

4

**ROPA 1 - TOWN OF EAST GWILLIMBURY URBAN EXPANSION - (19OP-2009-001)
ROPA 2 - CITY OF VAUGHAN URBAN EXPANSION - (19OP-2009-002)
ROPA 3 - TOWN OF MARKHAM URBAN EXPANSION - (19OP-2009-003)
TO THE
YORK REGION OFFICIAL PLAN – DECEMBER 2009**

RECOMMENDATION TO ADOPT, SUBJECT TO MODIFICATIONS

The Planning and Economic Development Committee recommends:

- 1. Receipt and referral to staff of the deputation by Bobby Bhoola regarding ROPA 1- Town of East Gwillimbury Urban Expansion – (19-OP-2009-001);**
- 2. Receipt and referral to staff of the communication received from Deb Schulte, dated September 8, 2010 regarding ROPA 2 – City of Vaughan Urban Expansion – (19-OP-2009-002);**
- 3. Receipt of presentation by John Waller, Director, Long Range and Strategic Planning, Planning and Economic Development Services; and**
- 4. Adoption of the recommendations contained in the following report dated September 2, 2010, from the Commissioner of Planning and Development Services, with the report to be forwarded to Council indicating September 7, 2010 as the Minister’s approval date and with recommendation 4 amended as follows:**
 - 4. That this report be forwarded to the Ministry of Municipal Affairs and Housing to reiterate Regional Council’s commitment as follows:**
 - Council’s commitment to service East Gwillimbury’s Urban Area Expansion.**
 - The commitment to a Lake Ontario servicing solution as articulated in the approved Water and Wastewater Master Plan, the Development Charges Bylaw and the 10- Year Capital Plan.**
 - The Duffin Creek Water Pollution Control Plant expansion has an approved Class Environmental Assessment (2006) and included capacity to accommodate the East Gwillimbury Urban Expansion.**
 - These commitments do not preclude examination of “innovative wastewater technologies involving a water purification system and**

water recycling facilities” as outlined in the Minister of the Environment’s approved Terms of Reference for the Upper York Sewage Solutions Individual Environmental Assessment.

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council adopt ROPA 1 (19OP-2009-001) - Town of East Gwillimbury Urban Expansion, appended to this report as *Attachment 1*.
2. Regional Council adopt ROPA 2 (19OP-2009-002) - City of Vaughan Urban Expansion, as modified, appended to this report as *Attachment 2*.
3. Regional Council adopt ROPA 3 (19OP-2009-003) - Town of Markham Urban Expansion, as modified, appended to this report as *Attachment 3*.
4. That this report be forwarded to MMAH to reiterate Regional Council’s commitment to service the East Gwillimbury Urban Area expansion.
5. The Regional Solicitor be directed to proceed with the adopting bylaws for each Amendment for Regional Council’s consideration on September 23, 2010.
6. The Commissioner of Planning be authorized to give Notices of the Decision to Adopt Regional Amendments 1, 2 and 3 to the York Region Official Plan - December 2009, to those Parties that requested Notice and to those agencies, boards and commissions as prescribed by the *Planning Act*.
7. That Regional staff be authorized to attend the Ontario Municipal Board in support of the Regional position.

2. PURPOSE

This report recommends adoption of Proposed Amendments 1, 2 and 3 to the York Region Official Plan – December 2009, subject to modifications, provides a summary of the submissions and analysis of the submissions received and identifies the next steps to be taken by the Region.

3. BACKGROUND

Regional Council at it’s meeting of May 20, 2010 endorsed Clause 2 of Report 4 of the Regional Planning and Economic Development Committee introducing Proposed

Amendments 1, 2 and 3 to the York Region Official Plan – December 2009. Statutory public meetings for these amendments were held June 16, 2010 at 1:30 pm as part of the Planning and Economic Development Committee meeting.

The lands proposed to be added to the urban area as part of Proposed Amendments 1, 2 and 3 are based on the refined land budget endorsed by Regional Council at their meeting of March 25, 2010 (Clause 2 of Report 2 of the Regional Planning and Economic Development Committee). The land budget report indicated that there was a need for urban expansions in the three white belt communities to meet Growth Plan requirements to 2031.

The amount of additional urban land required in the three white belt communities, identified in the March 2010 Land Budget is shown in *Table 1* below:

Table 1
2031 White belt Area Requirements by Local Municipality

	Community Lands (ha)	Employment Lands (ha)	Total (ha)
East Gwillimbury	427	150	577
Markham	682	328	1,010
Vaughan	510	376	886
Total	1,619	854	2,474¹

Source: York Region Planning and Development Services, 2010. - York Region Planning and Development Services Department - March 2010 – Clause 2 of Report 2 of the Regional Planning and Economic Development Committee adopted by Regional Council on March 25, 2010

¹Total (ha) have been rounded so areas may not add exactly

This refined land budget has resulted from ongoing discussions with local municipalities regarding land supply, the reduction in the total employment numbers from the 2009 land budget total of approximately 799,000 jobs to be consistent with the Growth Plan number of 780,000 and refinement of land take-outs for environmental features and non-developable lands within white belt areas.

4. ANALYSIS AND OPTIONS

The Draft York Region Official Plan released in June 2009, indicated, the general location of potential urban expansions by asterisks. These areas were based on the March 2009 land budget report. The potential urban expansion symbol in the Town of Markham was removed by Regional Council prior to adoption of the Official Plan in December and the potential urban expansion symbols in East Gwillimbury and Vaughan were removed through the Minister's modifications as part of the approval of the Official Plan on September 7, 2010. The introduction of the urban expansion Amendments in May, 2010 and the statutory meeting in June has resulted in a number of submissions and comments from development interests, members of the public, and from circulated agencies.

