDMENT.

9. Modify Section A., Item #8. by deleting in Section 2.2.1 e) the word "and," at the end of the sentence in the second bullet, and adding the following paragraph between the second and third bullets, and by adding a new section f) to Section 2.2.1, so that Section 2.2.1 e) and f) reads as follows:

"2.2.1 e) In the Highway 400 North Employment Area on Schedule 2D, the following shall apply in all land use designations, other than the Greenbelt Natural System Area designation:

- Institutional uses including major educational facilities and hospital/health care facilities shall be permitted;
- Retail warehousing uses are prohibited;
- Ancillary uses consisting of small scale retail and commercial that primarily serve the business function within the employment area are permitted, provided that such uses do not exceed 20% of total employment in the developable employment area. Ancillary retail uses shall be phased with development and shall not exceed 20% of the then developed employment area. The total gross floor area of all ancillary uses on any one lot generally shall not exceed 20% of the total gross floor area of all uses on the lot or 1,000 square metres, whichever is less. Ancillary retail uses may include an automobile service station/gas bar, financial institution, convenience retail store, pharmacy, business supplies, day care, fitness centre, eating establishment, a facility where industrial or agricultural machinery or equipment is kept for sale or lease, personal grooming and wellness centre. This policy shall not apply to the Mixed Use Area- Employment/Commercial designation; and,
- Where existing residential uses are to be maintained after the development of the Employment Area, consideration shall be given to the provision of buffering and other measures to mitigate impacts from adjacent employment uses on the existing residential use.

f) In the Highway 400 North Employment Area on Schedule 2D, the following shall apply to all land use designations:

- Sustainable community objectives shall be implemented through design that support cycling and walking within and external to the employment area, including connectivity to transit facilities; ensures connectivity to the broader area; provide transit opportunities; provide water and energy efficiencies, and energy alternatives; and support green building design and site development, to the satisfaction of the City."

10. Modify Section A., #10. by deleting the new subsection g) to Section 2.2.5, and replacing it with subsection g) to Section 2.2.5 "Service Nodes", as follows:

"2.2.5 g) Notwithstanding the foregoing, in the Highway 400 North Employment Area on Schedule 2D, retail and commercial uses are permitted provided only that such uses are ancillary to employment uses. Retail and commercial uses ancillary to employment uses shall be encouraged to locate in the Employment Area/Activity Centre along Kirby Road.

However, consideration may be given, subject to the policies of this section, to permitting some limited retail and commercial uses ancillary to employment uses, which will generally be located in mixed-use buildings, where feasible. Service stations may be located as part of a Service Node, however, they will be limited to one per arterial road intersection."

11. Modify Section A., Item #11. by deleting the words "retail and service commercial uses" in the first paragraph of subsection 1., under the heading "Development Policies" in the new Section 2.2.5.1 "Employment Area Activity Centre", and replacing it with "retail and commercial uses ancillary to employment uses", and adding the words " and commercial uses ancillary to employment uses" after the word "retail" in subsection 1.a) under "Development Policies" in Section 2.2.5.1, so that the section reads as follows:

"2.2.5.1.1. In addition to the to the permitted land uses in the underlying land use designations, a broad variety of uses including retail and commercial uses ancillary to employment uses, hotels, public, non-profit and institutional uses, cultural, and entertainment and social facilities shall be permitted where such uses provide a service to the surrounding employment area and contribute to the creation of an urban environment with a strong pedestrian orientation. However, the following uses shall not be permitted:

- a) individual retail and commercial uses ancillary to employment uses in buildings with ground floor plates in excess of 929 square metres in size;
- b) drive-through facilities, gas bars/service stations, either stand alone or associated with other permitted uses; and,
- c) any uses which require outside storage of goods and materials."

12. Modify Section A., Item # 11, by deleting the words "retail or service commercial uses," in the last sentence of the paragraph in subsection 2., under the heading "Development Policies" in the new Section 2.2.5.1 "Employment Area Activity Centre", and replacing it with the words "retail or commercial uses ancillary to employment uses";

13. Modify Section A., Item #12, by deleting the paragraph under the heading "Location" in the new Section 2.2.5.2 "Mixed Use Areas – Employment/Commercial", and replacing it so that description for "Location" reads as follows:

"2.2.5.2 "Mixed Use Areas-Employment/Commercial is located at the intersection of Jane Street and Teston Road, adjacent to a residential area and recognize existing commercial areas along the east and west side of Highway 400."

14. Modify Section A, Item #12, by deleting the number "929" in subsection 1.a) under "Development Policies" in the new Section 2.2.5.2 "Mixed Use Areas – Employment /Commercial", and replacing it with the number "2,800", so that the section reads as follows:

"2.2.5.2.1. In addition to the permitted land uses in the Prestige Areas designation, the Mixed Use Areas – Employment/Commercial designation permits a range of small scale retail and service commercial uses designed to serve through traffic, as well as the surrounding area, such as restaurants, convenience stores, pharmacies and business supply uses. However, the following uses shall not be permitted:

- a) individual retail uses in buildings with ground floor plates in excess of 2,800 square metres in size; and/or,
- b) any uses which require outside storage of goods and materials.”

15. Modify Section A., Item #12, by deleting the words “and King-Vaughan Road and Jane Street” at the end of the second sentence in subsection 2., under the heading “Development Policies” in Section 2.2.5.2 “Mixed Use Areas – Employment/Commercial”, and by adding the word “or” between the words “Jane Street,” and “Teston Road” and deleting the words “or King-Vaughan Road.” at the end of the last sentence, so that the subsection reads as follows:

“2.2.5.2.2 The permitted uses shall generally be located as part of mixed use buildings. However, single-use buildings shall be permitted on the lands fronting on Highway 400. Consideration may also be given to the location of the permitted uses in single-use buildings in the lands at the intersection of Jane Street and Teston. However, where single-use buildings are for retail or service commercial uses, they shall not occupy more than 25% of the frontage of the lands in this designation on either Jane Street or Teston Road.”

16. Modify Section A., Item #12, by adding the word “and” between the words “Jane Street,” and “Teston Road”, and deleting the words “and King-Vaughan Road” in the first sentence of subsection 3., under the heading “Development Policies” in Section 2.2.5.2., “Mixed-Use Areas – Employment/Commercial” , so that the subsection reads as follows:

“2.2.5.2.3 The zoning by-law will establish minimum and maximum setbacks, heights and densities, and other standards to ensure that buildings and their primary entrances are designed to be located close to and to front on Jane Street and Teston Road to provide interest and comfort at ground level for pedestrians. Buildings shall have active facades including primary windows to provide visibility to and from the street.”

17. Modify Section A., Item #12, by deleting the words “and the south-west corner of Jane Street and King-Vaughan Road”, in subsection 4., under the heading “Development Policies” in Section 2.2.5.2., “Mixed Use Areas – Employment/Commercial”, so that the subsection reads as follows:

“2.2.5.2.4 The lands designated Mixed-Use Areas –Employment/Commercial at the north-west corner of Jane Street and Teston Road may permit a food store within the designation without amendment to the Plan, subject to a land use study at a future date which determines the form and character of development east of Jane Street and demonstrates the need and appropriateness of the food store.”

18. Modify Section A., Item #12, by adding the words “and east” between the words “west” and “side” in the first sentence in subsection 5., under the heading “Development Policies” in Section 2.2.5.2., “Mixed Use Areas – Employment/Commercial “, so that the subsection reads as follows:

“2.2.5.2.5 Notwithstanding the uses permitted in the Mixed Use Areas – Employment/Commercial designation, no other use other than the existing service station uses on the west and east side of Highway 400 and extensions thereto, shall be permitted on the site. The existing uses

and extensions of such uses shall be recognized in the zoning by-law.”

19. Modify Section A., Item #16, by deleting subparagraph i) and replacing it with a new subparagraph as follows, and modifying Section 2.3.3.1. d) i) as follows:

“i) Adding after subparagraph d) i), Provincial Highways, the following new subsection:

“a) Future GTA West Transportation Corridor

The City of Vaughan recognizes the importance of protecting the Future GTA West Corridor and its associated interchanges and accesses. The City recognizes the interests of the Province and neighbouring municipalities to ensure that the development of the Vaughan 400 North Employment Area does not compromise the findings and requirements of the ongoing Environmental Assessment, the potential routing of the corridor and the future location of interchanges and other accesses.

In recognition of these interests, the following policies will apply to all development applications and approvals within the Vaughan 400 North Employment Area Secondary Plan shown on Schedule 2D as “Lands Subject to Policy 2.3.3.1 d) i) a)”:

- i) It is intended that a “Holding” provision, pursuant to Section 36 of the Ontario Planning Act, be used as the primary planning tool to protect for the Future GTA West Transportation Corridor and associated interchanges and accesses. Phased release of lands through the removal of the “Holding” provision will occur if such release does not preclude or predetermine the implementation of the transportation facilities within the Corridor.
- ii) All development applications must be circulated in a timely manner to the Ministry of Transportation for comment until such time as the Environmental Assessment process is complete, or until such time as the Environmental Assessment findings determine that the lands subject to the site specific application will not be required for the Future GTA West Corridor and/or associated interchanges or accesses.
- iii) A) Based on comments received from the Ministry of Transportation on circulated development applications or the contents of the Environmental Assessment, the City of Vaughan may approve the zoning of a property but will use a “Holding” provision to protect the Future GTA West Corridor or associated interchanges and accesses pursuant to the Planning Act, as required. Such a “Holding” provision shall be included as a condition of draft plan approval. Where it is determined, through consultation with the Ministry of Transportation, or based on the Environmental Assessment, that a development application will not negatively impact the location of the Future GTA West Corridor or the associated interchanges and accesses, then the use of a “Holding” provision may not be required. The use of “Holding” provisions to ensure compliance with other

development requirements or existing development standards will not be impacted by this paragraph.

B). The removal of a "Holding" provision, related to the protection of the Future GTA West Corridor or associated interchanges and accesses, and release of such related condition of draft plan approval, will only occur at such time as the Future GTA West Corridor Environmental Assessment process is completed, or has sufficiently progressed, that confirms the lands are not required for the corridor or associated interchanges and accesses, and upon confirmation from the Ministry of Transportation that the lands are no longer required to be protected.

C) Where the Ministry of Transportation provides comments that the approval of a development application will not impact the findings of the Environmental Assessment or the future routing of the GTA West Corridor or the location of interchanges and accesses, the City of Vaughan will implement zoning provisions authorized by the Official Plan.

- iv) No final approval of plans of subdivision or site plan may occur until a comprehensive development phasing plan related to the timing of transportation infrastructure improvements has been completed to the satisfaction of the City of Vaughan and York Region. Such phasing plans shall be supported by a Traffic Impact Study, submitted to the satisfaction of the City of Vaughan and York Region, in consultation with the Ministry of Transportation, demonstrating how the transportation network is sufficient to accommodate the proposed development."

20. Modify Section A., Item #18, by deleting the word "traffic" in the paragraph under new subsection m) in Section 2.3.3.3. - Public Transit, and replacing it with the word "transportation".

21. Modify Section B., THE AMENDMENT OF OFFICIAL PLAN AMENDMENT #600 by deleting the word "Estate" in the paragraph in Item #1., so that Item #1 reads as follows:

"Deleting Schedule "A" to Official Plan Amendment No. 600, as amended by Amendment #604, and replacing it with Schedule "A" attached hereto as Schedule hereto as Schedule "G" to this Amendment, which identifies the Highway 400 North Employment Area, which is bounded by the City boundary, Jane Street, Teston Road and Weston Road, as "Employment Area", excluding lands designated "Low Rise Residential" (on Schedule "F", Rural Area General to Amendment #600 as amended by Amendment #604)."

