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### **YORK REGION OFFICIAL PLAN - DECEMBER 2009 REGIONAL ANALYSIS OF DRAFT PROVINCIAL MODIFICATIONS AND FURTHER SUBMISSIONS**

The Planning and Economic Development Committee recommends:

- 1. Receipt of the presentation by John Waller, Director, Long Range and Strategic Planning;**
- 2. Receipt of the communication from Kimberley Kitteringham, Town of Markham, dated June 15, 2010, regarding the recommended modifications to the Region of York Official Plan; and**
- 3. Adoption of the recommendation contained in the following report dated June 9, 2010 from the Commissioner of Planning and Development Services, subject to the addition of the following recommendation:**

- 2. That Policy 7.2.88 (formerly 7.2.87) of the York Region Official Plan – December 2009, be modified by the addition of the following paragraph at the end of the Policy:**

**“The re-use of the Airport site is intended to generate a range of quality employment opportunities and expand upon the number of jobs planned for the site. Approval of the Secondary Plan to the satisfaction of the Town in consultation with the Region will not be considered a conversion, and a further Regional municipal comprehensive review will not be required.”**

**and that Attachment 3 to this clause, *Matrix of Additional Requested Regional Modifications – June 2010* be revised accordingly.**

#### **1. RECOMMENDATION**

It is recommended that:

- 1. This report and *Attachments* be endorsed by Regional Council and submitted to the Ministry of Municipal Affairs and Housing as York Region’s response to the Draft Provincial decision letter and proposed Provincial modifications to the York Region Official Plan – December 2009.**

## 2. PURPOSE

This report updates Council on the ongoing Provincial review of the York Region Official Plan – December 2009 with the receipt of the Draft decision and Proposed Provincial modifications on May 31, 2010. As well this report updates requested Regional modifications and submissions and provides an annotated version of the Adopted Official Plan showing both the Provincial modifications and previously endorsed Regional modifications.

## 3. BACKGROUND

### **Draft Provincial decision letter is the result of circulation of the adopted ROP to Provincial Ministries and discussion with Regional staff**

Regional staff submitted the Adopted York Region Official Plan – December 2009 to the Ministry of Municipal Affairs and Housing on December 29, 2009. The Province circulated the adopted Official Plan widely, and after discussions with Regional staff has responded with their Draft decision letter containing a series of modifications that are recommended prior to the Minister approving the Region's Official Plan.

## 4. ANALYSIS AND OPTIONS

### **Recommended Provincial modifications are generally minor in nature and do not alter the overall intent of the Adopted York Region Official Plan – December 2009**

In their covering letter, the Province advises that:

*"...the adopted plan successfully integrates the visions, goals and objectives of recent provincial initiatives in a progressive, comprehensive and inter-disciplinary fashion while also providing regional leadership by tailoring these provincial directions to the Region's communities. We note the Regional tailoring in many of the Plan's progressive policy areas related to matters such as sustainability, transforming a predominantly suburban Region to an urbanizing Region, and balancing city building with protection of agricultural and rural resource areas.*

*The Ministry appreciates the efforts made by Regional staff in meeting with ministry staff to clarify and resolve matters, and to assist with the development of policy modifications which more closely address matters of provincial interest while being mindful of the Regional context and official plan structure. This is reflected in the attached draft decision page, as the majority of the proposed provincial modifications are minor or technical in nature."*

The Minister's covering letter and the Draft decision are appended as *Attachment 1*.

Regional staff has spent considerable time reviewing the proposed modifications and working collaboratively with MMAH staff to further refine the policies and resolve issues and is pleased to agree with the Ministry's assessment that the majority of the Provincial modifications are minor and acceptable to Regional staff.

The Provincial modification review matrix is appended as *Attachment 2* to this report. For ease of reading, Regional staff has also provided an annotated version of the adopted York Region Official Plan – December 2009 which shows both the proposed Regional modifications adopted by Council on May 20, 2010 as well as Provincial modifications and additional requested Regional modifications. This version is appended as *Attachment 4*.

It is recommended that Council endorse the Regional staff position on the proposed Provincial modifications and additional modifications requested by Regional staff.

### **Provincial letter contains assessment of Proposed Substantive Provincial Modifications**

The covering letter to the Minister's Draft decision contains a description of the Province's substantive issues with respect to the York Region Official Plan – December 2009.

**Map 1 "Potential Urban Expansion" symbols to be deleted** - As part of the Provincial modifications, the Province proposes to delete the asterisks in the Town of East Gwillimbury and the City of Vaughan denoting "Potential Urban Expansion Areas". The Region's refined land budget analysis (Clause 2 of Report 2 of the Regional Planning and Economic Development Committee endorsed by Regional Council, March 2010) supports the introduction of Proposed Regional Amendments 1, 2 and 3.

Regional staff has consistently opposed this deletion on the basis that it gives additional notice to the public that there is a need to expand the urban boundary in the three whitebelt communities.

The covering letter to the Minister's Draft decision acknowledges that the Region is proposing to proceed with three (3) official plans amendments to expand the urban area boundary in the whitebelt through a public review and amendment process separate from the adoption of the new Official plan. The Province's letter further indicates "

*"...that the Province is satisfied that the Region has completed a municipal comprehensive review and undertaken a land budget analysis to justify the additional lands to accommodate forecasted growth through urban expansions as proposed in the forthcoming amendment."*

Proposed Amendments 1, 2 and 3 are subject to Statutory Public meetings on June 16, 2010 and are currently in circulation to prescribed agencies, boards and commissions, municipalities and First Nations.

Once comments are received from the circulation, from submissions at the statutory meetings and from written submissions, Regional staff will analyse the results and bring a report forward to a future Council meeting recommending disposition of the Proposed Amendments.

**Lake Simcoe Protection Plan** - The Province is proposing modifications to more fully bring the Adopted Regional Official Plan into conformity with the Lake Simcoe Protection Plan. These modifications include policies (some of which relate to local municipal responsibilities under the Plan) and modifications to Map 1, 6 and 7 to show the Lake Simcoe Protection Plan boundary and area of its applicability.

