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TOWN OF BRADFORD WEST GWILLIMBURY OPA 15 INFORMATION REPORT ON THE BRADFORD BYPASS

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report dated September 24, 2009, from the Commissioner of Planning and Development Services.

1. RECOMMENDATION

It is recommended that:

1. This report be received for information purposes.

2. PURPOSE

Regional Council, at its meeting of September 24, 2009, adopted Clause 5 of Report 6 of the Planning and Economic Development Committee which added the following additional recommendation:

“That the Commissioner of Planning and Development Services respond further to the Ministry of Energy and Infrastructure regarding the Environmental Bill of Rights Registry Posting 010-6860 to specifically address the Ontario Municipal Board resolution regarding Official Plan Amendment No. 15 in the Town of Bradford West Gwillimbury, and report back to Committee.”

This report provides a summary of the approval by the Ontario Municipal Board (OMB) of the Town of Bradford West Gwillimbury’s OPA 15 and its relationship to the Bradford Bypass; additional information which was requested by the Planning and Economic Development Committee on September 9, 2009.

The report also responds back to Committee on the Commissioner of Planning and Development Services’ response to the Ministry of Energy and Infrastructure regarding the Environmental Bill of Rights Registry Posting 010-6860 with respect to OPA 15.

3. BACKGROUND

The Town of Bradford West Gwillimbury Official Plan was approved in 2002 and the Bradford Bypass Environmental Assessment was approved in 2002

The Official Plan (OP) for the Town of Bradford West Gwillimbury was approved on February 15, 2002. At that time, the OP identified the Province's proposed east/west route for the Highway 400 – 404 Link (the Bradford Bypass). The OP designated lands for employment uses along this proposed route within the Bradford Urban Area.

The Environmental Assessment for the Bradford Bypass was also approved in 2002, and the proponent was the Province of Ontario.

The Provincial Growth Plan does not include the Bradford Bypass

In June of 2006, the *Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow)* came into effect and this Plan did not show the Bradford Bypass. The Town of Bradford wrote to the Minister of Public Infrastructure and Renewal expressing its concern and asked for reconsideration to include the Bradford Bypass in the Province's 5 year construction plan. The Minister replied to Bradford in December of 2006 that "At this time, the Bradford Bypass is not shown in the schedule, so it is being considered as a longer-term priority in the larger picture of growth management..."

York Region also wrote to the Minister, at that time, to express its concern that the Bradford Bypass was not shown in the Growth Plan. No response was received from the Province.

The Town of Bradford West Gwillimbury's OPA 15, showing the Bradford Bypass, was appealed to the OMB

In November of 2006, Bradford Town Council adopted Official Plan Amendment No. 15 (OPA 15) to designate lands around the Highway 400/Highway 88 intersection as "Highway 400 Employment Settlement Area" and included the Bradford Bypass (described as the Highway 400-404 Link) at the north end of the plan area. The Amendment was appealed to the OMB on the grounds that the County of Simcoe did not make a decision within the Planning Act timeframes.

The Parties settle and the OMB approves OPA 15

The August 7, 2009 OMB decision references an intensive, three month process of facilitated discussions which then resulted in Minutes of Settlement (the Settlement), which is an agreement amongst the parties to the hearing. The Settlement was signed by all Parties including the Ministry of Municipal Affairs and Housing (MMAH). As a result of the Settlement, the designation of the lands affected by OPA 15 was changed from "Highway 400 Employment Settlement Area" to "Lands Subject to Minister's

Zoning Orders” (*Attachment 1*) and the Bradford Bypass remained in OPA 15. The Schedule of Land Uses continues to show the provision of the Bradford Bypass (*Attachment 2*), and the three (3) Minister’s Zoning Orders (MZO 1 to 3) are proposed by the terms of the Settlement.

Based on the Settlement, the OMB approved OPA 15, but contingent upon the following:

- The OMB receiving, in accordance with the Settlement agreed to by the Province, the Minister’s Zoning Order [MZO 1 to 3] to implement OPA 15; and,
- The Board being advised that the Town has allocated servicing capacity to the lands.