22. Modify Section B., THE AMENDMENT OF OFFICIAL PLAN AMENDMENT #600 by deleting the word "Estate" in Item #2., so that Item #2 reads as follows:

"Deleting Schedule "F", Rural Area General, to Official Plan Amendment #600, as amended by Amendment #604 and replacing it with Schedule "F" attached hereto as Schedule "H" to this Amendment which designates lands north of the existing Estate Residential designation in the northeast quadrant of Teston and Weston Roads, south

and west of the Valley & Stream Corridor and east of Weston Road, as “Low Rise Residential”.

23. Modify Section B., THE AMENDMENT OF OFFICIAL PLAN AMENDMENT #600 by adding a new Item policy as “Item #3.” and thereby adding a new subsection to Section to the end of Section 6.0 Rural Area – General Policies as follows:

- “3. Adding to Section 6.0 Rural Area – General Policies, the following new subsection 6.2.7:

“6.2.7 Low-Rise Residential

- i) The lands located immediately north of the existing estate residential subdivision at the northeast quadrant of Teston and Weston Roads, south and west of the Valley & Stream Corridor and east of Weston Road and consisting in size of approximately 16 hectares and designated “Low-Rise Residential” as shown on Schedule “F” attached hereto, shall be developed for residential uses and contribute to achieving an average minimum density of not less than 50 residents and jobs per hectare combined in the development area. Residential development shall have regard for the existing estate residential subdivision through buffering and an appropriate transition in lot size. All applicable development policies contained in Vaughan’s new Official Plan (adopted September 7, 2010) for Low-Rise Residential development shall apply.
- ii) Sustainable community objectives shall be implemented through neighbourhood designs that support cycling and walking within and external to the community, including connectivity to transit facilities; ensures neighbourhood connectivity to the broader community; provide transit opportunities; provide water and energy efficiencies, and energy alternatives; and support green building design and site development, to the satisfaction of the City.”

24. Replace Schedule “C” with Schedule “C” attached hereto.

25. Replace Schedule “H” with Schedule “H” attached hereto.



Clause No. 6 in Report No. 3 of the Planning and Economic Development Committee was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on March 24, 2011.

6

AMENDMENT NO. 637 TO THE VAUGHAN OFFICIAL PLAN (VAUGHAN 400 NORTH EMPLOYMENT AREA SECONDARY PLAN)

The Planning and Economic Development Committee recommends:

- 1. Receipt of the deputation from Mr. M. Melling, Counsel for Vaughan 400 North Landowners Group Inc. regarding Amendment No. 637 to the Vaughan Official Plan;**
- 2. Receipt of the communication from Mr. D. Given, President, Malone Given Parsons, dated February 28, 2011; and**
- 3. Deferral of the following report dated January 24, 2011 from the Commissioner of Planning and Development Services to the April 6, 2011 Planning and Economic Development Committee to allow staff more time to consult.**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council support the approval of Amendment No. 637 to the Vaughan Official Plan at the Ontario Municipal Board, subject to the modifications as set-out in *Attachment 1* to this report.
2. The Regional Clerk circulate this report, for information purposes, to the City of Vaughan.
3. York Region staff be authorized to appear at the Ontario Municipal Board in support of the Region's position, as required.

2. PURPOSE

The Vaughan 400 North Landowners Group has appealed Vaughan Official Plan Amendment No 637 (“OPA 637”), as adopted, to the Ontario Municipal Board (“OMB”). An OMB Prehearing Conference is scheduled for March 28, 2011. Prior to the Prehearing commencing, a Regional position on OPA 637, and authorization for Regional staff to attend the OMB proceedings, are required.

This report recommends that OPA 637, also known as the Vaughan 400 North Employment Area Secondary Plan, be approved by the OMB with the modifications identified in this report. This report also recommends that York Region staff be authorized to appear at the OMB hearings in support of the Region’s position, as required.

Figure 1



3. BACKGROUND

Vaughan Initiates a Study for a new Highway 400 North Employment Area

On February 14, 2005, Vaughan Council approved the Terms of Reference and Budget for the Highway 400 North Employment Area Secondary Plan Study to examine the expansion of the Urban Area to address the City’s future needs for employment lands. The study area is approximately 800 ha (2000 acres) straddling both sides of Highway 400 in north Vaughan. The study area is bounded on the north by the King-Vaughan municipal boundary, Teston Road to the south, Jane Street to the east and Weston Road to the west, but excluding the existing estate residential subdivision at the northeast corner of Weston Road and Teston Road (*Figure 1*). The Study included the review of various planning considerations and a community consultation process, which led to the recommendation of a preferred employment land use plan.

Vaughan adopts OPA 637

On June 26, 2006, the City of Vaughan Council adopted OPA 637 to implement the findings and recommendations of the Highway 400 North Employment Area Secondary Plan Study for a new employment area, and requested York Region to initiate the required Regional Official Plan Amendment (“ROPA”) to facilitate expansion of the Urban Area. Vaughan Council also directed their planning staff to report back to Vaughan Committee of the Whole in September 2006 regarding certain aspects of the Amendment, including retail warehousing and the Mixed-Use Area Employment/Commercial designation (“Mixed-Use Area”) at the northwest corner of Jane Street and Teston Road.

Vaughan approves modifications after adopting OPA 637

After considering the additional report from Vaughan Planning staff in September 2006, Vaughan Committee of the Whole recommended additional modifications to OPA 637. On September 11, 2006, Vaughan Council requested York Region to approve modifications to OPA 637. A majority of the proposed modifications affected the Mixed-Use Area designation, as follows:

- Adding a second Mixed-Use Area designation at the southwest corner of King-Vaughan Road and Jane Street.
- Increasing the size of the Mixed-Use Area designation at the northwest corner of Jane Street and Teston Road.
- Permitting a food store, subject to a land use study at a future date.
- Increasing the maximum floor area for individual retail buildings from 929 sq.m to 2800 sq.m..
- Restricting single use retail buildings to 25% of the frontage.
- Recognizing the existing service station on the west side of Highway 400.

OPA 637, together with the proposed modifications supported by Vaughan Council in September 2006, would generally permit the following land uses, while protecting for the valley (Greenbelt/Natural Heritage System) that traverse the westerly portion of the Amendment Area (*Attachment 2*):

- Offices uses throughout the Secondary Plan Area.
- Mixed-use (employment/commercial) at the northwest corner of Jane Street and Teston Road and the southwest corner of King-Vaughan Road and Jane Street.
- Retail commercial uses at the intersections with arterial roads.
- Residential uses north of the existing estate residential subdivision, on the east side of Weston Road, north of Teston Road.

Retail Warehousing is prohibited by OPA 637.

ROPA 52 is initiated to expand the urban boundary in the Regional Official Plan and protects the lands for Regionally Significant Employment Lands

In September 2006, a Regional Official Plan Amendment (“ROPA 52”) was initiated by York Region pursuant to the request made by the City of Vaughan Council upon adoption of OPA 637 in June 2006. The objective of ROPA 52 was to expand the Urban Area to establish a new Regionally Significant Employment area which protects and preserves these lands as employment lands for current and future employment growth. During the processing of ROPA 52, the Region held a statutory Public Hearing and Regional Council considered a total of five reports on the evolving nature of the policy context of ROPA 52 and the importance of protecting future key regional employment lands. The background work for, and processing of, ROPA 52 was co-ordinated with the Region’s growth management work, Growth Plan conformity and Greenbelt conformity work and municipal comprehensive review, which formed the basis for the new Regional Official Plan.

ROPA 52 is adopted and identifies two Deferral Areas that will be approved as urban when the new Regional Official Plan (2010) is approved by the Ontario Municipal Board

On December 18, 2008 By-law 2008-90 was enacted by Regional Council to adopt ROPA 52. In addition to identifying the lands as Regionally Significant Employment Lands and designating them Urban Area and Greenbelt Area: Natural Heritage System, two Deferral Areas were identified and reflected in the Notice of Decision’s Key Map (*Attachment 3*).

One of the deferrals (shown as Deferral Area #2 on *Attachment 3*) was located north of the existing estate residential subdivision on Weston Road. OPA 637 proposes to designate these lands for “estate residential” rather than employment uses. This designation was deferred until further progress of Vaughan’s Comprehensive Review for a new Official Plan considered the residential land requirements in more detail.

The Mixed-Use Area designation located at the northwest corner of Jane Street and Teston Road (shown as Deferral Area #1 on *Attachment 3*) was identified as a deferral area at the request of a landowners group within the Amendment Area, known as the Block 34 East Landowners Group. Prior to Regional Council adopting ROPA 52, the solicitor for the Block 34 Landowners Group requested Regional Council defer making a decision for their lands designated Mixed-Use Area (Deferral Area #1) until Regional staff was in a position to make a decision respecting the range of permitted uses on these lands through its review of OPA 637, within the context of Regionally Significant Employment Lands.

ROPA 52 is appealed to the OMB

On January 13, 2009, the Ministry of Municipal Affairs appealed ROPA 52 on the basis that the Region's "comprehensive municipal review" was not completed and that the future Provincial GTA West Transportation Corridor was not being appropriately protected.

The OMB approves ROPA 52 and secures the Vaughan 400 North Employment Secondary Plan Area as a Regionally Significant Employment Area

On August 9, 2010, the OMB issued its decision on the ROPA 52 appeal. All parties, which included the two landowners groups (Vaughan 400 Landowners Group and Block 34 Landowners Group), York Region, City of Vaughan, the Ministry of Municipal Affairs and Housing and the Toronto Region Conservation Authority, had reached a settlement through prehearing conferences and mediation. In its decision, the OMB found that the Region's land budget analysis and the transportation corridor had been addressed. A copy of the OMB decision and approved ROPA 52, forms *Attachment 4*. The OMB decision recognizes that "...the subject lands need to be within the urban policy area as a means of expanding the strategic employment base in York Region and the City of Vaughan".

A key component in reaching a settlement was the addition of policies for protecting the GTA West Transportation Corridor. Figure 2 "Urban Structure" to ROPA 52 identifies the northern two-thirds of the employment area (dot pattern) as being "Lands Subject to Policy 6.1.22" (*as shown on Figure 2 in Attachment 4*), and established that area of the Secondary Plan as being subject to the Corridor protection policies. Policy 6.1.22 requires that secondary plans (such as OPA 637) contain policies to protect the future Corridor and allow for the phased release of lands, provided it does not preclude or predetermine the implementation of facilities within the Corridor, to the satisfaction of the Province. This policy also requests the Province to undertake, and approve in a timely manner, the Environmental Assessment for the future GTA West Transportation Corridor.

The lands subject to the Deferrals (Deferral Area #1 and #2) were removed from the OMB's approved ROPA 52, which identified the new Urban Area – Regionally Significant Employment Lands. These two areas have since been proposed to be included in the Urban Area by the Region's new Official Plan ("2010 ROP"), which has been appealed to the OMB.

OPA 637 is incorporated in Vaughan's new Official Plan (2010)

Vaughan's new Official Plan was adopted by Vaughan Council on September 7, 2010. The Official Plan reflects the City's Growth Plan conformity exercise to manage growth to the year 2031. The new Official Plan contains two Volumes. Volume 1 consists of policies that apply City-wide, and Volume 2 contains the Secondary Plans and site/area specific policies.

OPA 637 is included in Volume 2 in order to carry-forward the policy direction for the area in the new Official Plan. Vaughan's new Official Plan has not yet been approved by York Region. The land use schedule for OPA 637 shown in Volume 2 reflects the adopted OPA 637 before it was modified by Vaughan Council. The final approved version of OPA 637 will ultimately be incorporated into Volume 2 after the OMB renders its decision.