Submissions have been received as part of the Statutory Public meeting and through Circulation of the Amendments and discussions with First Nations

Statutory Meeting Comments

Attachments 4, 5 and 6 to this report summarize and provide comments on submissions received from the Statutory meeting on Proposed Amendments 1, 2 and 3 respectively and from circulation of the Amendments.

Key issues raised by deputants during the Statutory Meetings and in submissions received generally relate to the timing and need for the urban expansions particularly in Vaughan and Markham as well as issues relating to the land budget work. Comments received on all three Proposed Amendments also request inclusion of additional lands within the urban designations or the designation of different lands than those provided for in the proposed amendments.

A number of comments received, largely from the development industry, are supportive of both the land budget required as well as the location of urban expansion lands in all three Amendments.

Circulation Comments - Municipal and Agency Stakeholders

The Region of Peel has indicated that it has no comments on any of the three proposed urban expansion amendments.

The Ministry of Municipal Affairs and Housing has analysed all three Proposed Amendments against the Provincial Policy Statement, The Growth Plan, and in the case of Proposed Amendment 1 the Lake Simcoe Protection Plan. The main Ministry issues relate to the means of servicing all three amendment areas including the future costs and where the burden of payment lies and asks for greater detail in this regard. The Ministry also raises issues specific to each amendment which are discussed below. Regional staff has previously sent the Water and Wastewater Master Plan to the Ministry however further discussions are required.

In the case of Proposed ROPA 1 (East Gwillimbury) the Ministry raises an issue of conformity to the Lake Simcoe Protection Plan. With respect to Proposed Amendment 2 (Vaughan) the Ministry's issue relates to the GTA West Corridor and in the case of Proposed Amendment 3 (Markham) the Ministry's issue is associated with Ministry's Zoning Order 104/72 for the Pickering Airport.

Proposed Amendment 1 – Town of East Gwillimbury Urban Expansion

Comments on Proposed Regional Amendment 1 are appended as *Attachment 4*. Circulation responses have been received from:

- **Town of East Gwillimbury**, submission D05.2009.001.3.003
- **Lake Simcoe Region Conservation Authority** submission D05.2009.001.3.005

- **Ministry of Municipal Affairs and Housing**, Submission D05.2009.001.3.007

The Town is supportive of the Regional Amendment which corresponds to the urban area expansion provided in the recently adopted East Gwillimbury Official Plan, but points out that some further refinements of the urban expansion boundary may be required once the detailed secondary planning process proceeds. The Town requests that the Region acknowledge that the settlement area boundary (in the Town's Official Plan) coincident with the Urban Expansion Area identified in ROPA 1 will be further refined through detailed Secondary Plan processes undertaken by the Town of East Gwillimbury, in consultation with the Region of York; and that the Region include appropriate policies in ROPA 1, to recognize the need for and support for these detailed Secondary Plan processes and appropriate supportive wording be added to the ROPA.

The recently adopted East Gwillimbury Official Plan and the urban expansion areas shown in ROPA 1 are coincident and in this regard conform to the Region's land budget work which indicated that a total area of some 577 hectares of urban expansion area was required.

The Region is of the opinion that the adopted Regional Official Plan contains the necessary supportive wording in Policy 8.4.3 that allows for minor adjustments to the urban boundary where there are no identifiable features. This occurs within the ROPA 1 boundary where no defined feature currently exists. Once more detailed planning is completed at the secondary plan level, minor adjustments may be allowed where the current boundary line is drawn on ROPA 1.

Other refinements to the urban boundary line or area are not permitted without a Regional municipal comprehensive review at the 5-year review period. East Gwillimbury staff has been advised of this position.

The **Lake Simcoe Region Conservation Authority** (submission D05.2009.001.3.005) has no objection to the proposed Amendment.

Regional staff is proposing two minor modifications to the amendment to delete references to the asterisks on Map 1 and policy 5.1.13. These changes were made as part of the Ministerial approval of the parent Official Plan. No additional changes are recommended to ROPA 1 as a result of the submissions or the Town's comments.

York Region is committed to Service the East Gwillimbury Urban Expansion

The **Ministry of Municipal Affairs and Housing** (submission D05.2009.001.3.007) in a letter dated August 23, 2010 has commented that Proposed Amendment 1 is subject to the policies of the Lake Simcoe Protection Plan and must comply with the Plan.

Specifically the Ministry points to policy 4.1-DP of the Lake Simcoe Protection Plan which states:

4.1-DP For a proposed *settlement area* expansion, establishment of a new *settlement area* or a *development* proposal outside of a *settlement area* that requires an increase in the existing *rated capacity* of a *sewage treatment plant* or the establishment of a new *sewage treatment plant*, an environmental assessment of the undertaking shall be completed or approved prior to giving any approvals for the proposal under the Planning Act or the Condominium Act, 1998.