Regional staff recommends these modifications to Council, but continues to believe that further policy refinements may be required in the future as the Lake Simcoe Protection Plan matures. Regional and local municipal staff will continue to monitor the ongoing administration and development of the policy context for the Lake Simcoe Protection Plan.

**Strategic Employment Lands and Future Urban Areas beyond 2031 -Figure 2 -** The Draft Provincial decision proposes to modify Figure 2 (which they consider to be part of the Plan by virtue of its references within operative policy) to delete the “Future Strategic Employment Lands” identification that are beyond the 20-year planning horizon.

Regional staff has advised Ministry staff on numerous occasions that Figure 2 is not part of the operative part of the document, however it appears that they do not agree with the Region’s approach. The deletion of the “Strategic Employment Land” identification beyond the existing Urban Area results in several additional Regional modifications and changes to proposed Amendment 1 and 3 dealing with urban expansions in the Towns of East Gwillimbury and Markham. These are discussed below as part of the additional Regional modifications requested.

**Bradford Bypass** - The Province has indicated on many occasions that since the Bradford Bypass is not shown in the Growth Plan, that it cannot be included in the ROP. A proposed modification to delete reference to the “Bradford Bypass” has been proposed to Policy 7.2.71 a). Regional staff continues to oppose the deletion of references to this facility as the facility has an approved Individual Environmental Assessment for the route and is defined by an Order in Council at the Provincial level. Regional staff will continue to advocate for this important transportation facility as well as others in the Region and monitor the situation carefully.

**Table 1 – York Region Population and Employment Forecast by Local Municipality**

The Province has advised that Table 1 will be modified so that the total population and employment forecasts numbers for 2031 are precisely as shown on Schedule 3 of the Growth Plan. This modification has resulted in adjustments to the forecast figures to reduce the total by 7,500 persons and 300 jobs.

This reduction is considered minimal and does not adversely impact the land budget. Further the Province has made this modification to all other Regional Official Plans in the GTA to ensure strict compliance to Schedule 3 of the Growth Plan for the Greater Golden Horseshoe.

**Agricultural Expansion in the Holland Marsh Specialty Crop Area** - The Province proposes to delete ROP policy 6.3.13 in its entirety. This policy represents Regional Council's position on the need to balance the agricultural and natural heritage aspects of lands in the Holland Marsh Speciality Crop Area and potentially permit some agricultural expansion. It is the Regional staff position that if this policy does not contravene Provincial Policy Statement or Provincial Plans then it should remain in the Plan. Regional staff does not recommend this proposed Provincial modification to Council and requests the opportunity to speak to the Province before a decision on this important issue is made.

### **Policies subject to on-going discussions with the Province**

**Woodlands** - The Province has proposed modifications to policies 2.2.44 and 2.2.45 with respect to Woodlands.

The effect of the modifications would:

- Change the application of the policy from only "cultural communities" to "early successional" woodlands and woodlands which contain a high proportion of non-native and invasive tree species.
- Clarify the geographic application of the policy to only the portions of the Urban Area outside of the Greenbelt, Oak Ridges Moraine and the applicable portions of the Lake Simcoe Watershed (new urban areas in the Town of East Gwillimbury). The total area of application of this policy amounts to .24 sq. km or approximately 24% of the Regional area.
- Remove the ability to review the appropriateness of the potential development and site alteration within a woodland against the sustainable community policies in Sections 5.2 and 5.6 of the Regional Official Plan.

Regional staff does not recommend these modifications to Council as currently proposed. While staff does not have an issue with respect to inclusion of criteria dealing with both early successional or invasive non-native species instead of "cultural communities", staff is not comfortable with either the definition of "early successional" that the Province is relying on for the policy, nor with the parameters around invasive non-native species as proposed, nor understand the technical merits.

Regional staff is responding to the Province in discussions and has proposed alternative policies (below) subject to the refinement of the definition of “early successional”, and the measurement on non-native and invasive tree species:

“2.2.44. That notwithstanding policy 2.2.39, within the Urban Area and/or within the existing settlement areas as defined in the Lake Simcoe Protection Plan, and outside of the Oak Ridges Moraine Conservation Plan and Greenbelt Plan areas, significant woodlands do not include any of the following:

- a. a woodland that is considered to be early successional (definition to be determined); or
- b. a woodland that is dominated by invasive non-native tree species; (parameters to be determined); and,
- c. a woodland that does not contain species or communities listed in policies 2.2.39a and 2.2.39b of this Plan; and,
- d. a woodland that is located outside of the Regional Greenlands System.

2.2.45. That should policy 2.2.44 apply, notwithstanding policy 2.2.43, development and site alteration may be permitted within all or part of the woodland if the development or site alteration does not affect the ability of the retained portion of the woodland and/or adjacent woodlands to remain significant in accordance with criteria in Policy 2.2.39 of this Plan. Where development or site alteration is permitted, a woodland compensation plan or a Regional Greenlands System Enhancement Plan, shall be completed to the satisfaction of York Region prior to approval of the applications.

Woodland enhancement will provide ecological gains in areas on or adjacent to the site or in areas within the Regional Greenlands System. Through the implementation of the compensation/enhancement plan, the Regional Greenlands System, intensification, and compact community design objectives of this Plan shall be met.”

Regional staff believes that a resolution of these policies is possible. Agreed upon policies would be included in the final decision of the Minister on the York Region Official Plan – December 2009.

**Sustainable Building Policies** - In the draft decision letter, the Province has indicated that they are still considering the Sustainable Building policies of the ROP to ensure that there is no conflict with the Ontario Building Code.

Regional staff is aware that the Sustainable Building Policies in the ROP require standards for building energy and water performance that are greater than the requirements currently within the Ontario Building Code. These policies are a result of extensive consultation with the Building Industry and Land Development (BILD) and local municipalities.

