

6

THE NEWMARKET OFFICIAL PLAN

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report dated April 9, 2008, from the Commissioner of Planning and Development Services:

1. RECOMMENDATION

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to give notice to approve the new Official Plan for the Town of Newmarket, subject to the modifications described in *Attachment 1*.

2. PURPOSE

Newmarket Official Plan recommended for approval

The purpose of this report is to recommend approval of the Newmarket Official Plan, subject to the modifications described in *Attachment 1*.

3. BACKGROUND

Brief History of the Official Plan Process

In 2002, the Town of Newmarket initiated a review of its 1996 Official Plan. Over the next few years, the Town progressed through an extensive work programme, including an innovative and comprehensive public process named “Plan-it Newmarket”. In early September 2006, York Region provided preliminary comments on a draft of the Official Plan (OP) to the Town of Newmarket. The comments were incorporated into a revised version of the OP and later in September, a report was brought forward to the Newmarket Committee of the Whole. Newmarket Council adopted the proposed OP on October 18, 2006.

Since that time, the proposed Plan has been reviewed by the Region and the Province and a number of meetings have taken place. Based on these discussions, and further consultation between Newmarket Council and staff, the Town has requested that several modifications be made to the Official Plan (*Attachment 1*).

A Brief Overview of the Town of Newmarket Official Plan

The Town of Newmarket's new Official Plan (OP) establishes a 20 year planning horizon to 2026 for the Town. The document recognizes that within the next five to ten years the remaining lands that are suitable for greenfield development in Newmarket will become developed for residential and employment uses. As such, the Town will be focussed on maturing specific areas of the Town. The Province of Ontario has designated a portion of Newmarket as an Urban Growth Centre, with minimum required densities of 200 jobs and persons per hectare (ha).

The new Town of Newmarket Official Plan establishes the following primary land use categories to recognize and foster the planned structure: Residential Areas; Urban Centres; Commercial, Business Parks; Major Institutional Areas; Parks and Open Space System; and Natural Heritage System. The new OP acknowledges Newmarket's role in protecting and enhancing significant natural corridors and existing communities, while acknowledging its evolving role as a maturing urban centre.

4. ANALYSIS AND OPTIONS

As discussed in the following sections, the Newmarket Official Plan, as proposed to be modified, is consistent with applicable Provincial and Regional policy and represents good planning. The following sections discuss the OP in the context of Provincial and Regional policy and highlight some of the features of the Plan. In addition, some of the proposed modifications and the Town's next steps are discussed.

4.1 HIGHLIGHTED FEATURES OF THE NEWMARKET OFFICIAL PLAN

A New Basis for the Newmarket Official Plan

The new OP is based upon the "Vision" established in the Town of Newmarket's Strategic Plan, and is an innovative and progressive new plan policy document for the Town of Newmarket. The OP recognizes that, as Newmarket enters the next phase of growth, a new basis for the Official Plan is required. The Plan is the first OP in York Region to be adopted under the new Provincial Places to Grow legislation and is a significant step forward in implementing the Growth Plan in Newmarket.

Growth Plan Implemented Through 4 New Newmarket Growth Centres

The new Provincial Growth Plan for the Greater Golden Horseshoe (GGH) identifies twenty-five (25) Urban Growth Centres (UGC's) throughout the GGH. As stated in the Growth Plan, an urban centre will be "characterized by vibrant and more compact settlement and development patterns, providing for a diversity of opportunities for living, working, and enjoying culture". The Growth Plan identifies the "Newmarket Centre" as one of the UGC's in the GGH.

The new Newmarket OP implements the Growth Plan by creating a primary growth centre referred to as the “Yonge-Davis Provincial Urban Growth Centre”, which reflects the Growth Plan’s “Newmarket Centre” and provides the highest concentration and intensity of residential and employment uses in the Town. In addition, the OP creates three sub-classes of urban centres referred to as the “Yonge Street Regional Centre”, the “Regional Healthcare Centre”, and the “Historic Downtown Centre”. These centres are identified on the land use schedule to the Official Plan (*Attachment 2*).

The Growth Plan also requires 40% of all new development to occur within the “built-up” areas of the Region. Although the precise numbers and the built boundary have not been finalized and incorporated into the Regional Official Plan, the Newmarket OP establishes that the four urban centres within Newmarket will be the focus for the majority of the Newmarket intensification requirements.