In respect to conformity of Proposed Regional Amendment 1 to the Lake Simcoe Protection Plan, Regional staff has had discussions with MMAH staff. Key points include:

- Regional Council has approved the 25-year Water and Wastewater Master Plan that commits to servicing the East Gwillimbury Urban Area Expansions.
- The York Durham Sewage System (YDSS) currently services the Newmarket and East Gwillimbury area and is the preferred solution identified in the Master Plan for servicing additional growth in the area.
- The Duffin Creek Water Pollution Control Plant Class Environmental Assessment approved capacity to service York Region to 2031; and construction of this \$580 M capacity expansion is almost complete.
- The Upper York Sewage Solutions Environmental Assessment will identify the preferred solution for a service area in the northern portions of the Region consisting of East Gwillimbury as well as parts of Aurora and Newmarket. The Environmental Assessment is underway and will also examine innovative treatment technologies including water reuse, recycling and conservation. This Environmental Assessment is currently on-track for completion in 2012.
- Regional Council has approved both Development Charge Bylaws and a 10-year Capital Plan that incorporates a YDSS servicing solution for York North.

Keeping these policy and financial commitments as well as on-going construction in mind, Regional Council reiterates the following:

- Council's commitment to service East Gwillimbury's Urban Area Expansion.
- The commitment to a Lake Ontario servicing solution as articulated in the approved Water and Wastewater Master Plan, the Development Charges Bylaw and the 10-Year Capital Plan.
- The Duffin Creek Water Pollution Control Plant expansion has an approved Class Environmental Assessment (2006) and included capacity to accommodate the East Gwillimbury Urban Expansion.
- These commitments do not preclude examination of "innovative wastewater technologies involving a water purification system and water recycling facilities" as outlined in the Minister of the Environment approval of the Upper York Sewage Solutions Individual Environmental Assessment.

All policies, actions and Master Planning and Environmental Assessment work undertaken to date support a Lake Ontario servicing solution for the East Gwillimbury Urban Area Expansion.

Proposed Amendment 2 – City of Vaughan Urban Expansion

Comments on Proposed Regional Amendment 2 are appended as *Attachment 5*.

Circulation responses have been received from:

- **City of Vaughan**, submission D05.2009.002.3.006
- **Toronto and Region Conservation Authority**, submission D05.2009.002.3.004
- **Ministry of Municipal Affairs and Housing**, submission D05.2009.002.3.007

The **City of Vaughan** (submission D05.2009.002.3.006) advises that Proposed Amendment 2 is consistent with the new Vaughan Official Plan to be adopted September 7, 2010 in the areas of urban expansion. The urban expansion areas shown in ROPA 2 are coincident those shown in new City of Vaughan Official Plan and in this regard conform to the Region's land budget work which indicated that a total area of some 886 hectares of urban expansion area was required.

The **Toronto and Region Conservation Authority**, (submission D05.2009.002.3.004) by their letter dated July 29, 2010, supports Proposed Amendments 2 and 3 acknowledging that the Proposed Amendments are mapping changes which rely on the forward looking policies in the new ROP to provide the Policy context for successful implementation. The Authority also identifies that the key to achieving sustainable communities and managing flooding and downstream erosion hazards (which are issues in both the Humber and the Rouge watersheds) will be through on-ground implementation of the regional policies through the local municipality-led planning process.

The comment acknowledges that the Region and other partner municipalities have committed to fund and complete the updated hydrologic studies required as soon as possible (Humber River in 2010 to 2011 and Rouge 2011 to 2012) to evaluate any effects of upstream development. Given the downstream impacts associated with this development, the Authority suggests that municipalities consider the establishment of a development charges fund or alternative funding mechanism for the remediation of likely downstream erosions impacts to watercourses, infrastructure and communities. The Authority further notes that the Town of Markham has already put this initiative in place.

Regional staff has reviewed the Conservation Authority comments and while no changes to ROPA 2 and 3 are required, the letter has been forwarded to the Regional Finance Department for their information.

The **Ministry of Municipal Affairs and Housing** (submission D05.2009.002.3.007) concludes that that the proposed urban expansion west of Highway 404 (sic 400) should be subject to confirmation that such lands are not required for the purpose of the GTA

West corridor and policies should be prepared for this area. Regional staff has reviewed the Ministry's comments and wording in the recent settlement of the ROPA 52 OMB hearing. The addition of a new policy to acknowledge this situation is therefore recommended as follows:

"7.2.60 That within Lot 29 and Lot 30 Concession 6, City of Vaughan, implementing local Official Plans and Secondary Plans for the lands shall include policies to protect the Future GTA West Transportation Corridor, to the satisfaction of the Province. These policies may include provisions for the phased release of lands, without amendment to this Plan, if such release does not preclude or predetermine the implementation of the transportation facilities within the Corridor."

Ministry staff has been informed of this recommendation and are in agreement with the wording.

Proposed Amendment 3 – Town of Markham Urban Expansion

Comments on Proposed Regional Amendment 3 are appended as *Attachment 6*.

Circulation responses have been received from:

- **Town of Markham**, submission D05.2009.003.3.001
- **Toronto and Region Conservation Authority**, submission D05.2009.003.3.007 (see above comments within comments on RPA 2 – City of Vaughan)
- **Ministry of Municipal Affairs and Housing**, submission D05.2009.003.3.007

Town of Markham staff commented on Proposed Amendment 3 (Submission D05.2009.003.3.001) in a letter dated June 1, 2010. Town staff request modifications to proposed ROPA 3 to show Kennedy Road between Major Mackenzie East and Elgin Mills and Woodbine Avenue North of Major Mackenzie East along the future planned alignment as opposed to the existing alignment, as "Regional Transit Priority Network" (TPN).

For the purposes of the Regional Plan policy 7.2.24 indicates that Transit Priority Network improvements may include construction of high-occupancy vehicle lanes, dedicated transit lanes, transit signal priority and other transit priority measures.