York Region is committed to a sustainable approach to growth. A key element of this approach includes achieving high standards in new construction in York Region. While Provincial Policy supports sustainable community development and green buildings, the Ontario Building Code does not yet include some of the advanced energy efficiency/sustainability measures, including green building design and materials, water and energy use endorsed in the ROP.

Sustainable buildings contribute to the reduction of energy consumption, water use, and create a healthier living or working environment. There is a critical interface between community development and the built form. The sustainability vision for a community includes buildings that are more energy and water efficient, support local industry by buying materials locally and provide healthier indoor environments.

York Region, the local municipalities and the development community are already leading the way in green building initiatives. The costs associated with construction to green building standards can be recovered through savings in operating costs, making green buildings more affordable. Consumers are demanding greener building products and are increasingly willing to pay the up-front costs of efficient buildings to achieve long term operating savings. The current Sustainable Building policies in the ROP are a practical and reasonable approach to achieving more sustainable buildings. The policies are consistent with the direction that the industry is taking in new construction, the Region's success in water conservation and are supported by two Regional incentive programs for LEED certified buildings.

In order to raise the standard of building performance in York Region, further discussions on these policies with Provincial staff are ongoing and Regional staff believes that a resolution is possible. The inclusion of these progressive policies to the Region's is an important principle of the York Region Official Plan – December 2009 Plan. Such proposed policies should be included in the final Decision of the Minister on the York Region Official Plan.

### **Additional Regional modifications are requested**

Since the majority of the Regional modifications were endorsed by Council in May, 2010, several additional issues have arisen where additional modifications to the Adopted Official Plan are indicated. These are detailed in matrix form in *Attachment 3*.

**Policy 4.3.14 – Employment** - The Province suggested during discussion that there were a number of policies relating to new development in Sections 5.2 and 5.6 that should be applicable to new employment lands. Proposed new policy 4.3.14 attends to this suggestion.

“4.3.14 That local municipalities, in consultation with York Region, prepare comprehensive secondary plans for new employment lands that are consistent with the applicable policies in sections 5.2 and 5.6 of this Plan.”

**Policy 6.4.7 – Major Recreational Uses in the Rural Area** - Policy 6.4.7 currently requires that applications for Major Recreation uses in the Rural Area may be subject to both a Regional Official Plan amendment and a local official plan and zoning bylaws. In order to reduce duplication and simplify the process, Regional staff is recommending that such applications be subject to only a local OPA and zoning bylaw amendments.

To implement such a modification, Policy 6.4.7 should be modified by deleting the words "this Plan and" from line 3 of the policy.

**Policy 7.5.2 b. –Roads Projects to be expedited** - This Policy refers to additional roads projects that the Region requests the Province to expedite. Clause b. referred to Highway 404 north beyond Green Lane to the Highway 48/Highway 12 junction. It is recommended the reference to ‘Green Lane’ be replaced by ‘Ravenshoe Road’ to acknowledge that the highway north to Ravenshoe is under construction.

**Map 2 - Refinement to the extent of key natural heritage features in the Aurora 2C lands east of Leslie Street** - Further discussions with the Aurora 2C landowners and the Town of Aurora for the lands east of Leslie Street have resulted in refinements to Woodlands and Regional Greenlands on Maps 2 and 5 of the Regional Official Plan. The detailed map showing these changes forms part of *Attachment 4* and will be reflected on the final maps to the Ministry which incorporate all modifications.

**Map 4 – Refinement of the extent of wetland features on two properties in the Sutton Community Plan to reflect approved development plans** - Wetland designation refinements are proposed on two properties in Sutton – the Mohinder Sud subdivision and the Jackson’s Landing development, which have existing approvals. Modifications to the extent of forest cover on these two properties was processed as part of the December adoption of the Official Plan, however, it was only recently determined that the same issues existed with the wetland features. The detailed map showing these changes forms part of *Attachment 4* and will be reflected on the final maps to the Ministry which incorporate all modifications.

**Figure 2 – York Region Strategic Employment Lands** - As previously indicated Provincial staff considers that Figure 2 is part of the operative part of the Official Plan by virtue of the several policy references to the Figure within the document. Therefore, the Province has advised that they intend to modify Figure 2 to remove identification of “Strategic Employment Lands” beyond the existing “Urban Area”.

Because of the Province’s proposed modifications to Figure 2, there is a need to further modify policies in Section 4 of the Plan as follows:

Modify policy 4.3.6 (formerly 4.3.4) to read as follows:

“To protect strategic employment lands, including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and shall be designated for employment land uses in local municipal official plans.”

Delete Policies 4.3.21, (part of the Regional modifications endorsed by Regional Council on May 20, 2010.) and Policy 4.3.7 in their entirety.

### **Regional Commissioner of Planning and Development Services has been authorized to appeal Minister’s modifications if required**

Regional Council at its meeting of May 20, 2010, through its adoption of Clause 3 of Report 4 of the Regional Planning and Economic Development Committee authorized the Commissioner of Planning and Development Services to appeal the Minister’s decision on the York Regional Official Plan – December 2009 should requested Regional modifications not be made. This delegation is necessary as the Regional Official Plan is likely to be approved by the Province over the summer, while Regional Council is not in session. In addition, a limited appeal period window of 20 days, as prescribed by the *Planning Act* limits the opportunity to confer with Regional Council within regular reporting timeframes.

Regional staff will monitor the progress and content of the Minister’s decision on the Plan decision and determine whether the Commissioner should exercise this authority. Staff will report back to Council on the Minister’s approval at a future meeting.

### **Additional submissions have been received and reviewed since the May, 2010 Council report**

Since the May, 2010 Council report on the proposed Regional modifications, a number of additional submissions have been received. The majority of these deal with matters that have already been brought to the Region’s attention prior to the adoption of the Official Plan in December 2009. In order for these to be considered as part of the public record, Regional staff has analysed the submissions and provided both the analysis and the submissions as *Attachment 5*.

Several other submissions deal with matters that were not raised prior to the adoption of the York Region Official Plan in December 2009. Regional Planning staff will consult with Regional Legal staff to confirm the status of these submissions should the parties appeal the Official Plan to the OMB.