Landowners Group appeal OPA 637 to the OMB

In July 2010, a landowners group within the Secondary Plan Area, known as the Vaughan 400 North Land Owners Group Inc., appealed OPA 637 to the OMB. The appeal was made on the basis that York Region did not issue a Notice of Decision within the Planning Act's prescribed time period of 180 days upon receipt of the adopted OPA.

On December 20, 2010, an OMB Prehearing Conference was held. Parties and Participants were identified and future scheduling of the Board's proceedings were determined. Parties include the Vaughan 400 North Landowners Group, Block 34 East Landowners Group, York Region, City of Vaughan, Township of King and the Ministry of Municipal Affairs and Housing. The Toronto and Region Conservation Authority was granted Participant status. The Township of King has direct interest insofar as the planned Mixed-Use Area designation at the southwest corner of Jane Street and King-Vaughan Road may impact on planned retail initiatives in the community of King City.

The Parties advised the Board that there are continuing discussions with respect to OPA 637. The next Prehearing Conference is scheduled on March 28, 2011. Mediation is set for three days commencing April 26, 2011. York Region has retained the legal firm of Borden Ladner Gervais to represent Regional interests at the OMB.

4. ANALYSIS AND OPTIONS

OPA 637 is intended to be a comprehensive Secondary Plan to guide development of Regionally Significant Employment Lands adjacent to Highway 400. Provided the proposed modifications set-out in *Attachment 1* are accepted by the OMB, OPA 637 will

conform to the existing Regional Official Plan (“1994 ROP”) and the 2010 ROP and represents good planning.

The proposed modifications to OPA 637 focus on three areas: retail/commercial permissions; transportation; and, the estate residential designation.

The retail permissions should reflect the 2010 ROP policies respecting ancillary retail uses. These policies are intended to permit limited retail use that support the predominant employment uses in the employment area. Additional transportation policies are required to protect the future GTA West Transportation Corridor in order to be consistent with ROPA 52. The “Estate Residential” designation along Weston Road (former Deferral Area #2) is replaced with a “Low-Rise Residential” designation, which is consistent with Vaughan’s new Official Plan and in keeping with an “urban” area, while remaining compatible with the existing estate residential subdivision to the south.

The former two deferral areas of ROPA 52 (Deferral Areas #1 and #2) , being the residential designated lands on Weston Road and the Mixed-Use Area site at Jane Street and Teston Road, are also included in OPA 637 and in the new Urban Area proposed by the 2010 ROP. When these areas are approved “urban” in the 2010 ROP, they will ultimately also be governed by policies in OPA 637. Generally, good planning directs that the most update policies are implemented as plans come for Regional approval. As this matter is before the OMB, the Board will address how and when the policies for these areas will come into force pending approval of the Regional urban boundary. However, staff does not believe that the planning process should stop until all appeals of the 2010 ROP are resolved and so Regional policies for these areas are addressed now.

CONFORMITY WITH PROVINCIAL AND REGIONAL POLICIES

OPA 637, as modified, is consistent with the policies of the 2005 Provincial Policy Statement

The 2005 Provincial Policy Statement (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements.

OPA 637, with modifications, is consistent with the applicable policies of the 2005 PPS by:

- Ensuring a coordinated, integrated and comprehensive approach to dealing with planning matters (PPS Section 1.2). OPA 637 provides a comprehensive set of policies that addresses land use, urban design, transportation, infrastructure, and serves to meet future employment and housing projections.
- Protecting natural features and areas for the long-term (PPS Section 2.1). OPA 637 protects the Provincial Greenbelt lands through designation and policies.

- Promoting economic development and competitiveness (PPS Section 1.3). OPA 637 provides an appropriate mix and range of land uses suitable for employment.
- Provide an appropriate range of housing types and densities required to meet projected requirements of current and future residents (PPS Section 1.4). OPA 637 designates approximately 16 ha of residential uses, contributing towards the allocation of population and projected housing needs.
- Providing public spaces, parks and open space (PPS Section 1.5). OPA 637 identifies a new conceptual Regional-scale Park and urban design that promotes a pedestrian-oriented environment, attractive work environments and streetscapes.
- Providing infrastructure (PPS Section 1.6). OPA 637 will be serviced with municipal sewer and water, protect for the future GTA West Transportation Corridor, and is accessible by roads and public transit.
- Supporting long-term economic prosperity (PPS Section 1.7). OPA 637 is a Regionally Significant Employment Area, facilitating jobs and economic prosperity.

OPA 637, as modified, conforms to the Growth Plan

The Growth Plan came into effect on June 16, 2006. The *Planning Act* requires that decisions affecting planning matters “shall conform with” provincial plans.

OPA 637, with modifications, conforms to the applicable Growth Plan policies with respect to growth forecasts and managing growth; the provision of employment lands; designated Greenfield areas; transportation systems; moving goods; contributing towards establishing a complete community, such as providing transit opportunities and connectivity with the surrounding area; and, contributing towards the 2031 Vaughan employment forecast.

OPA 637, as modified, conforms to the Greenbelt Plan

The Provincial Greenbelt came into effect on February 28, 2005. The Provincial Greenbelt extends through the western portion of the Amendment Area and is designated by the Greenbelt Plan as a Natural Heritage System. OPA 637 conforms to the Greenbelt Plan by designating the Greenbelt lands as Greenbelt Natural System Area and by including and referencing policies from the Greenbelt Plan.

OPA 637, as modified, protects for employment lands in the Highway 400 corridor

ROPA 52 amended the 1994 ROP and was approved by the OMB in August 2010. ROPA 52 provides the policy framework for development within OPA 637 by designating the Secondary Plan area as Urban Area and Greenbelt Area; Natural Heritage System, preserves and protects the lands for employment uses, and contains policies that require protection of the future GTA West Transportation Corridor.

OPA 637, as modified, conforms to the existing 1994 ROP, as amended by ROPA 52, and with the new 2010 ROP

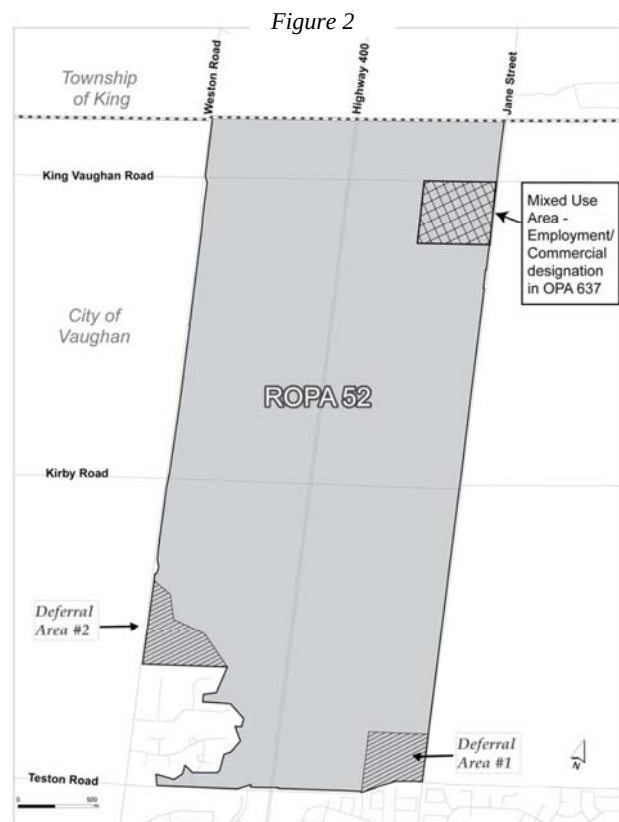
OPA 637 both amends and builds-on the existing policies in Vaughan's Employment Area Plan (OPA 450) and OPA 600 to the Vaughan Planning Area. OPA 637 preserves and protects for Regionally Significant Employment lands in accordance with approved ROPA 52.

OUTSTANDING ISSUES AND INTERESTS

There are three key policy areas where modifications are required. In these three areas, the modifications proposed by York Region will require consultation with staff from Vaughan, the Township of King and the Province. The Ontario Municipal Board has set aside three days of mediation, commencing April 26, 2011, at which time all parties will attempt to reach a consensus on the final wording of the modifications to OPA 637. These areas are retail/commercial permissions, transportation, and estate residential. **Modifications to the retail/commercial permissions are recommended to conform to the 2010 ROP**

Section 4.3 "Protecting Employment Lands" in the 2010 ROP contains a policy that recognizes and carries forward the policies of ROPA 52. When compared to the 1994 ROP, the 2010 ROP contains a number of new employment policies that reflect Provincial planning interests, including employment area protection. One of the policies aimed at preserving the integrity of employment areas is identified in Section 4.3.10 of the 2010 ROP. This policy allows only limited ancillary uses on employment lands, provided such use primarily serves businesses in the employment area, and that the ancillary use does not exceed 20% of total employment in the employment area.

The proposed modifications to retail permissions in OPA 637 (included in *Attachment 1*) will maintain the employment designations, which permits only retail that is ancillary retail, that supports the employment uses. The new ancillary retail policy will apply throughout the Plan, except for the northwest corner of Jane Street



and Teston Road (former Deferral Area #1 to ROPA 52, as shown on *Figure 2*). Consistent with the 2010 ROP, ancillary retail uses shall not exceed 20% of total employment in the developable employment area. This modification is intended to protect and preserve the area for employment uses, in accordance with Provincial and Regional policies. Vaughan's new Official Plan also contains policies for preserving employment lands by limiting the gross floor area of all ancillary retail to not exceed 20% of the total gross floor area of all uses on a lot, or 1,000 square metres, whichever is less. The Region's ancillary retail permission will replace the proposed Mixed-Use Area designation at the intersection of King-Vaughan Road and Jane Street in OPA 637 (*Figure 2*).

The proposed Mixed-Use Area designation at the southwest corner of King-Vaughan Road and Jane Street is a specific example of retail permission that does not support the integrity of the Regionally Significant Employment Lands

OPA 637 designates specific lands at the southwest corner of King-Vaughan Road and Jane Street a Mixed Use Area (*Figure 2*). The site-specific retail permissions proposed in OPA 637 do not support the integrity of the Regionally Significant Employment Lands. For example, a food store is permitted without an amendment to the Plan, subject to a land use study at a future date which determines the form and character of the development east of Jane Street, and demonstrates the need and appropriateness of the food store. There is no residential community existing, or planned in the Vaughan Official Plan "conformity exercise" for the lands east of Jane Street at King-Vaughan Road that would require a site-specific retail mixed-use area.

The Township of King has party status at the OMB and has direct interest in this proposed Mixed-Use Area designation, since King has concerns that this commercial site may impact on planned retail initiatives in the community of King City. York Region planning staff have held a meeting and facilitated discussion with staff from both the City of Vaughan and the Township of King, respecting the proposed Mixed-Use Area site.

At the time of writing this report, staff from the Township of King has direction to attend the upcoming OMB pre-hearing conference. Vaughan staff is expected to report to their Council in March with a position on the outstanding issues and interests and the Mixed-Use retail site, and will be seeking direction to attend the OMB proceedings. These matters will continue to be discussed amongst the parties through the upcoming prehearing conference and scheduled mediation. The proposed modifications may be subject to further changes as a result of this process, and they will ultimately be decided upon by the OMB.

Additional transportation policies are recommended to protect for the future GTA West Transportation Corridor

ROPA 52 contains policies that request the Province to undertake and approve the Environmental Assessment (“E.A.”) for the future GTA West Transportation Corridor in a timely manner. A Secondary Plan within the ROPA 52 area must include policies to protect the Corridor and allow for the phased release of lands provided it does not preclude or predetermine the implementation of such facilities within the Corridor, to the satisfaction of the Province. Protecting for the GTA West Transportation Corridor is a Provincial interest. Incorporating Corridor protection policies into OPA 637 is required to conform to ROPA 52.