Regional staff has reviewed this recommendation and concur, except that the Kennedy Road designation should extend to the proposed alignment of Donald Cousens Parkway to provide for future network connectivity.

These new transit priority network designations identified in ROPA 3 will supersede the Region's recommended transit network documented in the Transportation Master Plan for this area. The rationale for including these new Transit Priority Network segments is for completeness of the transit network when the urban expansion areas are fully developed and connectivity in the urban boundary expansion area.

The modifications to designate these road segments as “Regional Transit Priority Network” also require that they be identified on Map 12 – Street Network as Streets with Planned Basic Widths of “up to 43 metres” as opposed to “up to 36 metres”. The additional planned basic right-of-way width will permit the development of network improvements as described in Policy 7.2.24 of the approved Regional Official Plan.

The land areas identified for urban expansion in Proposed ROPA 3 are consistent with the preferred growth alternative of the recommended Markham Growth Alternative to 2031 report adopted by Markham Council May 11, 2010.

The urban expansion areas shown in ROPA 3 conform with the Region’s land budget work which indicated that a total area of some 1010 hectares of urban expansion area was required.

The **Ministry of Municipal Affairs and Housing** (submission D05.2009.003.3.007) has commented that the lands subject to Proposed Amendment 3, to the east of Kennedy Road are within the Ministers Zoning Order associated with the Proposed Pickering Airport and as such changes in land use are prohibited. The extent of the Zoning Order is shown below in *Figure A*.

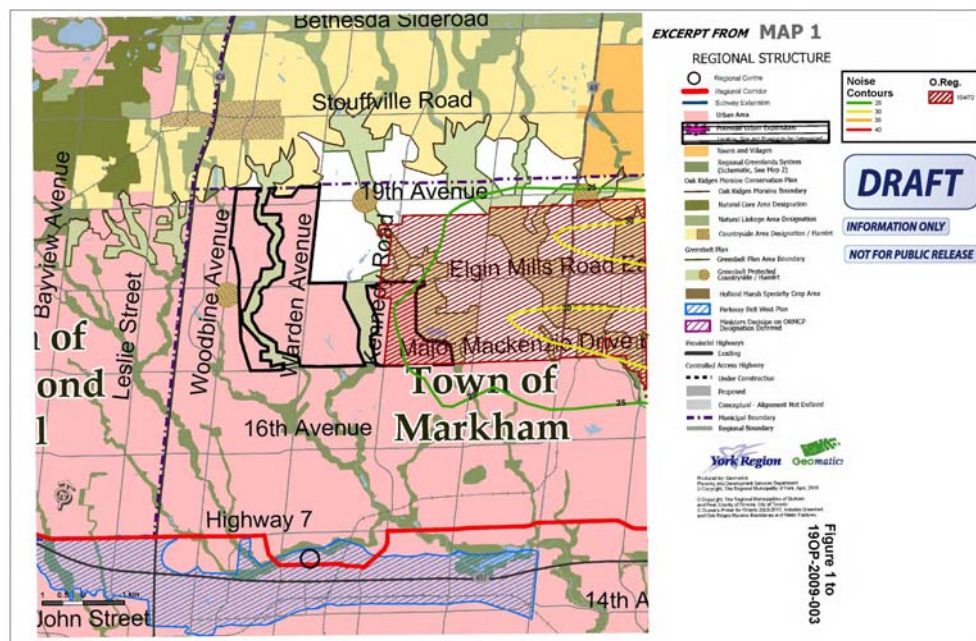


Figure A

Regional staff has reviewed the Ministry’s comments and the restrictions on the lands through the Minister’s Zoning Order 104/72, the Provincial Policy Statement, the NEF contours prepared for the proposed Pickering Airport in the early 1970’s by Transport Canada and the more recent GTAA Pickering Airport Site Study.

The Minister's Zoning Order was enacted in the early 1970's when both the anticipated function of the Pickering airport as an international airport as well as the noise characteristics of aircraft and noise abatement techniques were much different than today.

The GTAA report on the Pickering Airport indicates that that even if the airport is constructed, it is no longer being considered for an International facility, but rather for a Regional reliever airport, which will in turn affect the extent and level of the NEF contours once redrawn. The recent GTAA Pickering Airport Site Study further indicated runway placement far to the east of the Town of Markham, which results in only a very small area in East Markham being subject to the 25 NEF contour level. The lands subject to this NEF and the interim airport protection zone do not extend into the proposed urban expansion lands.

Regional staff concludes that Minister's zoning order 104/72 is premised on antiquated information that should be updated. Policy 7.2.86 of the new York Region Official Plan encourages revision of the Minister's Provincial Zoning Order for the Pickering Airport site, in light of the current planning context and the Greater Toronto Airport Authority's Pickering Airport Draft Plan Report, 2004.

On the issue of changing land uses, Proposed Regional Amendment 3 does not in and of itself establish a change in land use. Without subsequent local official plan amendments/secondary plans, zoning bylaws and subdivision plans, no change in the actual land use can be implemented.

Regional staff therefore recommends that that a new policy 7.2.89 as follows, be added to the Regional Official Plan requiring the removal or amendment of the Minister's Zoning Order prior to the approval of local secondary plans.

"7.2.89 That within the portion of the urban expansion area in the Town of Markham subject to Minister's Zoning Order 104/72, development shall not be approved until the Minister's Zoning Order has been removed from the lands or amended to permit the proposed development."

Ministry staff has been informed of this recommendation.