A number of submissions since the May 2010 Council report on the Regional Official Plan report deal with issues relating to Proposed Amendments 1, 2 and 3, which are the subject of the public meeting on June 16, 2010. A separate report will be brought forward on the proposed urban expansion amendments, including information and

analysis of submissions received following the public meeting and circulation of the Amendments to prescribed parties.

### **Summary and next steps**

#### **Province is on track to provide a decision on the Plan early summer of 2010**

The majority of the Provincial modifications outlined in this report are technical in nature.

Regional staff and staff of the Ministry of Municipal Affairs and Housing are in ongoing communications to resolve outstanding issues relating to the York Region Official Plan – December 2009 approval. While there are several issues which are outstanding at this time, Regional staff believe they can be resolved and is actively pursuing this goal.

The Ministry has previously highlighted a number of mapping changes that were included in Regional modifications as well as a number of Policy issues that were resolved through the Regional modifications. Several of the maps, will be replaced by the Region with the modified information and supplied to the Province for use in its decision.

There are also several outstanding site specific issues that may require the Province to effectively “defer” site specific portions of the approval of the York Region Official Plan – December 2009 until a later date. This includes, but may not be limited to portions of the North Leslie Secondary Plan Area in the Town of Richmond Hill, where the OMB Order relating to the development of the lands remains outstanding.

Regional Planning staff continues to discuss such situations with Regional Legal staff and Provincial staff, however indications are that the Province will be in a position to issue their decision on the York Region Official Plan – December 2009, in July. The Ministry’s Decision will incorporate both Provincial modifications and Regionally requested modifications accepted by the Province. Regional staff is actively involved in discussions with the Province to resolve issues dealing with the final decision.

Should there be instances where resolution is not possible, the Commissioner of Planning and Development Services has been authorized to appeal the Minister’s decision to the Ontario Municipal Board.

#### **Relationship to Vision 2026**

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

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

## **5. FINANCIAL IMPLICATIONS**

Financial forecasts for the Region are being updated through a detailed fiscal impact assessment and economic implications analysis for the forecast/land budget. This analysis is being conducted by Watson & Associates Economists Ltd. and will be completed later in the year. The Region will require substantial investment in transportation, water and waste water infrastructure and human services to service the anticipated growth.

It is estimated that the annual assessment growth over the forecast period will be 1.5 to 2%. The water and wastewater and roads infrastructure that will be constructed by the Region and subsequently recovered from development charges will be approximately \$6 billion (figures in 2010 dollars minus benefits to existing development and post period benefits as well as grants and subsidies).

As indicated in the March 2010 report entitled “York Region 2031 Land Budget” (Clause 2 of Report 2 of the Planning and Economic Development Committee):

*“There is a level of risk based on the forecast and land budget assumptions, related to development charges revenue stream. An urban area expansion is required to accommodate demand for the ground-related housing market. The forecast for high density units will require a significant shift in housing preferences for the Region’s residents. A lower than anticipated growth rate for either the ground-related housing market or the high density housing market will result in a shortfall of projected development charges revenue. This will cause delays in capital cost recovery, impact costs for debt repayment and result in a potential deferral of elements in the capital program. There may also be a requirement to fund regional capital programs through water/wastewater rates or property taxes. Careful ongoing monitoring of financial implications is necessary.”*

## **6. LOCAL MUNICIPAL IMPACT**

Local municipalities have been consulted on an ongoing basis during the preparation and review of the Official Plan document. Formal comments have been received from all local municipalities and a number of municipalities provided comments on aspects of the adopted Official Plan. Regional staff will continue to discuss issues with local municipal staff as they arise.

## **7. CONCLUSION**

The Province provided their Draft decision letter including proposed modifications to the York Region Official Plan – December 2009 on May 31, 2010. The majority of modifications are minor in nature and can be supported as indicated in *Attachment 2* to this report. Several modifications, as discussed in the report, raise issues for the Region. It is recommended that Council endorse the Regional staff position on the Proposed Provincial modifications.

Should the Province decide to proceed with modifications that are unacceptable to the Region, Regional Council has previously authorized the Commissioner of Planning and Development Services to appeal such actions to the Ontario Municipal Board.

Since the May, 2010 report to Council, several additional Regional modifications have been identified as indicated in this report and *Attachment 3*. It is recommended that these be endorsed by Council to be included as part of decision on the Official Plan by the Minister of Municipal Affairs and Housing.

Regional Planning staff will continue to work with Provincial staff to ensure the York Region Official Plan – December 2009 is approved as early in July as possible.

For more information on this report, please contact Barbara Jeffrey, Manager, Land Use Policy and Environment, at (905) 830-4444 Ext. 1526, or John Waller, Director of Long Range and Strategic Planning at Ext. 1525.

The Senior Management Group has reviewed this report.

*(The attachment referred to in this clause is attached to this report.)*



## **York Region Official Plan – December 2009 Regional Analysis of Draft Provincial Modifications**

Presentation to Planning and  
Economic Development Committee  
(Clause 6 of Report 5)

John Waller  
June 16, 2010

### **Overview**

- ❑ Background
- ❑ Key Proposed Provincial Modifications
- ❑ Regional Issues
- ❑ Next Steps



## Background

- ❑ Provincial Policy context has changed
- ❑ Planning for Tomorrow Consultation Program – ongoing over past 4 years
- ❑ Over 125 Town Hall, stakeholder, and local municipal meetings and over 50 technical reports available on web
- ❑ December 2009 - Adopted new ROP based on 1.5 million people, 780,000 jobs and minimum intensification of 40%
- ❑ Province has reviewed the Plan and May 31, 2010 provided Draft Decision with proposed Modifications