Regional Official Plan Policies Incorporated Into New OP

York Region Staff has worked closely with Town of Newmarket Staff to ensure that Regional Official Plan (ROP) policy direction has been incorporated into the Newmarket OP, including policies with respect to the Sustainable Natural Environment, Economic Vitality and Healthy Communities.

The Sustainable Natural Environment, Economic Vitality and Healthy Communities core goals of the ROP are reflected in the following six core goals of the Newmarket OP:

1. Maintain and Promote a Healthy Community.
2. Protect and Enhance the Natural and Cultural Heritage.
3. Encourage Growth in Support of a Sustainable Community.
4. Develop Sustainable Transportation Improvements.
5. Achieve Economic Wellbeing.
6. Revitalize the Historic Downtown.

As shown on Map 5 of the ROP, a “Regional Centre” is designated within the Yonge Street regional corridor, in the general area of Yonge Street and Davis Drive. While the “Yonge-Davis Provincial Urban Growth Centre” now constitutes a significant portion of the Regional Centre, the new OP also establishes the “Yonge Street Regional Centre” along Yonge Street to just south of Mulock Drive and north to the Newmarket/East Gwillimbury boundary (*Attachment 2*).

The new OP establishes a two-phased approach for intensification within the Yonge Street Regional Centre in which the second phase will allow for greater densities and intensification once the secondary plan is completed. Prior to adoption of the secondary plan, development may be permitted at densities greater than 1.0 F.S.I. subject to submission of appropriate studies such as a transportation report and built form compatibility report.

Phase 2 would be triggered by the adoption of a proposed detailed secondary plan for the Yonge Street Regional Centre, required by 2011, and further expansion of the transportation capacity resulting from the implementation of the VIVA rapid transit system. The OP recognizes that the Phase 2 component could result in consistently higher densities in excess of 2.5 FSI. The OP recognizes that York Region will work with the Town of Newmarket to develop implementation strategies for the Yonge Street Regional Centre Secondary Plan, including promoting transit ridership.

In accordance with the Provincial Growth Plan, Regional Official Plan and general direction of the Town's new OP, the Secondary Plan will:

- Accommodate a significant share of the Town and Region's population and employment growth.
- Accommodate and support major transit infrastructure.
- Provide for densities of 200 person/jobs per hectare, consistent with the policies of the Growth Plan.
- Help define the Town's urban structure by ensuring the greatest intensity and density of development is directed to the Yonge Street urban centre.
- Be planned as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses.
- Establish a set of policies that enable the Urban Growth Centre to transition into its more mature long term built form.
- Encourage urban design principles that result in urban built form and land use that promotes public ridership through sensitive design, land use mix and location.
- Promote public gathering places, streetscaping and planting to enhance the pedestrian environment.

The ROP encourages local municipalities to create secondary plans for Regional Centres and therefore, the Yonge Street Regional Centre policies within the new Newmarket OP represent a well-planned framework to take the next steps regarding development within this important maturing area of the Region.

4.2 NEWMARKET OP CONNECTED WITH NORTH YONGE TRANSIT EA

Throughout the new Newmarket OP, the importance of the link between land use planning and transportation/transit infrastructure is recognized. For example, Section 1.3.4 of the OP states that "It is a fundamental element of planning that land use and transportation infrastructure support each other". Further, the OP states that "The development of the rapid transit system on Yonge Street in Newmarket and York Region is strongly supported by this Plan. Land use changes around potential station areas will be planned for in order to provide the necessary support to make such a transit system viable".

The importance of the link between land use and transit has also been acknowledged in the work currently underway through the North Yonge Transit Environmental Assessment (EA). The purpose of the EA is to identify a transportation system to support the Region's Centres and Corridors policy between north Richmond Hill and south East Gwillimbury. The EA study has recommended the following preferred rapid transit routes in the Newmarket area:

1. Along Yonge Street, from Aurora to East Gwillimbury.
2. Along Davis Drive, from Yonge Street to Southlake hospital, and potentially over to Leslie Street.
3. Along Green Lane, from Yonge to the GO train station.