First Nations Consultation

Regional staff met with First Nations on August 26, 2010 at meeting to discuss Regional Proposed Amendment 1, 2 and 3. Sixteen (16) First Nations and the Métis Nation with cultural ties to this area were circulated the Proposed Amendments with an offer to meet either individually or collectively, Four (4) First Nations attended a meeting, including, representatives of the Hiawatha First Nation, Mississaugas of Scugog First Nation, Alderville First Nation and Chippewa's of Georgina Island First Nation. As well, the

Huron Wendat's legal representative, David Donnelly, submitted comments which have been summarized with detailed comments provided as part of *Attachments 4, 5 and 6*.

The First Nations issues discussed at the meeting, in the main relate to the protection of cultural resources during the land development process and the continued loss of First Nations burial and archaeological sites. There was a strong opinion expressed by the First Nations representatives that the locations of these sites should be found using the best available technology and protected well in advance of decisions to proceed with development. Further, it was the opinion of the First Nations representatives that protocols should be in place governing situations where unknown sites were found. The Region is proceeding with an Archaeological Management Plan during the balance of 2010 and 2011. It is anticipated that the First Nations request and interests can be further articulated and satisfied during this process. Additionally, issue was raised concerning the Regional Official Plan and the continued depiction of the Highway 400-404 link in the Plan.

Regional staff will continue the dialogue with First Nations in regard to these issues.

Mr. Donnelly's correspondence, dated June 16, 2010, (submissions D05.2009.001.3.004, D05.2009.002.3.003 and D05.2009.003.3.004), on behalf of the Huron-Wendat First Nation, presents his clients position on the duty of the Region to consult with the Huron-Wendat First Nation on proposals and questions why there is no reference to the Huron-Wendat cultural heritage within Proposed Amendments 1, 2 and 3, in contrast to policies 3.4.10 and 11 in the new ROP. Mr. Donnelly's letter further indicates the Huron-Wendat First Nation considers the Region Official Plan deficient in many respects regarding consultation and accommodation of Huron Wendat interests and cannot endorse the adopted ROP as it fails to require the suspension of Stage 3 and 4 archaeological licences without notification and consultation with the Huron-Wendat First Nation or adopt the Teston Road ossuary model for all authorised archaeological procedures.

Lastly the letter requests the Region inform the Huron-Wendat First Nation of all cultural heritage assets that are put at risk through the urban expansion put forward by Amendments 1, 2 and 3 by ensuring that these assets are protected through consultation with the Huron-Wendat First Nations for the implementation of effective protection and/or management plans.

Regional staff consulted with First Nations, including the Huron Wendat in the preparation of the new York Region Official Plan. The results of the meeting held with First Nations documented in the reports to Council in December 2009 that preceded the adoption of the York Region Official Plan.

In regard to proposed Amendments 1, 2 and 3 Regional staff has engaged First Nations Engineering Services Limited to coordinate and act as liaison with First Nations involvement for the Amendments. As part of this, a more fulsome background

information package was sent to sixteen First Nations and the Métis Nation and the consultation meeting held on August 26, 2010.

Neither the Huron-Wendat representatives nor Mr. Donnelly were able to attend the meeting on August 26, 2010. Regional staff has contacted Mr. Donnelly by telephone and has been advised that the Huron-Wendat First Nation is not prepared to have representatives act on behalf of their First Nation in respect to the Regional Official Plan or subsequent initiatives without being fully compensated beyond the level of compensation offered by the Region to all First Nations with legitimate historical and cultural connections to the Region.

Current Regional practice with respect to consultation with First Nations on Regional infrastructure projects and the Regional Official Plan does not extend to direct compensation of representatives at meetings (e.g. the payment of an hourly fee or per diem). Regional practice does however provide reimbursement for travel expenses (including air fare), out-of-pocket expenses the day of the meeting and accommodation should there be a need to stay overnight before a meeting. Unless there is a change to Regional practice, which may have budget implications for a number of projects, direct compensation cannot be considered.

Amendments Comply with the Provincial Plans and the Provincial Policy Statement

The proposed urban expansion Amendments have been assessed against Provincial Plans, including the Growth Plan, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, the Lake Simcoe Protection Plan and the Provincial Policy Statement (PPS). The proposed Amendments comply with these documents as follows:

Growth Plan:

Proposed urban expansions are required to meet Section 2.2.8 of the growth Plan as follows:

2.2.8 Settlement Area Boundary Expansions

2.A settlement area boundary expansion may only occur as part of a municipal comprehensive review where it has been demonstrated that –

a) sufficient opportunities to accommodate forecasted growth contained in Schedule 3, through intensification and in designated greenfield areas, using the intensification target and density targets, are not available:

i. within the regional market area, as determined by the upper- or single-tier municipality, and

- ii. within the applicable lower-tier municipality to accommodate the growth allocated to the municipality pursuant to this plan
- b) the expansion makes available sufficient lands for a time horizon not exceeding 20 years, based on the analysis provided for in Policy 2.2.8.2(a)
- c) the timing of the expansion and the phasing of development within the designated greenfield area will not adversely affect the achievement of the intensification target and density targets, and the other policies of this Plan
- d) where applicable, the proposed expansion will meet the requirements of the Greenbelt, Niagara Escarpment and Oak Ridges Moraine Conservation Plans
- e) the existing or planned infrastructure required to accommodate the proposed expansion can be provided in a financially and environmentally sustainable manner
- f) in prime agricultural areas:
 - i. the lands do not comprise specialty crop areas
 - ii. there are no reasonable alternatives that avoid prime agricultural areas
 - iii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas
- g) impacts from expanding settlement areas on agricultural operations which are adjacent or close to the settlement areas are mitigated to the extent feasible
- h) in determining the most appropriate location for expansions to the boundaries of settlement areas, the policies of Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) of the PPS, 2005 are applied

The Land Budget analysis prepared by the Region demonstrates that in addition to meeting the Growth Plan minimum standards for intensification and density, there is a shortfall of urban designated land to meet the 2031 planning forecasts. Further the proposed urban expansion areas do not extend into Specialty Crop Areas and the Land Evaluation Area review (LEAR) Study identified there are no reasonable alternatives to avoid prime agricultural lands. The proposed urban expansions therefore meet the tests established by the Growth Plan.