Planning and Economic Development Committee, June 16, 2010

Slide 3

## Key Provincial Modifications

- ❑ Majority of modifications are minor and technical
- ❑ Key Changes
  - ❑ Map 1 deletes potential urban expansion asterisks, but Province *satisfied that the land budget analysis justifies the additional lands to accommodate forecasted growth*
  - ❑ Lake Simcoe Protection Plan additional policies relating to local municipal responsibilities
  - ❑ Figure 2- deletion of employment lands beyond existing urban areas
  - ❑ Table 1 Population and Employment modified to agree exactly with Growth Plan Schedule 3: loss of 7,500 people and 300 jobs
  - ❑ Deletion of Policy 6.3.13 encouraging Province to balance agricultural production and natural heritage protection in Holland Marsh



Planning and Economic Development Committee, June 16, 2010

Slide 4

## Resolving Outstanding Issues

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- ❑ Woodlands policies as they might permit flexibility in existing urban areas and in new community areas
- ❑ Sustainable Building policies to ensure they do not conflict with the Ontario Building Code



## Some additional Regional Modifications Requested

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- ❑ Policy 4.3.14 Change so that the new community policies apply in new employment areas as well as residential area
- ❑ Policy 6.4.7 Change to allow Major Recreational Uses in Rural Area such as golf courses subject to a local OPA and ZB instead of an ROPA
- ❑ New Policy 7.5.2 b. Additional change to refer to "Ravenshoe Road" instead of "Green Lane" as Highway 404 committed to Ravenshoe Road
- ❑ Figure 2 MMAH changes require additional changes to 4.3.6, and deletion of 4.3.7
- ❑ Map 2 – Refinement to woodlands and Greenlands in Aurora 2c east of Leslie Street – Aurora staff agree
- ❑ Map 4 – Refinement to wetlands on two development sites in Sutton – Georgina staff agree



## Summary and Next Steps

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- ❑ Majority of Provincial Modifications are minor and technical
- ❑ Recommend that the Regional position on the Provincial modifications and the additional requested Regional modifications be endorsed and submitted to the Province
- ❑ Regional staff to continue working with Provincial staff to resolve the issues relating to policies and outstanding site specific issues
- ❑ Anticipating Provincial Approval early in the summer of 2010
- ❑ Regional Commissioner of Planning and Development Services has been authorized to appeal Minister's decision if necessary
- ❑ Report back to Council on Minister's decision and appeals at a future meeting



June 15, 2010

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

**RE:               RECOMMENDED MODIFICATIONS TO THE  
                    REGION OF YORK OFFICIAL PLAN**

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Dear Mr. Kelly:

This will confirm that at the Development Services Committee meeting held on June 15, 2010, the following resolution was adopted and will be presented at the Council Meeting to be held on June 22, 2010:

- "1) That the report dated June 15, 2010, entitled "Recommended Modifications to the Region of York Official Plan" be received; and,
- 2) That the Chief Administrative Officer and Commissioner of Development Services be authorized to negotiate or appeal the approval of the Region of York Official Plan on behalf of the Town, in regard to any further modifications included in the decision to be issued by the Minister of Municipal Affairs and Housing; and,
- 3) That the new policy in the Airports Section of the Regional Official Plan dealing with the future closure and redevelopment of the Buttonville Airport site (as outlined in the staff addendum memo to DSC dated June 15, 2010) be modified by adding the following additional clause at the end of the policy:

"The re-use of the Airport site is intended to generate a range of quality employment opportunities and expand upon the number of jobs planned for the site. Approval of the Secondary Plan to the satisfaction of the Town in consultation with the Region will not be considered a conversion, and a further Regional municipal comprehensive review will not be required."

- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution."

Sincerely yours,

Kimberley Kitteringham  
Town Clerk



## MEMORANDUM

To: Members of Development Services Committee

From : Jim Baird, Commissioner of Development Services

Date: June 15, 2010

Subject: **DSC Agenda Item 20 – Recommended Modifications to Regional Official Plan  
Suggested Revision to Region of York Modification dealing with Buttonville  
Airport**

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The purpose of this memo is to recommend a revision to the wording currently proposed by Regional staff regarding a modification to the Regional Official Plan dealing with Buttonville Airport.

As noted on page 2 of the Town staff report dated June 15, 2010 (Agenda page 370) Region of York staff are recommending a modification to the newly adopted Regional Official Plan, resulting from a request of the owners of Buttonville Airport. This new policy in the Regional OP would read as follows:

“The Toronto Buttonville Municipal Airport lands are designated for business park use in the Town of Markham Official Plan, including permission to operate an airport. When airport operations at the Buttonville Airport cease, the significant majority subject lands shall be retained for business park use, as contemplated in the Town of Markham Official Plan. The Town of Markham will determine the details of the future use of these lands through an implementing secondary plan process.”

It was the intent of the above wording, discussed between Town and Regional staff and Malone Given Parsons (planning consultant for the landowner), that the Town’s Secondary Plan process (with public input and subject to Markham Council approval) would prevail in determining the future use of the lands.

However, Malone Given Parsons has requested further modification to the Airports policy in the Regional OP to clarify, given the unique attributes and land use context of the Airport site and its intended redevelopment through a comprehensive Secondary Plan process, that the approval of a Secondary Plan by the Town would not be considered a land conversion nor require a Regional municipal comprehensive Official Plan review. In addition, Malone Given Parsons assures the Town that while the landowner will be seeking a wider range of use permissions through the Secondary Plan process, the lands are intended primarily for employment and will expand upon the number of jobs planned for the site.

Town staff would support a further clarification to the wording in the Regional OP to reflect this, as recommended below.

**RECOMMENDATION:**

**That the new policy in the Airports Section of the Regional Official Plan dealing with the future closure and redevelopment of the Buttonville Airport site (as outlined in the staff addendum memo to DSC dated June 15, 2010) be modified by adding the following additional clause at the end of the policy:**

**“The re-use of the Airport site is intended to generate a range of quality employment opportunities and expand upon the number of jobs planned for the site. Approval of the Secondary Plan to the satisfaction of the Town in consultation with the Region will not be considered a conversion, and a further Regional municipal comprehensive review will not be required.”**

Report to: Development Services Committee

Date Report Authored: June 15, 2010

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**SUBJECT:** Recommended Modifications to the Region of York Official Plan  
**PREPARED BY:** Elisabeth Silva Stewart, Senior Planner, ext.3115

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**RECOMMENDATION:**

- 1) That the report dated June 15, 2010, entitled "Recommended Modifications to the Region of York Official Plan" be received;
- 2) And that the Chief Administrative Officer and Commissioner of Development Services be authorized to negotiate or appeal the approval of the Region of York Official Plan on behalf of the Town, in regard to any further modifications included in the decision to be issued by the Minister of Municipal Affairs and Housing;
- 3) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

The purpose of this report is to update Development Services Committee on the status of the new Region of York Official Plan, and to ensure that the Town is in a position to act should it be necessary when the Official Plan is approved by the Minister of Municipal Affairs and Housing.