Stage 1 of the GTA West E.A. (system planning, transportation development strategy) is nearing completion and Stage 2 (alternative methods, route planning) is anticipated to begin in 2011. Stage 2 will likely take two to three years to complete. The timing and findings of the E.A. will affect the release of lands for development within OPA 637 Secondary Plan Area.

In an effort to advance certain policies for future consideration, York Region Planning staff drafted additional transportation policies that modify OPA 637 for the purposes of protecting the future Transportation Corridor. In October 2010, the draft policies were circulated to the Ministry of Municipal Affairs and Housing (“MMAH”) for comment. In a letter dated November 26, 2010, MMAH advised the draft policies did not fully address and satisfy Provincial interests. York Region has not received revised transportation policies from MMAH at the time of writing this report. The Region’s proposed transportation policies are set-out in *Attachment 1* as modifications to OPA 637 at this time, but will be subject to further revision through Ministry comments and OMB mediation. Vaughan’s position with regard to modifying transportation policies to protect for the future Transportation Corridor will be decided by their Council in March and addressed through the OMB’s scheduled prehearing conference and mediation.

New Estate Residential Designations within the Urban Area are no longer appropriate

OPA 637 designates 16 ha on the east side of Weston Road, north of Teston Road, as estate residential (former Deferral Area #2 in ROPA 52, as shown on *Attachment 3*). Residential uses are appropriate for this location given its relatively small size and surrounding context. The site is bound by an existing estate residential subdivision to the south, a Natural Heritage System to the east and north, and Weston Road to the west. The lands are not located within, or subject to, the employment policies in ROPA 52. Regional staff prefers a “Low-Rise Residential” designation, consistent with Vaughan’s new Official Plan for this site, rather than additional estate residential. Development of this site can contribute towards achieving a minimum density of not less than 50 residents per hectare in the development area, while taking into consideration the lot sizes of the

estate development to the south. *Attachment 1* to this report includes a modification to implement this change.

The 2010 ROP designates the site as Urban Area. The site is subject to the “Sustainable Cities, Sustainable Communities” policies of the 2010 ROP, particularly section 5.2.14 which requires designated greenfield areas (such as this) to achieve an average minimum density not less than 50 residents and jobs per ha combined in the developable area.

Other Modifications are recommended in *Attachment 1*

There are a limited number of other minor modifications proposed within *Attachment 1*. Modifications include the addition of sustainability policies in accordance with the 2010 ROP, and revisions to the Schedules (maps) to reflect modifications respecting the deletion of the northerly Mixed Use Area and Estate Residential designations.

5. FINANCIAL IMPLICATIONS

The updates to the York Region Water & Wastewater Master Plan and the Transportation Master Plan were endorsed by Regional Council in November of 2009. The Master Plans implement the infrastructure required to support the growth forecasts in the 2010 ROP. The development of the Highway 400 North Employment lands was included in the Region’s preferred growth scenario and land budget and, given the recent cost estimates within the Master Plans, the financial implications of the Secondary Plan have been recognized through the financial estimates of the Master Plans. At this time, Infrastructure Planning has not indicated any additional infrastructure is required.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the recommendations of the City of Vaughan insofar as adopting OPA 637 to expand the strategic employment base in York Region and the City of Vaughan. The modifications to incorporate ROP policies respecting ancillary retail uses, together with the deletion of the northerly Mixed-Use Area designation, and the additional transportation policies to protect the future GTA West Transportation Corridor, will ensure that the Secondary Plan conforms to ROPA 52, the 2010 ROP and the Growth Plan. Vaughan staff is generally in agreement with the Region’s proposed modifications to OPA 637, subject to further discussions regarding minor revisions with respect to ancillary retail use. Vaughan’s position on proposed modifications to OPA 637 will be decided by their Council in March and addressed at the OMB’s prehearing conference (March 28, 2011) and through mediation, commencing April 26, 2011. The final form of OPA 637 will be determined by the OMB.

7. CONCLUSION

Amendment No. 637 to the Vaughan Official Plan (Vaughan 400 North Employment Area Secondary Plan) was adopted by Vaughan Council in 2006, prior to the approval of ROPA 52 in August 2010, which secured the Amendment Area as Regionally Significant Employment Lands, and prior to the approval of the 2010 ROP. As such, several modifications to the Secondary Plan are recommended to ensure the Plan is in keeping with the 1994 ROP, as amended by ROPA 52 the 2010 ROP, and represents good planning.

For more information on this report, please contact Duncan MacAskill, Senior Planner, at 905-830-4444 Ext. 1513 or Heather Konefat, Director of Community Planning, at Ext. 1502.

The Senior Management Group has reviewed this report.

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

City of Vaughan Official Plan Amendment No. 637

YORK REGION MODIFICATIONS

MODIFICATIONS TO PART A: BASIS OF THE AMENDMENT.

1. Modify Section 2.0 – “POLICY CONTEXT” by adding the words “the Provincial Growth Plan,” following the words “Provincial Policy Statement (PPS)”, so that the section reads as follows:

“The existing policy context for the development of the Highway 400 North Employment Lands, is found in the Provincial Policy Statement (PPS), the Provincial Growth Plan, the Provincial Greenbelt Plan, the Region of York Official Plan, and the City of Vaughan Official Plan, particularly Amendment #450, Employment Area and Growth Management Plan.”

2. Modify the first paragraph in Section 2.1 – Provincial and Regional Policy Framework, by deleting the word “with” after the word “conform” in the first sentence and replacing it with the words “to the Provincial Growth Plan and”, and adding the words “the Provincial Growth Plan and in” after the words “directions in” in the second sentence, so that the first paragraph of the section reads as follows:

“Any planning decisions must be consistent with the PPS and conform to the Provincial Growth Plan and the Regional Official Plan. A number of policies are relevant, but the most significant are the requirement that the proposed urban expansion meet a range of criteria in the PPS (Section 1.1.3.9), as well as a number of similar directions in the Provincial Growth Plan and in the Regional Plan. These include: ...”

3. Modify Section 3.2 iv) by adding the words “and Provincial Growth Plan,” after the words “Provincial Policy Statement”, so that the paragraph reads as follows:

“3.2 iv) The proposed urban expansion satisfies the criteria in the new Provincial Policy Statement and Provincial Growth Plan, and the requirements of the Region of York Official Plan.”

4. Modify Section 4.0 – DESCRIPTION OF AMENDMENT, by deleting paragraph ii) titled “Special Policy Area” and re-numbering the remaining paragraphs in the section that follow, accordingly.

5. Modify Section 4.0 iii) c) titled “Mixed Use Areas – Employment/Commercial”, re-numbered 4.0 ii) c) as modified above, by deleting the words “and King-Vaughan Road and Jane Street.” after the words “Teston Road and Jane Street” in the first sentence of the first paragraph, and by adding the words “and east” after the word “west” in the second sentence of the first paragraph, so that the first paragraph reads as follows:

“4.0 ii) c) “The Mixed Use Areas – Employment/Commercial designation permits the development of a range of retail and service commercial uses, in addition to other permitted uses in the Prestige Area designation at the

intersection of Teston Road and Jane Street. It also recognizes existing commercial uses on the west and east side of Highway 400. The intent is to serve through traffic, as well as the surrounding employment area to the north and existing residential area to the south.”

6. Modify Section 4.0 by adding a new paragraph after paragraph iv) titled “Policies Respecting Specific Uses”, re-numbered 4.0 iii) as modified above, so that the new paragraph reads as follows:

“4.0 iv) Official Plan Amendment #600 updated and replaced OPA #400 of the Vaughan Planning Area by re-designating certain lands through Vaughan and modifying schedules and policies in OPA #400 pertaining to a variety of planning issues. The philosophy of OPA #600 placed emphasis on two major themes, being environmental protection and compact and efficient urban form.

This Amendment re-designates the lands at the northeast quadrant of Weston Road and Teston Road, north of the existing estate residential subdivision, to “Residential”, with a density permission contributing to achieving an average minimum density of not less than 50 residents and jobs per hectare combined in the development area.”

7. Modify Section 4.0 vii) titled “Transportation” by adding the following sentence after the second sentence: “Policies respecting the protection for the future GTA West Transportation Corridor Environmental Assessment Study, in accordance with the policies contained in the Region of York Official Plan Amendment No. 52, have been added.”, and deleting the word “traffic” and replacing it with the word “transportation” in subparagraph b), so that the paragraphs in Section 4.0 vii) reads as follows:

“4.0 vii) The Transportation policies of Section 2.3.3 provide general directions which are relevant to the Highway 400 North Area. However, policies are added with respect to the need to conduct an Environmental Assessment to determine the location of one or two new interchanges with Highway 400 in the Highway 400 North Area. Policies respecting the protection for the future GTA West Transportation Corridor, in accordance with the policies contained in the Region of York Official Plan Amendment No. 52, have been added. In addition, some modifications are necessary to emphasize the need for an integrated multi-modal transportation system in this area including policies:

a) outlining the proposed development of a comprehensive walkway and bikeway system with a continuous trail system in the Greenbelt Natural System Area; and,

b) providing for a transportation demand management plan.”

8. Modify Section 4.0 by adding a new paragraph after paragraph ix), and renumbering paragraph x) to xi), so that the new paragraph reads as follows:

“4.0 ix) Sustainable, Complete and Vibrant Community

The Region of York Official Plan requires local municipalities prepare comprehensive Secondary Plans for new employment areas that are consistent with its applicable policies respecting both its sustainable policies and policies for complete and vibrant communities. Additional policies have been added in this regard.”

MODIFICATIONS TO PART B: THE AMENDMENT.

9. Modify Section A., Item #8. by deleting in Section 2.2.1 e) the word "and," at the end of the sentence in the second bullet, and adding the following paragraph between the second and third bullets, and by adding a new section f) to Section 2.2.1, so that Section 2.2.1 e) and f) reads as follows:

"2.2.1 e) In the Highway 400 North Employment Area on Schedule 2D, the following shall apply in all land use designations, other than the Greenbelt Natural System Area designation:

- Institutional uses including major educational facilities and hospital/health care facilities shall be permitted;
- Retail warehousing uses are prohibited;
- Ancillary uses consisting of small scale retail and commercial that primarily serve the business function within the employment area are permitted, provided that such uses do not exceed 20% of total employment in the developable employment area. Ancillary retail uses shall be phased with development and shall not exceed 20% of the then developed employment area. The total gross floor area of all ancillary uses on any one lot generally shall not exceed 20% of the total gross floor area of all uses on the lot or 1,000 square metres, whichever is less. Ancillary retail uses may include an automobile service station/gas bar, financial institution, convenience retail store, pharmacy, business supplies, day care, fitness centre, eating establishment, a facility where industrial or agricultural machinery or equipment is kept for sale or lease, personal grooming and wellness centre. This policy shall not apply to the Mixed Use Area- Employment/Commercial designation; and,
- Where existing residential uses are to be maintained after the development of the Employment Area, consideration shall be given to the provision of buffering and other measures to mitigate impacts from adjacent employment uses on the existing residential use.

f) In the Highway 400 North Employment Area on Schedule 2D, the following shall apply to all land use designations:

- Sustainable community objectives shall be implemented through design that support cycling and walking within and external to the employment area, including connectivity to transit facilities; ensures connectivity to the broader area; provide transit opportunities; provide water and energy efficiencies, and energy alternatives; and support green building design and site development, to the satisfaction of the City."

