

6

SERVICING PROTOCOL: INTERIM APPROACH FOR RELEASING CONDITIONS OF DRAFT PLAN OF SUBDIVISION IN ADVANCE OF SERVICING ALLOCATION

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated May 31, 2007, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. This report be circulated to the Clerks of the Municipalities of Vaughan, Markham, Richmond Hill, Aurora, Newmarket, East Gwillimbury, King and Whitchurch-Stouffville to assist local municipalities in moving appropriate development applications forward in advance of servicing allocation.
2. The following policy principles be adopted by Council:
 - a. Where the Region has **not** provided conditions of draft plan of subdivision approval due to lack of servicing capacity, the Region will provide conditions on the following basis:
 - i. Only upon the request of the local municipality, as it remains at the local municipality's determination if it is appropriate to proceed with Draft Approvals.
 - ii. Not to exceed the numbers outlined in Column C *Attachment 1* for each municipality for 2007.
 - iii. The inclusion of the condition that the Southeast Collector Sewer to be within 6 months of completion prior to registration, or alternative sewer capacity determined such as flow control on an interim basis.
 - iv. The planning criteria for release of Regional Conditions of Draft Approval as set out specifically in the report entitled "Water and Wastewater Servicing Protocol - Provision of Regional Conditions For Draft Approval" adopted by Council on February 16, 2006 have been met as set out in *Attachment 2*.
 - v. New draft approval be given priority on the basis of the following strategic goals, as a minimum threshold, that may be further refined by the local municipalities:
 1. The draft plan serves to work towards the completion of an existing community or neighbourhood.
 2. The draft plan provides for the implementation of key Regional or local planning and/or infrastructure priorities.
 3. The draft plan provides for the implementation of the Transit Oriented Development as outlined in the Regional Guidelines and provides for enhanced transit usage.
 4. The draft plan provides for intensification and/or infill.

- vi. Prior to draft approvals “No Pre-sales Agreements” and “Indemnity Agreements” are to be entered into and the authority be granted for the Region to execute the agreements where necessary.
 - vii. New approvals will be subject to an interim infrastructure “trigger table” that outlines local municipal specific Regional water and wastewater infrastructure requirements in 2011 outlined in *Attachment 3*.
 - b. A minimum reserve of future servicing allocation, which represents 30% of one year’s growth Region-wide, be set aside for high density development applications and infill within the Regional Centres and Corridors, Local Centres and Corridors as set out in Column B of *Attachment 1* which can be used to endorse site plans in principle until servicing allocation becomes available.
3. Regional staff report further in 2008 regarding release of additional conditions of draft plan approval in order to ensure an ongoing supply of draft approved lots and the further completion of approval process for planned communities and neighbourhoods within the existing urban boundary.

2. PURPOSE

The purpose of this report is to finalize an interim process for releasing conditions of draft plan approval to the local municipalities in advance of servicing allocation availability in 2011 and beyond. New servicing allocation becomes available with the expansion of the Duffin Creek Water Pollution Control Plant (WPCP) and the provision of additional sewer transmission capacity.

Directions for further reporting and next steps are also outlined in this report for development beyond the proposed release outlined in *Attachment 1*. It should be noted that this recommended framework deals with proceeding with draft approvals of plans of subdivision and does not provide any further servicing allocation for these plans of subdivision.

This process will allow the local municipalities to draft approve entire plans of subdivisions, in advance of servicing allocation for these plans. Segments of the plans will be allocated servicing by the local municipality as it becomes available. This process will allow local municipalities to issue draft plan approvals in a manner that completes the approval process for existing communities and ensures the orderly and predictable assignment of servicing allocation.

3. BACKGROUND

In order to provide wastewater capacity to development beyond 2010 within the York-Durham Sanitary System (YDSS), both the Duffin Creek WPCP expansion, and the Southeast Collector Sewer or in-line flow controls (currently being assessed), are required to be operational.

The Duffin Creek Water Pollution Control Plant Expansion has now received Environmental Assessment approval, the construction is underway, and the targeted completion date is December 2010. This key piece of infrastructure, which will provide additional servicing capacity, is now within 4 years of completion and has the necessary approvals.