**BACKGROUND:**

On December 16, 2009, Regional Council adopted the new York Region Official Plan and submitted it to the Minister of Municipal Affairs and Housing for approval. Town Staff reviewed the adopted new Official Plan, and identified matters of interest to the Town in the February 2, 2010 report to DSC. In that report, Staff recommended that the Town seek modifications to several provisions of the ROP. At the February 2, 2010 Development Services Committee meeting, the Committee suggested further modifications which were considered by Staff in a report dated February 16, 2010 and endorsed by the DSC. The modification requests as revised by Development Services Committee were endorsed by Council on March 1, 2010, and were submitted to the Region and the Ministry of Municipal Affairs and Housing.

On May 5<sup>th</sup>, Region of York staff reported back to the Region's Planning and Economic Development Committee on the submissions received with a recommended list of modifications to the ROP.

**OPTIONS/ DISCUSSION:**

The May 5<sup>th</sup>, 2010 report to the Region's Planning and Economic Development Committee outlines submissions received regarding the Regional Official Plan, and responds to them.

**Submissions, Responses and proposed Modifications**

The Region addressed some 60 submissions in its May 5<sup>th</sup> report. The end result is a final list of Regionally recommended modifications relating to policy wording and mapping to the Minister of Municipal Affairs and Housing.

**Nature of modifications to ROP**

The majority of modifications made to the ROP are minor in nature. The Region characterized the modifications into 4 groupings: policy modifications, minor wording and syntax modifications, and mapping modifications. The modifications respond to submissions as well as rectify typographical errors or omissions. In terms of policy modifications, the key modifications identified by the Region in the May 5<sup>th</sup> report are the deletion of policy 4.3.8 (conversion of employment uses in Regional Centres and Corridors), clarification of policy 4.3.12 (ancillary employment uses) and 8.4.4 (Oak Ridges Moraine).

**Region's Response to Town's Requested Modifications**

Town Staff has summarized the Region's response to the Town's modification requests in the attached chart (see Appendix A). Town Staff is satisfied with the Region's response to the modification requests.

In addition, there is also a recommended modification resulting from a request on behalf of the owners of the Toronto Buttonville Municipal Airport which introduced a new policy relating to the Buttonville Airport. This new policy reads as follows:

*The Toronto Buttonville Municipal Airport lands are designated for business park use in the Town of Markham Official Plan, including permission to operate an airport. When airport operations at the Buttonville Airport cease, the significant majority of the subject lands shall be retained for business park use, as contemplated in the Town of Markham Official Plan. The Town of Markham will determine the details of the future use of these lands through an implementing secondary plan process.*

Town Staff was consulted regarding the wording of this policy.

Town Staff has reviewed the remainder of the recommended modifications, and has determined that no further action is warranted at this time. Staff will continue to monitor the progress of the approval of the ROP.

**Anticipated Timing of ROP Approval**

The Minister of Municipal Affairs has indicated to the Region that a draft approval will likely be ready in May. The May 5<sup>th</sup> ROY report also indicates that the Regional Staff

will report back to Regional Council in June regarding the Minister's draft decision including the Minister's modifications. The Minister may issue a Decision on the ROP in early to mid-July with the 20 day appeal period taking place during the summer recess of Regional Council. Based on this potentiality, Regional staff has recommended authorization for the Commissioner of Planning and Economic Development to appeal the Minister's approval, should that be required as the result of a modification the Region does not concur with.

**Authorization to Appeal the ROP if necessary**

A similar authorization to negotiate on behalf of the Town, and to appeal the approval of the ROP should also be approved for the Town's Chief Administrative Officer or Commissioner of Development Services, given the expected timing of the approval of Region's Official Plan during the summer recess session of Markham's DSC. Should there be a modification approved by the Minister of Municipal Affairs and Housing that is of concern to the Town, the Town will need to act within the appeal period of 20 days. Given that the DSC does not have any meetings scheduled in the months of July or August, Markham's Chief Administrative Officer or Commissioner should be authorized to act on the Town's behalf to negotiate or appeal the ROP should that be necessary. Any actions by the Chief Administrative Officer or Commissioner would be subsequently reported on to the DSC.

**FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

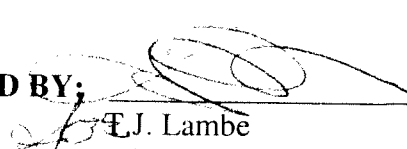
Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

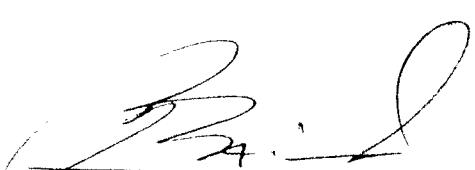
The new ROP aligns with Growth Management, Transportation and Environment components of the Town's Building Markham's Future Together process.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

Not applicable.