10. Modify Section A., #10. by deleting the new subsection g) to Section 2.2.5, and replacing it with subsection g) to Section 2.2.5 "Service Nodes", as follows:

"2.2.5 g) Notwithstanding the foregoing, in the Highway 400 North Employment Area on Schedule 2D, retail and commercial uses are permitted provided only that such uses are ancillary to employment uses. Retail and commercial uses ancillary to employment uses shall be encouraged to locate in the Employment Area/Activity Centre along Kirby Road.

However, consideration may be given, subject to the policies of this section, to permitting some limited retail and commercial uses ancillary to employment uses, which will generally be located in mixed-use buildings, where feasible. Service stations may be located as part of a Service Node, however, they will be limited to one per arterial road intersection."

11. Modify Section A., Item #11. by deleting the words "retail and service commercial uses" in the first paragraph of subsection 1., under the heading "Development Policies" in the new Section 2.2.5.1 "Employment Area Activity Centre", and replacing it with "retail and commercial uses ancillary to employment uses", and adding the words " and commercial uses ancillary to employment uses" after the word "retail" and deleting the number "929 square metres" and replacing it with the number "2800 square metres" in subsection 1.a) under "Development Policies" in Section 2.2.5.1, so that the section reads as follows:

"2.2.5.1.1. In addition to the to the permitted land uses in the underlying land use designations, a broad variety of uses including retail and commercial uses ancillary to employment uses, hotels, public, non-profit and institutional uses, cultural, and entertainment and social facilities shall be permitted where such uses provide a service to the surrounding employment area and contribute to the creation of an urban environment with a strong pedestrian orientation. However, the following uses shall not be permitted:

- a) individual retail and commercial uses ancillary to employment uses in buildings with ground floor plates in excess of 2800 square metres in size;
- b) drive-through facilities, gas bars/service stations, either stand alone or associated with other permitted uses; and,
- c) any uses which require outside storage of goods and materials."

12. Modify Section A., Item # 11, by deleting the words "retail or service commercial uses," in the last sentence of the paragraph in subsection 2., under the heading "Development Policies" in the new Section 2.2.5.1 "Employment Area Activity Centre", and replacing it with the words "retail or commercial uses ancillary to employment uses";

13. Modify Section A., Item #12, by deleting the paragraph under the heading "Location" in the new Section 2.2.5.2 "Mixed Use Areas – Employment-Commercial", and replacing it so that description for "Location" reads as follows:

"2.2.5.2 "Mixed Use Areas-Employment/Commercial is located at the intersection of Jane Street and Teston Road, adjacent to a residential area and recognize existing commercial areas along the east and west side of Highway 400."

14. Modify Section A., Item #12, by deleting the words "and King-Vaughan Road and Jane Street" at the end of the second sentence in subsection 2., under the heading "Development Policies" in Section 2.2.5.2 "Mixed Use Areas – Employment/Commercial", and by adding the word "or" between the words "Jane Street," and "Teston Road" and deleting the words "or King-Vaughan Road." at the end of the last sentence, so that the subsection reads as follows:

"2.2.5.2.2 The permitted uses shall generally be located as part of mixed use buildings. However, single-use buildings shall be permitted on the lands fronting on Highway 400. Consideration may also be given to the location of the permitted uses in single-use buildings in the lands at the

intersection of Jane Street and Teston. However, where single-use buildings are for retail or service commercial uses, they shall not occupy more than 25% of the frontage of the lands in this designation on either Jane Street or Teston Road.”

15. Modify Section A., Item #12, by adding the word “and” between the words “Jane Street,” and “Teston Road”, and deleting the words “and King-Vaughan Road” in the first sentence of subsection 3., under the heading “Development Policies” in Section 2.2.5.2., “Mixed-Use Areas – Employment/Commercial” , so that the subsection reads as follows:

“2.2.5.2.3 The zoning by-law will establish minimum and maximum setbacks, heights and densities, and other standards to ensure that buildings and their primary entrances are designed to be located close to and to front on Jane Street and Teston Road to provide interest and comfort at ground level for pedestrians. Buildings shall have active facades including primary windows to provide visibility to and from the street.”

16. Modify Section A., Item #12, by deleting the words ”and the south-west corner of Jane Street and King-Vaughan Road”, in subsection 4., under the heading “Development Policies” in Section 2.2.5.2., “Mixed Use Areas – Employment/Commercial”, so that the subsection reads as follows:

“2.2.5.2.4 The lands designated Mixed-Use Areas –Employment/Commercial at the north-west corner of Jane Street and Teston Road may permit a food store within the designation without amendment to the Plan, subject to a land use study at a future date which determines the form and character of development east of Jane Street and demonstrates the need and appropriateness of the food store.”

17. Modify Section A., Item #12, by adding the words “and east” between the words “west” and “side” in the first sentence in subsection 5., under the heading “Development Policies” in Section 2.2.5.2., “Mixed Use Areas – Employment Commercial “, so that the subsection reads as follows:

“2.2.5.2.5 Notwithstanding the uses permitted in the Mixed Use Areas – Employment Commercial designation, no other use other than the existing service station uses on the west and east side of Highway 400 and extensions thereto, shall be permitted on the site. The existing uses and extensions of such uses shall be recognized in the zoning by-law.”

18. Modify Section A., Item #16, by deleting subparagraph i) and replacing it with a new subparagraph as follows, and modifying Section 2.3.3.1. d) i) as follows:

“i) Adding after subparagraph d) i), Provincial Highways, the following new subsection:

“a) Future GTA West Transportation Corridor

The City of Vaughan recognizes the importance of protecting the Future GTA West Corridor and its associated interchanges and accesses. The City recognizes the interests of the Province and neighbouring municipalities to ensure that the development of the Vaughan 400 North Employment Area does not compromise the findings and requirements of the ongoing Environmental Assessment, the potential routing of the

corridor and the future location of interchanges and other accesses.

In recognition of these interests, the following policies will apply to all development applications and approvals within the Vaughan 400 North Employment Area Secondary Plan shown on Schedule 2D as "Lands Subject to Policy 2.3.3.1 d) i) a)":

- i) It is intended that a "Holding" provision, pursuant to Section 36 of the Ontario Planning Act, be used as the primary planning tool to protect for the Future GTA West Transportation Corridor and associated interchanges and accesses. Phased release of lands through the removal of the "Holding" provision will occur if such release does not preclude or predetermine the implementation of the transportation facilities within the Corridor.
- ii) All development applications must be circulated in a timely manner to the Ministry of Transportation for comment until such time as the Environmental Assessment process is complete, or until such time as the Environmental Assessment findings determine that the lands subject to the site specific application will not be required for the Future GTA West Corridor and/or associated interchanges or accesses.
- iii) A) Based on comments received from the Ministry of Transportation on circulated development applications or the contents of the Environmental Assessment, the City of Vaughan may approve the zoning of a property but will use a "Holding" provision to protect the Future GTA West Corridor or associated interchanges and accesses pursuant to the Planning Act, as required. Such a "Holding" provision shall be included as a condition of draft plan approval. Where it is determined, through consultation with the Ministry of Transportation, or based on the Environmental Assessment, that a development application will not negatively impact the location of the Future GTA West Corridor or the associated interchanges and accesses, then the use of a "Holding" provision may not be required. The use of "Holding" provisions to ensure compliance with other development requirements or existing development standards will not be impacted by this paragraph.

B). The removal of a "Holding" provision, related to the protection of the Future GTA West Corridor or associated interchanges and accesses, and release of such related condition of draft plan approval, will only occur at such time as the Future GTA West Corridor Environmental Assessment process is completed, or has sufficiently progressed, that confirms the lands are not required for the corridor or associated interchanges and accesses, and upon confirmation from the Ministry of Transportation that the lands are no longer required to be protected.

C) Where the Ministry of Transportation provides comments that the approval of a development application will not impact the findings of the Environmental Assessment or the future routing of the GTA West Corridor or the location of interchanges and

accesses, the City of Vaughan will implement zoning provisions authorized by the Official Plan.

- iv) No final approval of plans of subdivision or site plan may occur until a comprehensive development phasing plan related to the timing of transportation infrastructure improvements has been completed to the satisfaction of the City of Vaughan and York Region. Such phasing plans shall be supported by a Traffic Impact Study, submitted to the satisfaction of the City of Vaughan and York Region, in consultation with the Ministry of Transportation, demonstrating how the transportation network is sufficient to accommodate the proposed development.”

19. Modify Section A., Item #18, by deleting the word “traffic” in the paragraph under new subsection m) in Section 2.3.3.3. - Public Transit, and replacing it with the word “transportation”.

20. Modify Section B., THE AMENDMENT OF OFFICIAL PLAN AMENDMENT #600 by deleting the word “Estate” in the paragraph in Item #1., so that Item #1 reads as follows:

“Deleting Schedule “A” to Official Plan Amendment No. 600, as amended by Amendment #604, and replacing it with Schedule “A” attached hereto as Schedule hereto as Schedule “G” to this Amendment, which identifies the Highway 400 North Employment Area, which is bounded by the City boundary, Jane Street, Teston Road and Weston Road, as “Employment Area”, excluding lands designated “Residential” (on Schedule “F”, Rural Area General to Amendment #600 as amended by Amendment #604).”

21. Modify Section B., THE AMENDMENT OF OFFICIAL PLAN AMENDMENT #600 by deleting the word “Estate” in Item #2., so that Item #2 reads as follows:

“Deleting Schedule “F”, Rural Area General, to Official Plan Amendment #600, as amended by Amendment #604 and replacing it with Schedule “F” attached hereto as Schedule “H” to this Amendment which designates lands north of the existing Estate Residential designation in the northeast quadrant of Teston and Weston Roads, south and west of the Valley & Stream Corridor and east of Weston Road, as “Residential”.

22. Modify Section B., THE AMENDMENT OF OFFICIAL PLAN AMENDMENT #600 by adding a new Item policy as “Item #3.” and thereby adding a new subsection to Section to the end of Section 6.0 Rural Area – General Policies as follows:

“3. Adding to Section 6.0 Rural Area – General Policies, the following new subsection 6.2.7:

“6.2.7 Low-Rise Residential

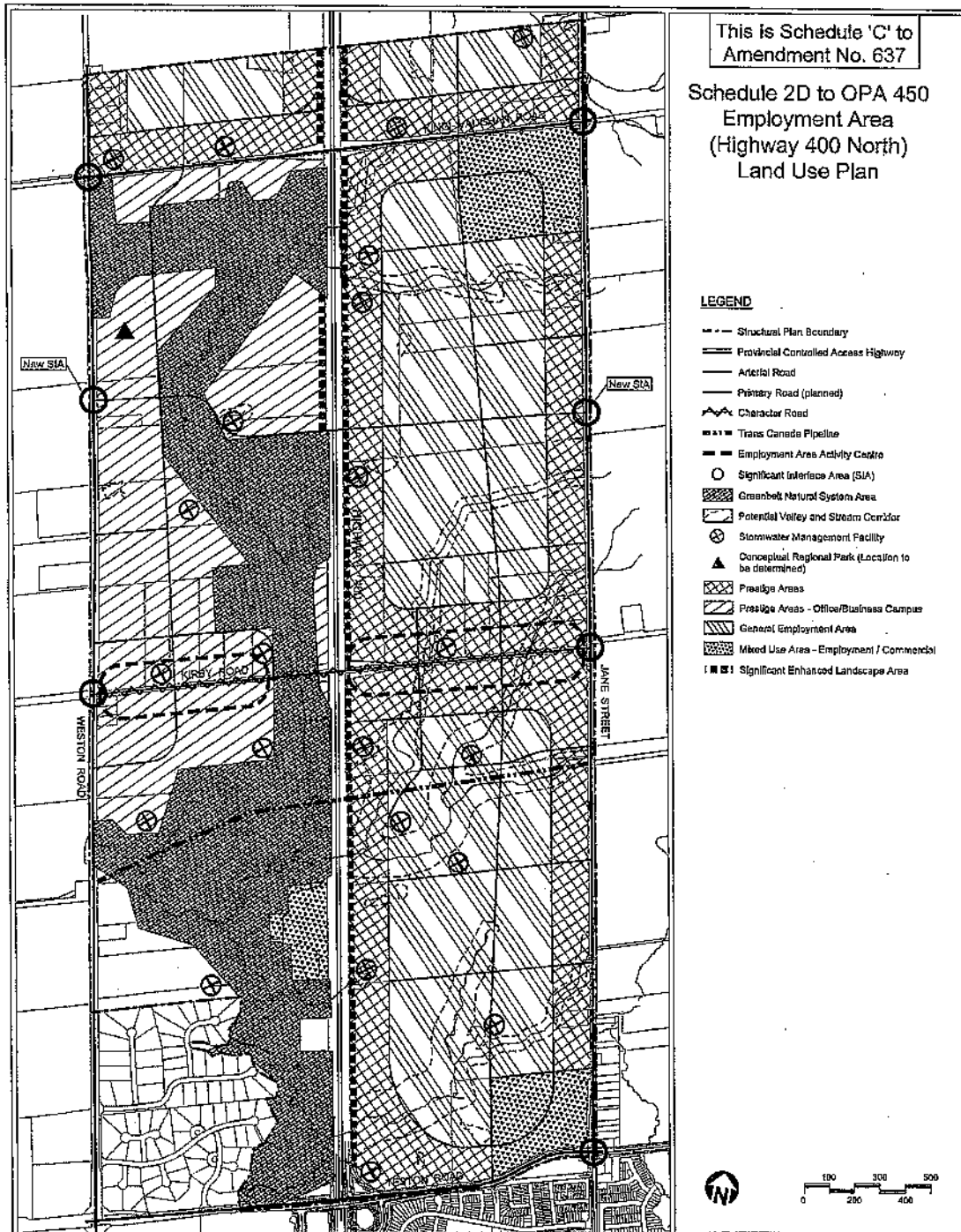
- i) The lands located immediately north of the existing estate residential subdivision at the northeast quadrant of Teston and Weston Roads, south and west of the Valley & Stream Corridor and east of Weston Road and consisting in size of approximately 16 hectares and designated “Low-Rise Residential” as shown on Schedule “F” attached hereto, shall be developed for residential uses and contribute to achieving an average minimum density of not less than 50 residents and jobs per hectare combined in the development area. Residential development shall have regard for the existing estate residential

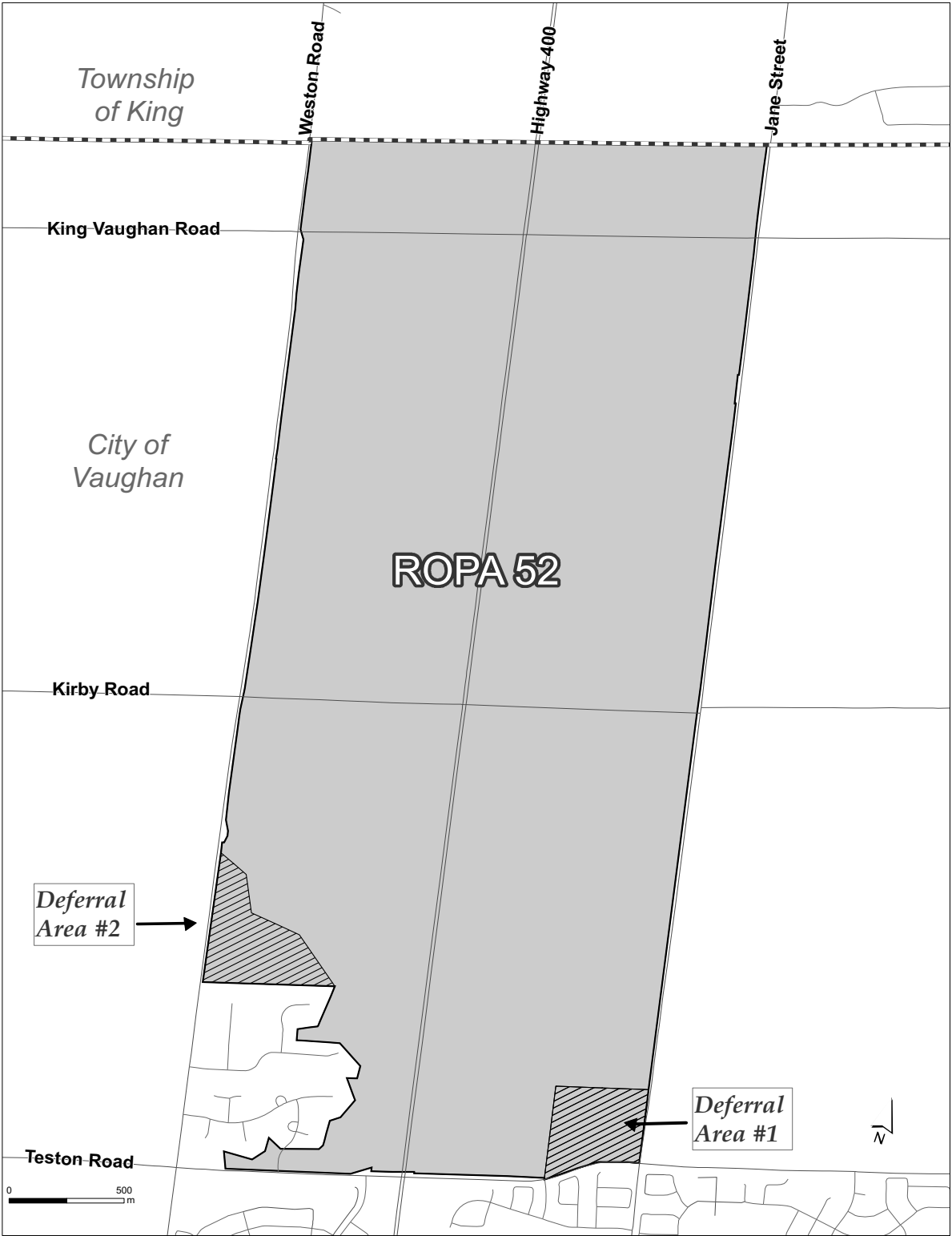
subdivision through buffering and an appropriate transition in lot size. All applicable development policies contained in Vaughan's new Official Plan (adopted September 7, 2010) for Low-Rise Residential development shall apply.

- ii) Sustainable community objectives shall be implemented through neighbourhood designs that support cycling and walking within and external to the community, including connectivity to transit facilities; ensures neighbourhood connectivity to the broader community; provide transit opportunities; provide water and energy efficiencies, and energy alternatives; and support green building design and site development, to the satisfaction of the City."

23. Replace Schedule "C" with Schedule "C" attached hereto.

24. Replace Schedule "H" with Schedule "H" attached hereto.





ISSUE DATE:

Aug. 19, 2010

Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

PL090086

IN THE MATTER OF subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: Minister of Municipal Affairs and Housing
 Subject: Proposed Regional Official Plan Amendment No. 52
 Municipality: Regional Municipality of York
 OMB Case No. PL090086
 OMB File No. PL090086

APPEARANCES:**Parties****Counsel*/Agent**

Region of York	S. Waque*
City of Vaughan	C. Storto*
Minister of Municipal Affairs and Housing	K. Hare* and C. Young*
Block 34 East Landowners Group Inc.	R. Houser*
Vaughan 400 North Landowners Group Inc.	M. Melling*
Toronto Region Conservation Authority	K. Huang

**MEMORANDUM OF ORAL DECISION DELIVERED BY N.C. JACKSON ON
 AUGUST 09, 2010 AND ORDER OF THE BOARD**

The Minister of Municipal Affairs and Housing appealed Regional Official Plan Amendment 52 ("ROPA 52"). Amendment 52 expands the Urban Policy Area of the York Official Plan to establish a new regional scale employment area along the Highway 400 corridor in the City of Vaughan. The boundaries are Teston Road to the south, Weston Road to the west, the King Township - Vaughan municipal boundary to the north and Jane Street to the east. The subject lands comprise approximately 800 gross hectares, approximately 220 of which will be added to the Greenbelt Natural Heritage

System. The proposed high scale employment area builds upon the employment land corridor to the south on Highway 400.

ROPA 52 is based upon analysis commenced in the City of Vaughan in 2005 leading to the adoption of Vaughan OP Amendment 637, under Appeal to this Board. Further planning in York has led to the adoption of a new Official Plan for which a Draft Decision has been issued by the Minister. The planning of the subject lands is generally consistent in the different planning initiatives - that is a recognition that the subject lands need to be within the urban policy area as a means of expanding the strategic employment base in York Region and the City of Vaughan.

The Minister's Appeal questioned whether there had been a comprehensive review and consideration of a proposed transportation corridor. Land budget analysis, some new, and consideration of the transportation corridor has led the Parties in earlier prehearing conferences and then in Board mediation to propose modifications leading to settlement. Minutes of Settlement are now executed by all Parties and set out in Exhibit 6, Tab 11.

Qualified planning evidence is given under oath by senior Region of York planner, Duncan MacAskill, that the settlement has addressed all outstanding matters and results in a good planning package. His evidence touched upon the Region of York planning, including the new York Official Plan, the Provincial Policy Statement, the Growth Plan and the Greenbelt Plan. The Board was satisfied from Mr. MacAskill's testimony that although other planning instruments remain under appeal or are expected to be appealed, that ROPA 52 can stand on its own merits and be consistent with the Provincial Policy Statement, and in conformity with the Growth Plan and Greenbelt Plan. The Board so finds. The Board finds that ROPA 52, as proposed for modification, will balance the need for more prestige employment lands, with lands to be protected for natural heritage value and with transportation considerations. This, the Board finds to be good planning.

The City of Vaughan, two landowner groups, the Minister of Municipal Affairs and Housing are in addition to York Region present, represented by counsel and support the settlement. The Toronto Region Conservation Authority is also present and supportive.

The Board, in accordance with the Minutes of Settlement, the planning testimony of planner MacAskill, submissions from York counsel Waque and other counsel, modifies ROPA 52, as set out in Tab 4 of Exhibit 6. In making these modifications, the Minister's Appeal is allowed to the extent necessary to give effect to the modifications. The Minister's Appeal is otherwise dismissed. Régional Official Plan Amendment 52, as modified by the Board, attached herewith as Attachment "1", is approved of by the Board.

So Orders the Board.

"N.C. Jackson"

N.C. JACKSON
MEMBER

ATTACHMENT "1"

ROPA 52 as modified by the Ontario Municipal Board PL 090086

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the text changes noted below and attached Map changes as shown on Figures 1, 2, 3, and 4 constitutes Amendment 52 to the Official Plan for the Region of York.

The Official Plan for the Region of York is hereby amended by the following:

1. Section 2.1 by adding a new subsection 19 as follows:

"2.1.19 Within the Greenbelt Area in Lots 26 through 35 of Vaughan Concession 5 and Lot 1 of King Concession 5 of the City of Vaughan known as the *Vaughan 400 North Employment Area*, the Regional Greenlands System shall include the Greenbelt Area – Protected Countryside designation lands, subject to the policies of the Greenbelt Plan including the Natural Heritage System policies for this area. This designation is reflected on Map 4 to this Plan.

In the event of a conflict between the Greenbelt Plan and the Regional or local municipal official plan policies in this area, the more restrictive policy shall prevail.

Nothing in this policy prevents the further definition and enhancement of the Regional Greenland System in accordance with Policy 2.1 of this Plan."