The Greenbelt, the Oak Ridges Moraine Conservation Plan, and the Lake Simcoe Protection Plan

None of the lands within the urban expansion areas are subject the Greenbelt Plan or the Oak Ridges Moraine Conservation Plan.

Conformity of Proposed Regional Amendment 1 to the Lake Simcoe Protection Plan is discussed in previous sections.

Provincial Policy Statement (PPS)

The PPS provides direction on land use matters that are of Provincial interest. All Planning decisions must be consistent with the PPS policies. Within York Region there is significant overlap between the requirements of the PPS and the overarching Provincial Growth Plan and other Plans.

Section 1.1 and 1.1.3 direct that land should be made available to accommodate 20 years of growth with the majority of the growth to be through intensification and redevelopment.

If forecasts cannot be accommodated through redevelopment or intensifications, then settlement area expansions can be considered and allowed subject to the expansions being considered only at the time of a municipal comprehensive review and only where it can be demonstrated that:

- Sufficient opportunities for growth are not available through intensification redevelopment and designated growth areas,
- Infrastructure and public service facilities which are planned and available are suitable for the development over the long term
- In prime agricultural areas that the lands do not comprise Speciality crop areas and avoid prime agricultural areas unless there are no reasonable alternatives on lower priority lands.
- That impacts on existing agricultural operations

As previously indicated, the Region's growth management work over the past 4 years, as well as recent land budget work and the Regional LEAR study meet the tests established in the PPS. Further regional Council has adopted regional Transportation and Water and Wastewater Master Plans which demonstrate that the servicing of both committee and additional growth can be undertaken in a sustainable and financially feasible manner. Region staff will continue discussion with the province to ensure that they understand the context in which decisions on these urban expansion amendments have been made.

In the opinion of Regional staff, Regional Amendments 1, 2 and 3 meet the tests of the Provincial Policy Statement

Proposed Modifications to the Amendments provide clarification and consistency with decisions made on the new ROP

Each of the three Amendments has been modified to include base mapping from the approved Region of York Official Plan.

Proposed Amendment 1 – Town of East Gwillimbury Urban Expansion has two modifications which delete references to mapping and policy that has been deleted through the Minister’s modifications to the approve York Region Official Plan.

Proposed Amendment 2 – City of Vaughan Urban Expansion has been modified to include the redesignation of the lands at the north-east quadrant of Weston Road and Teston Road from “Rural” to “Urban Area” consistent with the City of Vaughan’s new Official Plan. These lands are fully developed with low density residential housing and redevelopment of the lands within the horizon of the Region’s Official plan is not contemplated. This proposed modification was endorsed by Regional Council at it’s meeting of May 20, 2010 as part of the Proposed modifications to the Region of York Official Plan – December 2009, however the Ministry requested that the Region deal with this change as part of the ROPA 2 as opposed to the Official Plan consideration. Regional staff concurred with this request.

Proposed Amendment 2 has also been modified at the request of the Ministry of Municipal Affairs and Housing to include a new Policy dealing with the GTA West Corridor.

Proposed Amendment 3 – Town of Markham Urban Expansion has been modified by the inclusion of additional “Regional Transit Priority Network” designations on the planned Woodbine Avenue bypass around the hamlet of Victoria Square, Warden Avenue and Kennedy Road as requested by the Town of Markham staff. A further modification to Map 12 – Street Network is also required as a result of the identification of these rights-of-way as “Regional Transit Priority Network” to redesignate these street segments to a Planned Basic Street width of “Up to 43 metres” in keeping with other designated Regional Transit Priority Network streets.

A further modification to Proposed Amendment 3 provides a policy governing lands within the Minister’s Zoning Order associated with the Pickering Airport.

Summary

Regional land budget work, undertaken as part of the Regional Municipal Comprehensive Review and refined in consultation with local municipalities has indicated that additional urban lands are required to accommodate the 2031 population and employment forecasts despite considerable and increasing levels of intensification. Servicing of this population and employment has been considered as part of the Transportation and Water and Wastewater Master Planning exercises approved by Regional Council in late 2009.

The approval of Regional Amendments 1, 2 and 3 by Regional Council is required prior to the Region approving new official plans in East Gwillimbury Vaughan and Markham.

Next Steps

The Region of York is the approval authority for Proposed Amendments 1, 2 and 3.

Following Adoption of the Proposed Amendments as modified, the Commissioner of Planning and Development Services will give Notice of the Decision in accordance with the *Planning Act*.

The urban expansions are related to the York Region Official Plan – December 2009 and it is anticipated that there may be appeals of the Amendments to the Ontario Municipal Board. This staff report authorizes staff to attend any subsequent Ontario Municipal Board hearings to defend the Regional position.

A subsequent report to Council will advise on the number and details of the appeals that are filed during the 20-day Notice period following the Notice of Adoption.