**RECOMMENDED BY:**

E.J. Lambe  
Manager, Policy and  
Research Division



Jim Baird  
Commissioner of  
Development Services

**ATTACHMENTS:**

Appendix A – Region's Response to Town modifications requests

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## Appendix A: Region's Response to Town's Modifications Request

| Policy Item                  | Requested Modification                                                                                                                                                                                                                                                                                                                                                                                                            | York Region's Response<br>(this column is quoted from the Submission Analysis Attachment to Regional Report entitled "York Region Official Plan – December 2009 – Additional Submission Summary and Requested Regional Modifications" dated May 5 <sup>th</sup> , 2010 to the Regional Planning and Economic Development Committee)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Staff response regarding Region's response                                                                                                                                                                                                          |
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| General                      | Council Resolution:<br>That the Region review where rapid transit lines intersect to ensure that the proposed density is appropriate and that the forecasted growth will be transit supported.                                                                                                                                                                                                                                    | Agreed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Town staff is satisfied with the Region's response and no further action is recommended.                                                                                                                                                            |
| Modify 2.2.5 to read:        | "That passive cultural and recreational uses, such as trails and heritage interpretation for First Nations cultural sites, may be permitted within key natural heritage features and key hydrologic features and their associated vegetation protection zones be subject to the requirements of policy 2.2.4 of this Plan and the Oak Ridges Moraine Conservation Plan, the Greenbelt Plan, and the Lake Simcoe Protection Plan." | The current wording of policy 2.2.5 is consistent with the requirements of the ORMCP and Greenbelt Plan. While passive cultural uses is not necessarily defined within Provincial plans, policy 2.2.8 provides local municipalities with the ability to define the permitted uses within features.<br>ROP Policy 2.2.8<br>"To require local municipalities to identify <i>key natural heritage features</i> and <i>key hydrologic features</i> or equivalents in local official plans and zoning by-laws, to provide appropriate policies for their protection, including: requirements for environmental impact statements and <i>vegetation protection zones</i> ; the definition of permitted uses; and to prohibit incompatible uses."<br>Allows local municipalities to establish uses such as passive cultural uses within their local official plans. | This interpretation of section 2.2.8 of the ROP enables the Town to incorporate definitions of passive cultural uses within the upcoming Official Plan.<br>Town staff is satisfied with the Region's response and no further action is recommended. |
| Modify policy 4.3.4 to read: | "To protect strategic employment lands, including lands identified in Figure 2, and lands beyond the planning horizon of this Plan. Strategic employment lands are identified based on their proximity to existing or planned 400-series highways. Strategic employment lands should be identified and protected in local municipal official plans."                                                                              | Section 4.3 has been reorganized. Policies 4.3.1 to 4.3.5 being replaced by the following policies 4.3.1 to 4.3.7.<br>4.3.1 That the employment forecasts in Table 1 of this Plan and the Region's land budget, which form part of the Regional municipal comprehensive review, be used as the basis for planning for employment lands.<br>4.3.2 To recognize that employment lands are strategic and vital to the Regional economy and are major drivers of economic activity in the Region.<br>4.3.3 To protect, maintain and enhance the long term viability of all employment lands for employment land uses.<br>4.3.4 To require local municipalities to designate and protect employment lands in local municipal official plans.<br>4.3.5 To protect all employment lands designated in local municipal official plans for employment land uses.      | Town staff is satisfied with the Region's response and no further action is recommended.                                                                                                                                                            |

|                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                          |
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|                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>4.3.6 To protect strategic employment lands, including lands identified in Figure 2. These lands are identified based on their proximity to existing or planned 400-series highways and should be identified and protected in local municipal official plans.</p> <p>4.3.7 To require local municipalities to give priority to the strategic employment lands identified in Figure 2 when considering additional employment land designations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                          |
| Delete policy 4.3.8 and renumber others that follow accordingly. | Delete policy 4.3.8. (and replace with 5.4.6 q., below), or amend to ensure that employment forecasts are achieved for the area consistent with other ROP policies.                                                                                                                                                                                                                                                                                                                                                               | Policy 4.3.8 has been deleted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Town staff is satisfied with the Region's response and no further action is recommended. |
| Replace 5.3.14 to read:                                          | "Where intensification areas have been identified to include Special Policy Areas in an approved municipal Official Plan, appropriate planning and environmental studies shall be completed and land uses shall be organized to maximize both the implementation of sustainable building standards and open space opportunities to the extent possible."                                                                                                                                                                          | <p>A revised policy dealing with SPA areas has been agreed to after consultation with the province, TRCA and local municipalities including Markham. We anticipate the province will agree with the proposed regional modification as follows:</p> <p>"That floodplain <i>special policy area</i> should not be planned for intensification beyond the level of development that is currently provided for in the local municipal official plan, unless no other alternatives exist outside the floodplain and modifications to the <i>special policy area</i> have been comprehensively assessed by the municipality in accordance with Provincial criteria and procedures and approved by the Province. Any new <i>special policy area</i> or modifications to the policies or boundaries of an existing <i>special policy area</i> requires approval by the Province."</p> | Town staff is satisfied with the Region's response and no further action is recommended. |
| Add new policy 5.4.6 q. to read:                                 | "q. policies that provide for flexibility in the deployment of employment uses (within an area designated for mixed-use development), provided employment objectives including accommodating employment by type for the area will be achieved."                                                                                                                                                                                                                                                                                   | This policy is not required as policy 4.3.8 has been deleted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Town staff is satisfied with the Region's response and no further action is recommended. |
| Add a new sentence to the end of 7.2.25f:                        | "Where intermodal terminals or hubs (including the 407 Transitway, Viva rapid transit) are provided in the Region's Centres and Corridors, they shall focus on integrating transit modes rather than accommodating parking and that any commuter parking supply shall be restricted to discourage use of single occupant vehicles and encourage use of transit to access intermodal terminals or hubs. Any such limited parking provided should be accommodated in below grade parking structures as a preference and above grade | <p>Specific parking policies for Centres and Corridors are dealt with in Section 5.4. Detailed mobility plans that address parking management are required as part of Comprehensive secondary plans for Centres and Corridors.</p> <p>Policy 5.4.8:</p> <p>That secondary plans and zoning by-laws shall, in consultation with the Region and related agencies, incorporate parking management policies and standards that include:</p> <p>a. reduced minimum and maximum parking requirements that reflect the walking distance to transit and</p>                                                                                                                                                                                                                                                                                                                           | Town staff is satisfied with the Region's response and no further action is recommended. |