2. Section 3 - Economic Vitality, Section 3.3 - Locations for Economic Development by adding a new Policy 3.3.8 as follows:

"3.3.8 Lands within the City of Vaughan between Teston Road, Weston Road, Jane Street and the northern limit of the City of Vaughan known as the Highway 400 North Employment Lands are identified as a Regionally-significant employment area located adjacent to a Provincial 400-series highway corridor as outlined in the black hatched urban area on Figure 2 to this amendment. These lands shall be preserved and protected for employment uses. Any conversion of these lands, from employment to non-employment uses shall require an amendment to the Plan supported by a municipal comprehensive review. The development of these lands is subject to a comprehensive local municipal secondary plan.

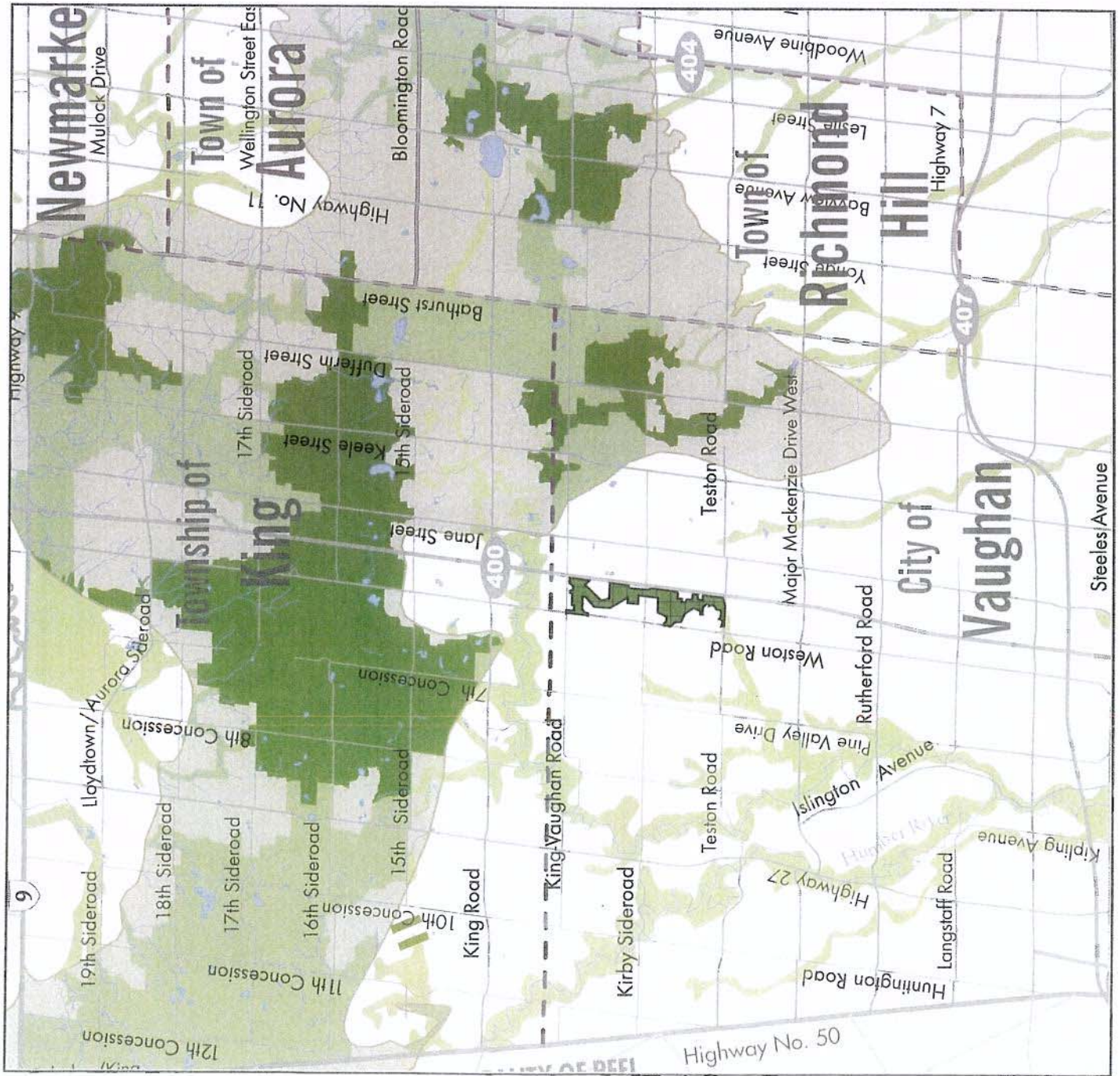
3. Section 6.1 The Road Network, is amended by adding new subsections 6.1.22 and 6.1.23 as follows:

"6.1.22 To request the Province to undertake and approve, in a timely manner, the Environmental Assessments for Future Transportation Corridors, identified conceptually through Places to Grow - the Growth Plan for the Greater Golden Horseshoe and on Map 5, Regional Structure.

The implementing Official Plans and secondary plans will include policies to protect the Future GTA West Transportation Corridor and other such corridors, to the satisfaction of the province. These policies may include provisions for the phased release of lands if such release does not preclude or predetermine the implementation of the transportation facilities within the Corridor. Acknowledging the municipal objective of making 400 series highway lands available for employment uses, the Province, Region and the City agree to work cooperatively together to address the phased release of lands subject to this policy.

- 6.1.23 Lands within ROPA 52, outside the area shown in a dot pattern identified on Figure 2, are not subject to Policy 6.1.22.”
4. That Map 4 – Regional Greenlands System is amended by adding the “Greenbelt Area: Natural Heritage System” designation to the legend and by designating lands as “Greenbelt Area: Natural Heritage System” cross-hatched in black on the attached Figure 1.
 5. That Map 5 – Regional Structure is amended by:
 - a) adding the Greenbelt Area: Natural Heritage System” to the legend as shown on the attached Figure 2; and
 - b) designating as “Urban Area” the lands shown hatched in black as shown on the attached Figure 2; and
 - c) designating as “Greenbelt Area: Natural Heritage System” the lands shown as cross-hatched in black as shown on the attached Figure 2; and
 - d) by providing a conceptual arrow per the legend item “Future GTA West Transportation Corridor ” identifying the general area wherein the said corridor is likely to go; and
 - e) identifying lands within ROPA 52 that are subject to Policy 6.1.22., shown as a dot pattern on the attached Figure 2.
 6. That Map 6 – Agriculture and Rural Area is amended by deleting the subject lands, from the “Agriculture Policy Area” as shown hatched in black as shown on the attached Figure 3.
 7. That Map 10 – Conceptual Transit Network is amended by designating as “Urban Transit Service” the lands shown hatched in black as shown on the attached Figure 4.
-

Figure 1
Regional Official Plan
Amendment 52



Map 4

REGIONAL GREENLANDS SYSTEM

Regional Greenslands System

Addition to "Greenbelt Plan Area: Natural Heritage System"

Connecting Links

ORMCP Natural Core Areas

ORMCP Natural Linkage Areas

Municipal Boundaries

Oak Ridges Moraine Conservation Plan Area - Refer to Section 2.5 and all other applicable sections of this Plan as it relates to the Oak Ridges Moraine, including the Oak Ridges Moraine Conservation Plan itself

Greenbelt Plan Area: Natural Heritage System - Refer to Section 2.1.19 of this Plan

Greenbelt Plan Area: Natural Heritage System - Refer to Section 2.1.19 of this Plan

Greenbelt Plan Area: Natural Heritage System - Refer to Section 2.1.19 of this Plan

Figure 2
Regional Official Plan
Amendment 52

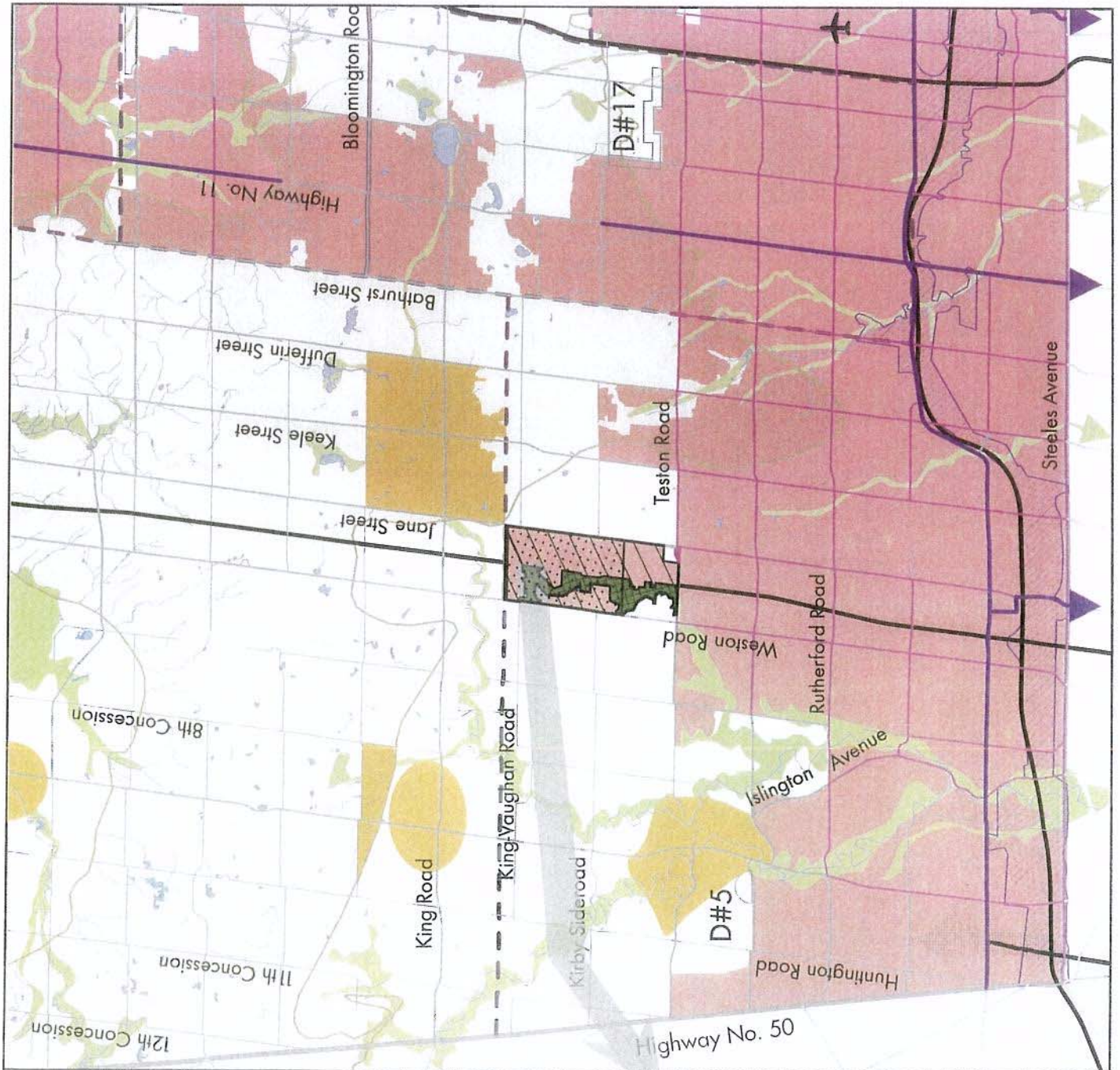
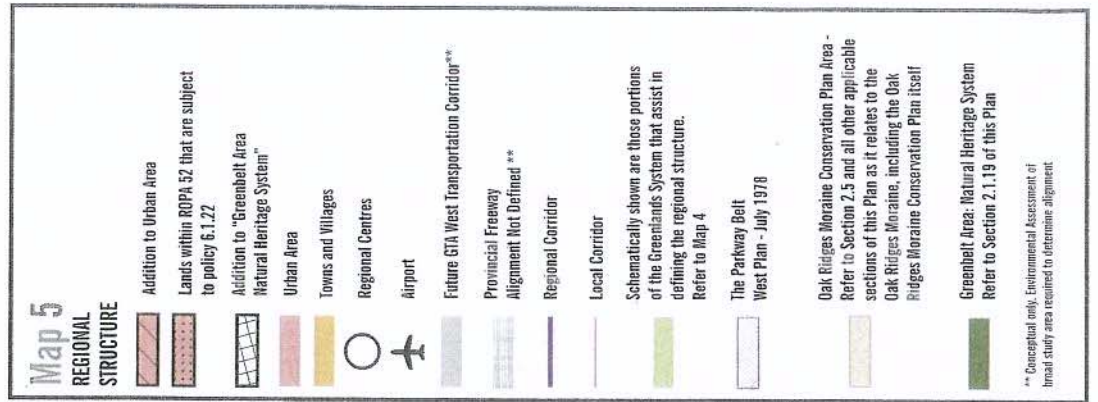