The South East Collector Sewer was also identified as a required piece of infrastructure to provide additional servicing capacity in the YDSS and its original completion target was also December 2010. However, due to the increased rigor required of the Individual Environmental Assessment process currently underway for the South East Collector, the expected completion date is now 2012. In this regard, Transportation and Works has examined flow control options to accommodate the two year completion date shift, which is addressed in a June 13, 2007 staff report to the Transportation and Works committee entitled "Flow Control on the York Durham Sewage System". The examination determined that the flows generated by population growth for the two year period from the end of 2010 to the end of 2012 could be accommodated with the flow control measures in place.

The proposed framework to release conditions of draft plans of subdivision prior to servicing allocation, outlined in the March 7, 2007 report, was in the context of the approval status of both the Duffin Creek WPCP and the South East Collector Sewer. The Duffin Creek WPCP EA is now approved, there is a potential for a solution to the Southeast Collector delay, and further consultation has been completed.

3.1 Consultation

Upon adoption of the March 7, 2007 report entitled "Servicing Protocol: Releasing Conditions of Draft Plan of Subdivision Approval", staff consulted with local municipal staff from all of the effected municipalities, representatives from GTHBA-UDI, and made presentations to the Markham Developers Roundtable Group, the Area Municipal Liaison Group, and Area Municipal Chief Administrative Officers.

From this consultation, we confirmed that this interim approach to providing Regional conditions, prior to servicing allocation was acceptable. Staff was also encouraged by developer groups to set the stage, in this report, for a further round of consultations with an emphasis on completing approvals for Secondary Plan areas. This is addressed in section 4.2 of the report. Staff also heard there needs to be an appropriate process put in place dealing with intensification occurring through the site plan process especially in the Regional Centres. In this regard, a draft proposal to deal with site plans is reported on

separately in a concurrent report entitled “Servicing Protocol: Proposed Site Plan Approval Process”.

4. ANALYSIS AND OPTIONS

The framework set out in the March 7, 2007 consultation report outlined a draft proposal for the Region to provide conditions of draft plan of subdivision approval prior to the confirmation of servicing allocation. While this approach only addresses the release of conditions for a one year term, this approach could be used in subsequent years based on the principles set out in this report.

With the completion of Regional staff consultation with the local municipal planning and engineering staff and the development industry this spring, it is recommended that it is now appropriate to adopt the interim policy to allow for the release of Regional conditions of draft plan of subdivision to the local municipalities.

4.1 What Remains the Same as March 2007 Report Proposal

It was determined through the consultation that there are merits to maintaining many aspects of the proposal as it provided the local municipalities the ability to set the priorities, an adequate supply to move subdivisions forward, an acceptable level of control and the protection of intensification opportunities. The following aspects of the proposal remain as set out in the March 7, 2007 report:

- Conditions of draft approval will be provided only upon request of the local municipality.
- Numbers for each municipality remains the same as proposed in *Attachment 1*.
- No-presales Agreement & Indemnity Agreement are required prior to Draft Approval
- Standard conditions identifying infrastructure requirements (South East Collector or alternative) will be included.
- Local municipalities prioritize Draft Plans to meet strategic goals as set out by the local municipalities in context of regional/local goals.
- Planning criteria of February 16, 2006 continue to be met prior to Draft Approval outlined in *Attachment 2*.
- New interim trigger table for 2011 will identify other specific Regional infrastructure requirements as outlined in *Attachment 3*.

This remains only as an interim release of conditions with a further report in 2008 directing the release of further draft plan of subdivision conditions primarily based upon the principles set out in both the February 16, 2006 report and this current report.

4.2 What's New: Future Release of Draft Plan of Subdivision Conditions

Based on consultation, as indicated earlier in this report, staff heard that it is important to more fully address subsequent years in terms of approvals of draft plans of subdivision and to also more fully address the site plan approval process.

This report is intended to fully address the draft plan of subdivision process. A separate report addresses the site plan approval process.