|                               |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                     |
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|                               | <p>parking structures where below grade is not feasible. Parking structures should be designed to be physically integrated with adjacent development to provide for shared parking opportunities with priority spaces to be designated for car poolers and auto share users."</p>            | <p>complementary uses;</p> <ul style="list-style-type: none"> <li>b. shared parking requirements where possible, reflecting variances in parking demand between complementary uses on a time-of-day, weekday/weekend, and monthly basis;</li> <li>c. site design that orients the main building entrance(s) towards the street(s), and that does not permit the placement of surface parking spaces between the main building entrance and the major street;</li> <li>d. an approach that anticipates and plans for the transition of surface parking to structured/underground parking as site <i>development</i> evolves; and,</li> <li>e. preferential locations for carpooling and car-sharing spaces.</li> </ul> <p>Policy 5.4.26 has been revised and now reads:<br/>To work with local municipalities in the area of parking management, for the long term establishment of the following within the Regional Centres:</p> <ul style="list-style-type: none"> <li>a. a system of municipal parking authorities to develop and/or operate shared public parking facilities;</li> <li>b. cash-in-lieu-of-parking policies; and,</li> <li>c. the planning for parking in structured or underground facilities by the final phasing of all site <i>development</i>.</li> </ul> <p>The policies of the Regional Plan emphasize the need for transit (Section 7.2), require mobility plans for Centres (policies 5.4.6.n and 5.6.12) and require parking strategies (policies 5.4.8 and 5.4.26). The intent is to carefully manage the amount and type of parking in Regional Centres and Mobility Hubs.</p> |                                                                                                                                                                                                                                                                                     |
| Revise policy 7.2.35 to read: | <p>"To provide accessible and integrated public transit, including services addressing the needs of people with disabilities, residents who are transit dependent, and service providing access to social services, cultural and recreational services, and tourism priority locations."</p> | <p>Believe that Markham Council's comments on removing "new Canadians" referred to the June 2009 ROP draft. The December 2009 policy 7.2.35 now reads:<br/>To provide accessible and integrated public transit to people with disabilities.</p> <p>The other elements of the proposed policy are addressed through policy 3.1.5, Section 3.3 Provision of Human Services, and policies 3.3.3 and 3.3.5 in particular.<br/>Policy 3.1.5:<br/>That public health and other human services be incorporated into the design and evaluation of <i>new community areas</i> and Regional Centres and Corridors.</p> <p>Policy 3.3.3:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The response states policies that indirectly deal with elements of our modification request. The intent of these policies is to encourage the location of future human facilities on major transit lines in Centres and Corridors in order to ensure that human services are</p> |

|                          |                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|                          |                                                                                                                                                   | <p>To direct the location of major human service facilities to Regional Centres and Regional Corridors.</p> <p>Policy 3.3.5:<br/>To ensure that public buildings and facilities are designed to be accessible, and are located in proximity to pedestrian, cycling and transit systems.</p> <p>The intent of these policies is to encourage the location of human service facilities on major transit lines in Centres and Corridors in order to ensure that human services are accessible to all residents.</p>                                                                                                                                                                                                                                                                                      | <p>accessible to all residents.</p> <p>Town staff is satisfied with the Region's response and no further action is recommended.</p>                                                                                                                                                                                                                                                                                                                                                                                                              |
| New Policy after 7.2.42: | <p>"To work with area municipalities to develop and implement joint cycling lands on Regional roads including segregated cycling facilities."</p> | <p>Regional Council approved the 2008 Pedestrian and Cycling Master Plan. ROP Map 12 outlines the cycling network to be implemented over the next 25 years and beyond. In a report to Regional Council (Report No. 9, Clause 5, of the Planning and Economic Development Committee Regional Council Meeting of December 16, 2009) Regional Staff committed to a 2010 Work Plan that will begin to establish safe cycling programs and products while continuing to coordinate the implementation of cycling infrastructure. A Regional Council workshop is scheduled for May, 2010 that will set the stage for more specific direction on the provision of cycling facilities. It is the intent of these policies and the process to work with local municipalities to reach practical solutions.</p> | <p>Markham Council has always insisted on segregated bike lanes within the Regional street ROW, however this is a Regional matter for the Region to address regarding Regional roads. The Region's response does not actually specify the configuration of the bike lane and the Region's response mentions an upcoming workshop of Regional Council in May 2010 with the intention to work with local municipalities to reach practical solutions. Town staff is satisfied with the Region's response and no further action is recommended.</p> |
| Modify 7.2.85 by:        | <p>Modify this policy to exempt the designated residential lands within Cornell.</p>                                                              | <p>Policy 7.2.86 (formerly policy 7.2.85) has been reworded and now reads as:<br/>To prohibit new official plan approvals for residential development and other sensitive land uses within the Interim Airport Protection Area, as defined by the Greater Toronto Airport Authority's Pickering Airport Draft Plan Report, 2004, until such time that an Airport Operating Area is clearly defined.</p>                                                                                                                                                                                                                                                                                                                                                                                               | <p>Town staff is satisfied with the Region's response and no further action is recommended.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Modify Map 1 by:         | <p>Modify to correct Parkway Belt West Plan boundaries within the</p>                                                                             | <p>Markham staff is correct, Regional staff will include correct Parkway Belt Boundary as part of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>Town staff is satisfied with the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                     | Town of Markham.                                                                                                                                                                                                                                                                                                                                                               | Regional modifications to the ROP.                                                                                           | Region's response and no further action is recommended.                                  |
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| Modify Figure 2 by: | In accordance with the Markham Council resolutions dated October 27 <sup>th</sup> and December 2 <sup>nd</sup> 2009, it is also requested that the Region and the Province defer the conceptual depiction of "Strategic Employment Lands" in Markham on Figure 2 to the ROP, until the Town of Markham's Growth Management Strategy is completed and endorsed by Town Council. | Markham is proceeding with a staff recommendation on April 20, 2010 and a Markham Council decision is expected in May, 2010. | Town staff is satisfied with the Region's response and no further action is recommended. |