In formulating its recommendations to support rapid transit along Yonge, Davis Drive, and Green Lane, the EA study team recognized and considered the land use planning policies for intensified development within the new Newmarket OP. The EA is currently examining the Davis Drive infrastructure design alternatives to address both rapid transit and road capacity needs. It is anticipated that there will be a final set of Public Consultation Centres in the early Summer and that the EA Report will be submitted to the Ministry of the Environment in the Fall of 2008.

4.3 NEWMARKET OP IS CONSISTENT WITH PROVINCIAL POLICY

York Region is the assigned approval authority under the Planning Act for lower tier municipal Official Plans. Therefore, it is York Region's responsibility to ensure that the new Newmarket Official Plan is consistent with Provincial policy. Given that many of the new OP policies are intended to implement new Provincial legislation, Provincial staff agreed to assist the Region with a scoped review of the Newmarket OP. Staff from the relevant Ministries reviewed the OP and responded with several suggested modifications that the Province recommends to ensure consistency with Provincial policy.

The suggested Provincial modifications (approx. 28 items) were reviewed by the Town and the Region, and the Town has included many of them in its list of modifications (*Attachment 1*). Other Provincial suggestions were considered but are not recommended, generally because Regional and local staff concur that the items have been addressed in the Plan. As an example of one of the suggested modifications not recommended, the Province suggested that a portion of the Regional Healthcare Centre designation be removed from the Flood Plain because the Provincial Policy Statement (PPS) states that institutional uses shall not be permitted within hazardous lands. However, the intent of the PPS is maintained through Section 10.0 of the OP, which includes the following provisions: no development shall be permitted at elevations below the Regulatory Floodline; the local zoning by-law must provide adequate setbacks from the Regulatory Floodline in accordance with the regulations and guidelines of the Lake Simcoe Region Conservation Authority (LSRCA); and, any alterations to existing structures must be in accordance with LSRCA approval under the PPS.

The proposed Official Plan, as modified, maintains consistency with Provincial policy. The anticipated adoption and approval of the Town's secondary plan by 2011 for the Yonge Street Urban Centre will also ensure consistency with the Growth Plan.

4.4 NEWMARKET HAS REQUESTED MODIFICATIONS TO THE OP

As mentioned earlier in this report, since the original adoption of the Official Plan, Newmarket Council has requested that the Region approve several modifications to the OP which generally address new legislation, including Places to Grow, the Greenbelt Plan, and Bill 51, and housekeeping matters, and Environmental Assessment (EA) undertakings.

The following is a summary of some of the requested modifications to the OP:

1. As part of the Southlake Regional Health Centre, the "North Transition Area" has been created to provide a suitable interface between the land uses along Davis Drive and the Stable Residential Areas north of Davis Drive. Therefore, deferral Area #1 is proposed to be removed.
2. Include a Complete Applications checklist, as per Bill 51.
3. A re-designation of lands on Bathurst Street, north of Davis Drive, from "Institutional" to "Natural Heritage System" and the related removal of "Special Area #2" note from those lands.
4. Removal of the "Natural Heritage System" designation on Schedule "B" on the east side of Yonge Street, north of the Aurora/Newmarket boundary.
5. Extension of the "Conceptual Regional Rapid Transit Corridor" delineation easterly on Davis Drive from Yonge Street to Leslie Street.
6. Removal of two asterisks from the Stable Residential designation and associated text in the legend on Schedule "A".
7. The inclusion of the "Urban Centres" as Community Improvement Areas.
8. Changes in response to the Provincial comments, including a fourth Urban Centre being the "Yonge-Davis Urban Growth Centre".

The full list of modifications is provided in *Attachment 1* to this report.

4.5 PROPOSED REGIONAL MODIFICATIONS

Section 14.3.3 of the OP states that development may be permitted to occur without full municipal services, which is not supported by the PPS and the ROP. Through recent discussions with the Town, it became apparent that the policy was intended to encourage environment sustainable practices and therefore, the Town has suggested that Section 14.3.3 be deleted in its entirety and replaced with the following Section 14.8 - Environmentally Progressive Services:

“Environmentally progressive services will help reduce current resource inputs and outputs to and from homes and buildings. Such practices will help decrease impacts on the environment, water cycle, and climate. Environmentally progressive services are encouraged to be incorporated into developments and may include: reduced stormwater flows; reduced use of water; reduced waste production and increased recycling; use of renewable energy systems and energy efficient technologies; and, creation of innovative green spaces such as green roofs.”