Moving beyond the recommendations of this report and in response to the need to set the next stage, principles for future release of draft approvals will be solidified through further consultation this fall. The proposed principles, which also form the basis of the current interim approach, that will be reviewed include:

- Conditions are provided only at the request of the local municipalities.
- Completion of neighbourhoods within the existing urban boundary is a primary objective of new draft approvals.
- Phasing of build out based on servicing capacity allocation, fit with municipal staging/phasing plans and orderly build-out as determined by the local municipality.
- Ensuring that appropriate development approvals are in keeping with the Council's direction for intensification.

This process will ensure that plans of subdivision can be approved in a comprehensive manner with building occurring in a logically phased manner through phased registration which is in keeping with servicing allocation by the local municipalities.

The target of the next round of consultation will be the establishment of a development approval process which sets the stage for new communities related to expansions beyond the existing urban boundary into the "whitebelt". The key components of the protocol such as a municipal wide phasing plan requirement set out in the February 16, 2007 report will be key to ensuring that once a community begins to be built out, it can be completed in an appropriate timeframe through focusing servicing allocation in just a few key growth areas rather than many at once. A good municipal wide phasing plan resulting from a complete growth management strategy can achieve this.

4.2.1 Intensification Reserve

This reserve provides a mechanism that ensures that greenfield development does not have priority over intensification projects by setting aside a minimum Region wide target of 30% of the projected growth in 2011 for those intensification development projects on a municipality by municipality basis recognizing varying intensification opportunities. This reserve will form the basis of future servicing allocation that will be made available to high density intensification and infill and will be primarily allocated through the site plan approval process.

4.2.2 Future Servicing Allocation

Additional servicing capacity will result from the completion of the Duffin Creek WPCP and the South East Collector and/or the proposed in-line flow control measures. It is therefore important to note the current status of servicing allocation and next steps:

- No new allocation is available at this time.

- When servicing allocation is available, it will determine the phasing of the build out of the draft plans of subdivision and therefore continued careful consideration and use of servicing protocols by the local municipalities is required.
- The ongoing work that will be reported on in June 2007 regarding Flow Control on the York Durham Sewage System provides an opportunity to examine how much allocation could be committed to the local municipalities for the years 2011 and 2012; a future report will provide the servicing capacity to each of the municipalities.
- A rolling supply of servicing allocation is to be determined for years beyond 2012 as allocation will no longer be provided in large quantities solely based on system capacity.
- Allocation needs to fit with growth management strategies so that growth can occur in accordance with those strategies including intensification targets.

4.2.3 Review Processes

It is important that through this process of establishing a framework for moving plans of subdivision forward, that open communication between the local municipal staff and Regional staff continues and opportunities to improve the process be examined. In this regard, Region staff are committed to review processes with local municipalities based on lessons learned through its implementation. At this time, in order to improve the implementation process, templates for pre-sales and indemnity agreements have been prepared.

4.3 Relationship to Vision 2026

The proposed policy achieves goals of Vision 2026 in many aspects as it supports the objective of taking a strategic approach to growth management through more deliberate direction for future development which is co-ordinated with efficient infrastructure delivery.

5. FINANCIAL IMPLICATIONS

The implementation of processes that allow appropriate development approvals to move forward is important to maintain a sufficient pool of approvals and avoid processing bottlenecks when servicing allocation becomes available. The allocation of servicing capacity permits the local municipalities to construct both intensification projects and complete existing communities.

6. LOCAL MUNICIPAL IMPACT

The refined policy with specific Regional criteria for further release of conditions of draft approvals supports local municipalities in achieving managed growth in strategic locations and moving towards higher intensification. Local municipalities can identify

growth priorities on a local basis to determine which applications move forward to draft approval.

7. CONCLUSION

The finalization of this interim approach provides the local municipalities the flexibility to proceed with Draft Plan of Subdivision approval in advance of servicing allocation availability. The appropriate measures to ensure the development process does not advance beyond the control points of pre-sales and building permit issuance are in place using a variety of planning and legal tools. This is an evolving process that will require continued consultation and a commitment to streamline wherever possible. The next step of addressing the site plan process as set out in the concurrent report entitled “Servicing Protocol: Proposed Site Plan Approval Process” will provide a broader approach linking the infrastructure delivery and development including high density residential in the centres and corridors.

The Senior Management Group has reviewed this report.

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