Relationship to Vision 2026

The decisions made on Proposed Regional Amendments 1, 2 and 3 will support and advance every goal area in Vision 2026:

- Quality Communities for a Diverse Population
- Enhanced Environment, Heritage and Culture
- A Vibrant Economy
- Responding to the Needs of Our Residents
- Housing Choices for Our Residents
- Managed and Balanced Growth
- Infrastructure for a Growing Region
- Engaged Communities and a Responsive Region

Planning new communities in the urban expansion areas and development will provide the opportunity to implement each of the goal areas and to achieve our Vision.

5. FINANCIAL IMPLICATIONS

Preparation and processing of these amendments was undertaken within current Planning Department budget allocations and staffing. One or more of the Amendments may be appealed to the Ontario Municipal Board and there may be legal and/or consultant costs associated with the defence of any appeals at the OMB. A separate report to Regional Finance and Administration Committee and Council is being prepared dealing with the costs associated with OMB defence for the new Regional Official Plan.

6. LOCAL MUNICIPAL IMPACT

Approval of Regional Amendments 1, 2 and 3 will permit the approval of new official plans in the Town of East Gwillimbury and City of Vaughan, which were adopted recently and in the future the new Town of Markham Official Plan. These amendments are a necessary first step in proceeding to implement City-building in York Region through the new Official Plan.

7. CONCLUSION

Proposed Amendments 1, 2 and 3 have been considered by Regional staff after circulation of the Amendments and the holding of a Statutory meeting on June 16, 2010. Minor modifications are proposed to the Amendments as follows:

- Amendment 1 – minor policy modifications to be consistent with the Minister’s approval of the ROP.
- Amendment 2 – a mapping modification to include an additional existing developed area as “Urban Area” on all maps and a policy addition to reflect the GTA West Corridor.
- Amendments 3 - mapping modifications to designate additional streets as “Regional Transit Priority Network” on Map 11, redesignate the same rights-of-way to a Planned Basic Street Width of “up to 43 metres” on Map 12 and a policy modification to reflect the Minister’s Zoning Order.

It is recommended that Regional Council adopt the Amendments as modified and give Notice of the Decisions in accordance with the *Planning Act*.

For more information on this report, please contact John Waller, Director of Long Range and Strategic Planning at 905 830-4444, Ext. 1525.

The Senior Management Group has reviewed this report.

(The six attachments referred to in this report were included in the agenda for the September 8, 2010 Committee meeting. They can also be found on the website at www.york.ca.)

Date: Sept 8, 2010

To: Chair and Members of Planning and Economic Development Committee

Top questions that need to be answered before the Vaughan urban boundary expansion is included in the York Region Official Plan:

1. Why were six intensification area estimates left out of the Hemson “Housing Analysis ..” report? It is irresponsible to be proposing an urban boundary expansion with six area estimates missing. Many of these areas have existing applications with the City for review, Vaughan Mills, Weston and Hwy 7, so it would be appropriate for the consultant to provide estimates, as he has done for other intensification areas, before an urban boundary expansion is proposed. How can you propose an urban boundary expansion when you have significant growth areas left out of the justification? If you included these areas, an urban boundary expansion may not be necessary.

2. Why is our metro centre being so grossly under planned? The Province allocated a target of 200 people and jobs per hectare consistent with downtown Milton, Kitchener and Pickering. This was in 2006 before the subway was a reality for the VMC and plans were approved for VIVA buses along Hwy 7. It is more appropriate to be allocated 400 people and jobs per hectare in the VMC, as has been assigned to Etobicoke Centre. Both are suburban areas with subways (Vaughan in 2017). Case in point is the application today, Item 11, which is not even being identified as an intensification area and staff are recommending a density of 282 people per hectare. If we had allocated a more reasonable target of 400 people and jobs per hectare for the VMC we may not need an expansion.

3. After a year and a half of analysis, consultants (Urban Strategies and Hemson) in their reports “Where and How to Grow- June 2009” report pg, 79 and “Housing Analysis and Employment Land Needs – Sept 2009” pg. 5, stated that the land supply within the existing urban boundary can accommodate the required population growth. Then in a few months they suddenly reversed their position. Why? If an expansion cannot be justified at this time then we should be waiting until the intensification transformation is more clear. The Region can collect development fees from intensification, in fact it provides for a better return.

4. How can you meet the required 70 people and jobs per hectare on the expansion lands when Vaughan has only allocated singles, semis and row houses; no condos? The absence of condo development is not in conformance with the Region’s and Province’s requirements, to which you must comply. In addition, the area is riddled with greenbelt lands and endangered species habitat making it difficult and expensive to develop and maintain. Have you thought about how you are going to

get services and access across these protected corridors? The feasibility of building complete communities on these whitebelt lands, as you are required, must be demonstrated before approval.

5. Sustainable Vaughan has demonstrated how this Official Plan does not conform to the Places to Grow Plan, nor the PPS. **How can you approve this Official Plan when it has been demonstrated that it does not meet the Places to Grow Requirements?** You will be knowingly placing the Region in a non conformance position.

Why are we rushing?

I respectfully request a delay until these questions are answered.