The requested modification is recommended for approval and is listed towards the end of *Attachment 1*.

In addition, while the population and employment targets for Newmarket have been released in draft, the numbers have not been confirmed to date. Therefore, it is proposed that the OP be modified to include “placeholder” policies that require the OP to be revised, should the final numbers be different than those currently included within the new OP. Similarly, while the Urban Growth Centre boundaries shown in the OP have been submitted to the Ministry of Public Infrastructure Renewal for approval, formal approval of the boundaries has not yet been released. Therefore, the OP should be modified to include a placeholder policy that requires the OP to be modified if the approved boundary is different from that currently shown in the OP. These modifications are identified in *Attachment 1*.

4.6 NEXT STEPS

The following is a list of matters that the Town of Newmarket will be working towards, subsequent to the approval of the Official Plan:

1. The Urban Growth Centre, when approved by the Province, will need to be verified against that currently shown in the OP and the OP will need to be modified if there are discrepancies.
2. The population and employment targets coming out of the Region’s implementation of the Provincial Growth Plan will need to be incorporated into the OP, if different than the current OP.
3. Pending completion of the Region’s conformity exercise with respect to the Provincial Greenbelt Plan, the Newmarket OP may need to be modified accordingly.
4. All deferrals and/or appeals will need to be addressed.

Intensification Planned For Regional Centre

In addition to the above, one very important step for the Town of Newmarket will be the creation of the Yonge Street Regional Centre Secondary Plan. The Secondary Plan process should be preceded by a visioning exercise, with assistance from the Region, which will help form the basis for the Secondary Plan. The Secondary Plan will need to include strong policies for increased densities, focusing on the implementation of the Centres and Corridors policies as set out in the York Region Official Plan and the York

Region Transit Oriented Development (TOD) Guidelines. It would recognize the Yonge Street Regional Centre as the primary focus for intensification in Newmarket, and establish an overall planning framework for a compact, vibrant new Centre that attracts new investment, accommodates a significant share of new growth, and supports new transit infrastructure.

4.7 RELATIONSHIP TO VISION 2026

The Newmarket Official Plan addresses each of the goals of Vision 2026, as it implements the vision for the community as stated in the Town of Newmarket Strategic Plan. The Region's eight (8) goals within Vision 2026, including "Quality Communities for a Diverse Population", "Enhanced Environment, Heritage, and Culture", and "A Vibrant Economy", are being implemented through the new OP.

5. FINANCIAL IMPLICATIONS

Newmarket OP Provides for Economic Vitality

The policies within the new Newmarket OP provide for continued growth and economic vitality within the municipality. The intensification policies for the four growth centres encourage employment and residential development that is supportive of the rapid transit initiatives.

There are infrastructure improvements, such as the rapid transit facilities, required within the Town of Newmarket which are part of the broader system of Regional service improvements that have been identified in long term transportation, sewer and water master plans. The cost of these Regional works are scheduled to be recovered through the uniform Region wide development charge, based on the growth anticipated to occur within the Region.

6. LOCAL MUNICIPAL IMPACT

The Town of Newmarket has worked closely with the Region to ensure that Provincial and Regional policy is appropriately incorporated into the new Newmarket Official Plan. Newmarket Council adopted the Official Plan in October of 2006, and since that time, has requested several modifications to the Plan.

Approval of the 2006 Newmarket Official Plan, as modified, will enable the Town to implement the Plan and begin a number of initiatives to implement the Growth Plan and the Regional Official Plan.

7. CONCLUSION

The new Newmarket Official Plan, as modified in *Attachment 1*, is considered to be in keeping with Provincial and Regional policy and represents good planning. The new Official Plan is an innovative and progressive policy document that represents a significant recognition of the goals and objectives of the Provincial Growth Plan. The OP is an important step forward for the community as it moves into its next stage of maturity. Therefore, it is recommended that the Commissioner of Planning and Development Services be authorized to give notice to approve the Official Plan for the Town of Newmarket, subject to the modifications set out in *Attachment 1*.

For more information on this report, please contact Michael Mallette, Senior Planner, at Ext. 1506 or Heather Konefat, Director, Community Planning, Ext. 1502.

The Senior Management Group has reviewed this report.

(Revised Council Attachment 1 (distributed at the Committee meeting) and Attachment 2 are attached to this report.)