Figure 3
Regional Official Plan
Amendment 52

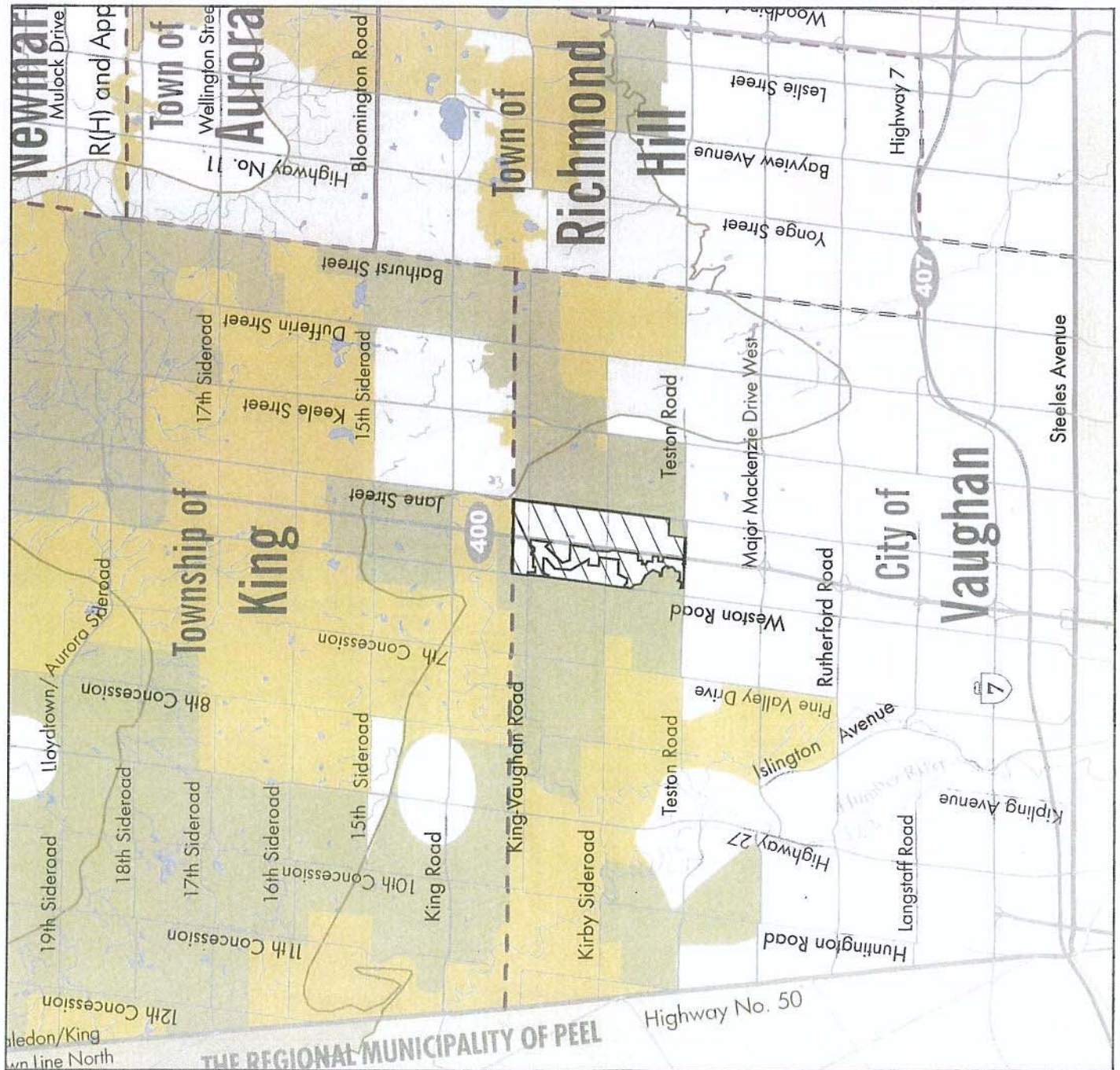
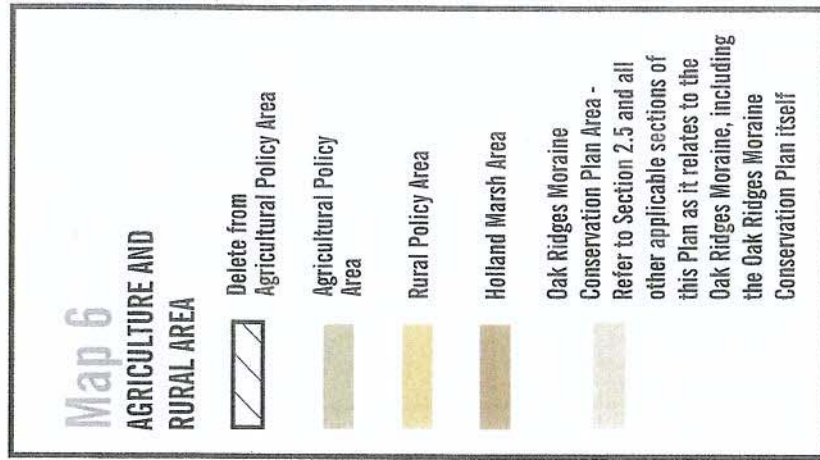
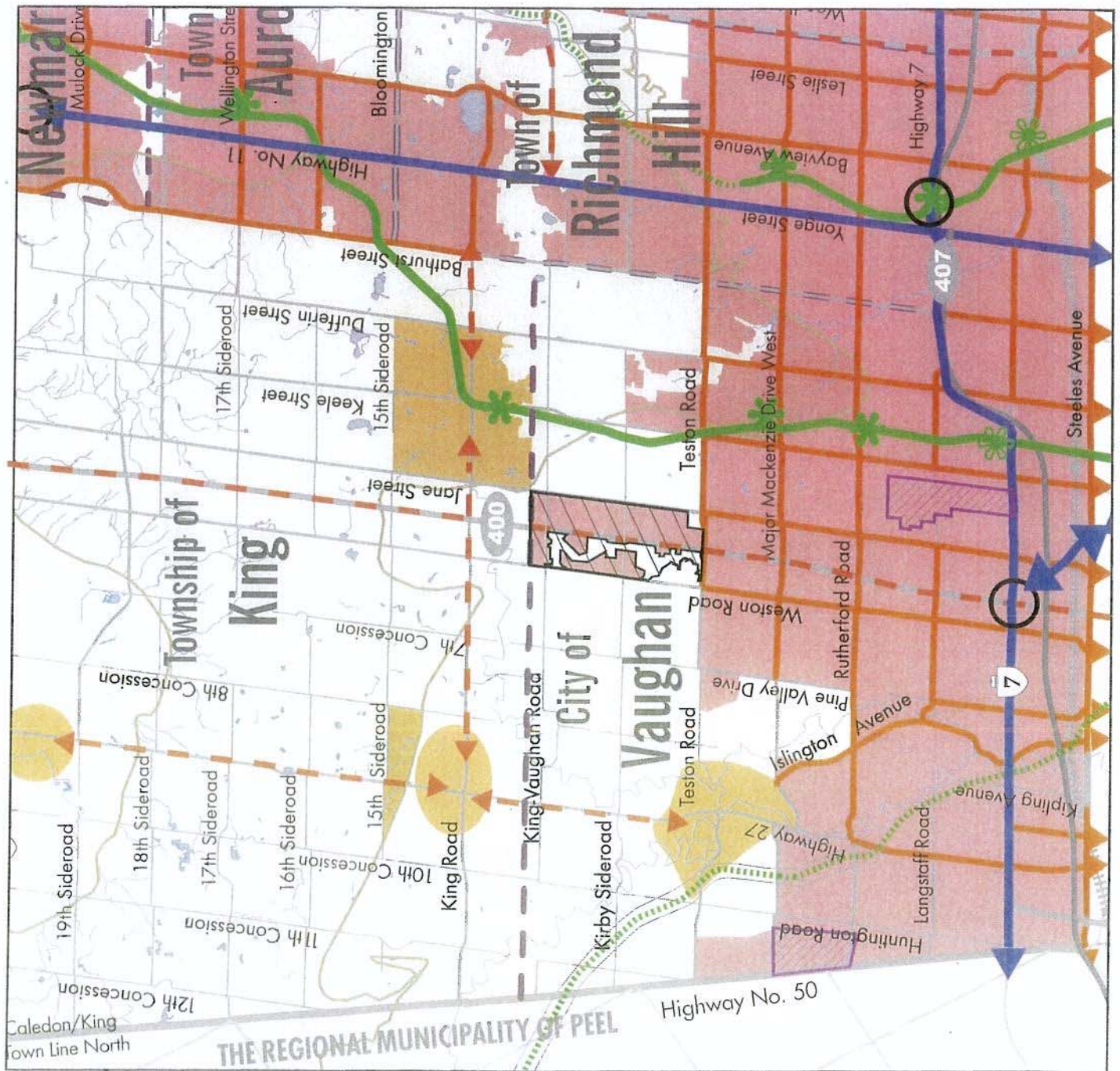
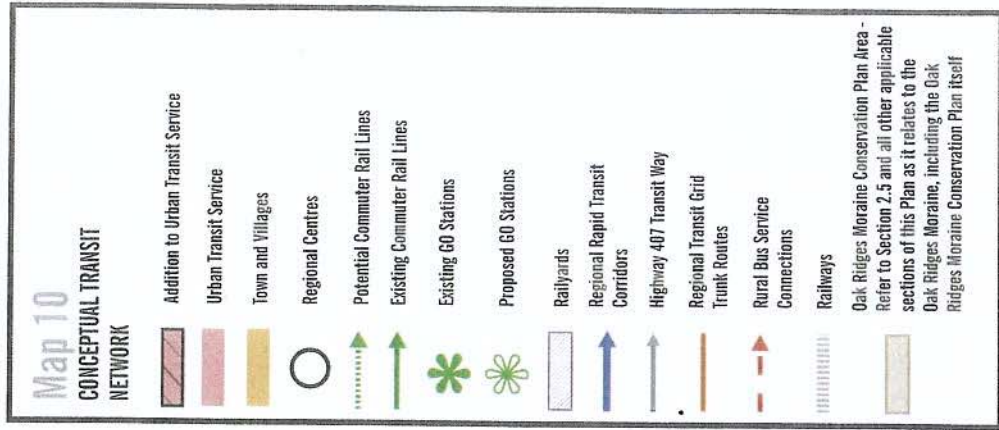


Figure 4
Regional Official Plan
Amendment 52



Council Attachment 5