Deb Schulte



Recommendation to Adopt Regional Amendments 1, 2 and 3

Presentation to Planning and Economic
Development Committee
(Clause D4 to Report 6)

John Waller
September 8, 2010

Background

- ❑ Approved ROP received on September 7
- ❑ Now can deal with boundary expansions
- ❑ Extensive consultation with AM,
stakeholders and the public
- ❑ Public Meeting June 16, 2010



Need for Boundary Expansions

- ❑ Provincial forecasts, densities set the stage
- ❑ Thorough, detailed Land Budget
- ❑ Minimum 40% intensification
- ❑ 88% of residential growth and 83% of employment growth will occur in existing Urban Area
- ❑ Urban Boundary expansions are required to accommodate Provinces 2031 forecast
- ❑ Region will carefully monitor the pace and nature of intensification and growth



Planning and Economic Development Committee, September 8, 2010

Purpose

- ❑ Amendments 1, 2 & 3 identify Urban Area expansions
- ❑ These areas total 2474 Ha of community and residential land



Planning and Economic Development Committee, September 8, 2010

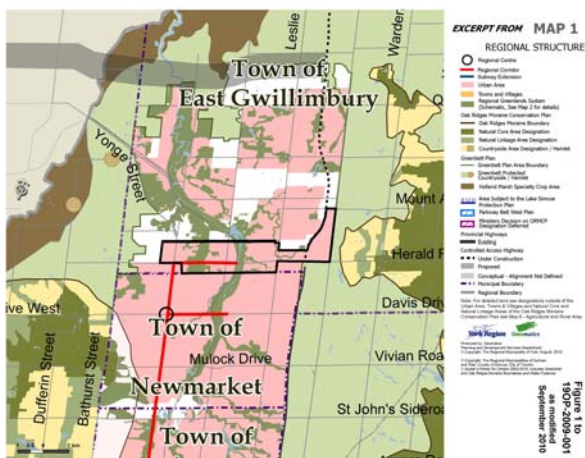
Submissions

- ❑ 67 Total submissions, staff analysis attached
- ❑ Meeting with First Nations
- ❑ Numerous meetings with stakeholders

ROPA 1 East Gwillimbury Urban Expansion as modified

Modifications Proposed :

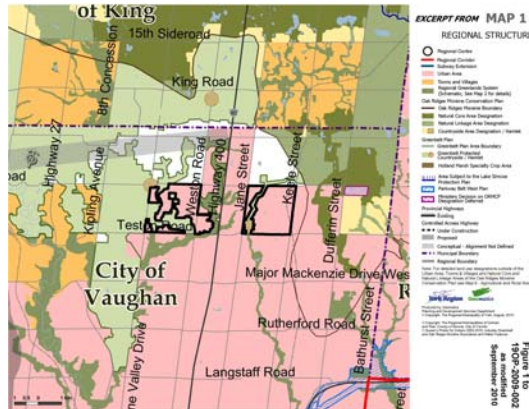
- Updated Approved ROP maps
- Deletion of two clauses from ROPA 1 that were dealt with in the ROP approval



Proposed ROPA 2 Vaughan Urban Expansion as modified

Modifications Proposed :

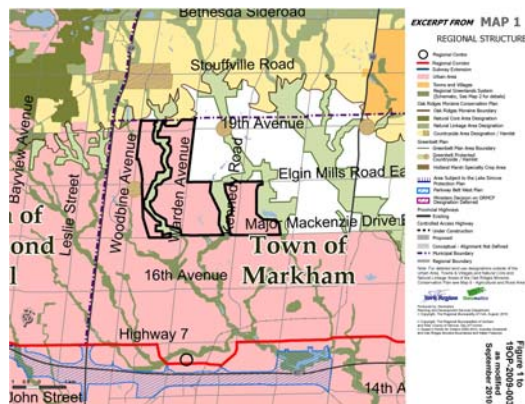
- Addition of clause restricting growth in part until GTA West Corridor is defined
- Inclusion of additional existing developed area



Proposed ROPA 3 Markham Urban Expansion as modified

Modifications Proposed :

- Addition of clause restricting growth in the MZO area until MZO is removed or amended
- Designation of additional "Regional Transit Priority Network" on Kennedy Road and Woodbine Bypass on Map 11
- Redesignation of Regional Transit Priority Network segments to "up to 43 metres" ROW on Map 12



Servicing of East Gwillimbury Urban Area Expansion

- ❑ MMAH requested clarification as to how East Gwillimbury Urban Area will be serviced
- ❑ Lake Simcoe Protection Plan
 - settlement area expansion that requires an increase in capacity or new sewage treatment plant requires a completed environmental assessment (paraphrase)
- ❑ MMAH has indicated that a reiteration of the Regions approach/policy will address their issues



Planning and Economic Development Committee, September 8, 2010

Slide 9

Revised Recommendation #4

4. That this report be forwarded to MMAH to reiterate Regional Council's commitment as follows:
 - ❑ Council's commitment to service East Gwillimbury's Urban Area Expansion.
 - ❑ The commitment to a Lake Ontario servicing solution as articulated in the approved Water and Wastewater Master Plan, the Development Charges Bylaw and the 10- Year Capital Plan.
 - ❑ The Duffin Creek Water Pollution Control Plant expansion has an approved Class Environmental Assessment (2006) and included capacity to accommodate the East Gwillimbury Urban Expansion.
 - ❑ These commitments do not preclude examination of "innovative wastewater technologies involving a water purification system and water recycling facilities" as outlined in the Minister of the Environment's approved Terms of Reference for the Upper York Sewage Solutions Individual Environmental Assessment.



Planning and Economic Development Committee, September 8, 2010

Slide 10

Next Steps

- ❑ Recommend approval of ROPA's 1,2 &3 with modifications
- ❑ Bylaw to Council September 23, 2010
- ❑ Notice of Approval to interested parties
- ❑ Appeals come to Region