4. ANALYSIS AND OPTIONS

York Region has continued to maintain its position on the need for the Bradford Bypass and, recently, has requested that the Province include the Bradford Bypass in the *Places to Grow – Simcoe Area: A Strategic Vision for Growth* document. The Region’s Transportation Master Plan studies indicate that the Bradford Bypass is a critical component to support the development associated with the local Official Plans, the Regional Official Plan, and Places to Grow.

The recent OMB decision to create a new employment area in Bradford West Gwillimbury, centered on the intersection of Highway 88 and Highway 400, clearly recognizes, and relies on, the construction of the Bradford Bypass in the future.

The OMB decision, which relies on the Minutes of Settlement, makes several references to the potential future of the Bradford Bypass

The OMB decision, with respect to OPA 15, makes several direct statements about the need for the potential future development of the Bradford Bypass. The decision notes that “MZO 3 is the northern area that includes the possible future interchange with the 400 – 404 Link.” In addition, the Schedules in Attachments 1 and 2 to this Report are direct imports from OPA 15, as approved by the OMB, and these documents show very clearly the “Proposed 400-404 Link” (the Bradford Bypass).

The OMB decision also contains a reference to a “trigger” for the development of the northerly area being conditional on the construction of the Bradford Bypass. On page 4 of the decision, the Board notes that “The northernmost area has about 150 ha. This area is rural and agricultural and the intention is that it will remain so, awaiting the possible future Highway 400 – 404 Link.” This effectively ties the northern development of the OPA 15 lands to the construction of the Highway 400-404 Link (the Bradford Bypass).

The Minister of Municipal Affairs and Housing will likely issue a Minister's Zoning Order to implement OPA 15

As of the writing of this report, the Minister of Municipal Affairs and Housing has not issued a Zoning Order for the subject lands. It is noted in the OMB decision that the Minister is not bound by the OMB decision and, while it is likely that he will follow the Minutes of Settlement and the OMB decision, the Minister may decide not to issue a Zoning Order, or may issue a modified Order. However, as previously noted, the approval of OPA 15, and the development associated with it, is contingent upon the Minister issuing a Zoning Order implementing OPA 15. If the Zoning Order is not issued, OPA 15 does not come into effect.

OMB Decision & Settlement indicate Provincial commitment to the Bradford Bypass

The Bradford West Gwillimbury OMB decision provides a level of confirmation that the Province still considers the Bradford Bypass to be an important piece of infrastructure, in the context of post Places to Grow (2031).

York Region has continued to maintain its position that the development of the Bradford Bypass is a very critical component in the northern York Region transportation network, and the transportation analysis that the Region has completed indicates that the Bradford Bypass is required now. The Region has not had the benefit of seeing any comprehensive analysis to support a delay of the construction of the Bradford Bypass to post 2031, nor is the Region aware of any such analysis having been completed. The Bypass is an important link to ensure regional arterials will continue to maintain their role; as in the case of Green Lane, a critical high capacity urban arterial.

Response to the Environmental Bill of Rights Registry Posting 010-6860

As per Council direction on September 24, 2009, the Commissioner of Planning and Development Services has responded to the Ministry of Energy and Infrastructure regarding the Environmental Bill of Rights Registry Posting 010-6860, requesting that the Province include the Bradford Bypass in the *Places to Grow – Simcoe Area: A Strategic Vision for Growth* document, stressing the urgency for the Bypass to be built in the shorter term.

5. FINANCIAL IMPLICATIONS

Staff has estimated that, in the absence of the Bradford Bypass as a 4-lane expressway, the equivalent capacity of 10 new arterial roads would potentially be required to accommodate increased travel through and destined for the Region. This translates into potentially 8,000 more vehicles infiltrating regional and local roads during a typical

morning peak period which would further escalate the costs and issues associated with congestion, operations and the provision of emergency services.

6. LOCAL MUNICIPAL IMPACT

There are only three transportation connections between the Simcoe area and York Region: Yonge Street, Highway 400 and Highway 27. The lack of additional capacity improvements has resulted in traffic congestion and traffic operational problems on Regional and local municipal roads in the Towns of Newmarket and East Gwillimbury and the Township of King. The additional traffic infiltration will also result in an increased demand for emergency services, police and fire should a higher rate of vehicular incidents occur on York Region roads.

7. CONCLUSION

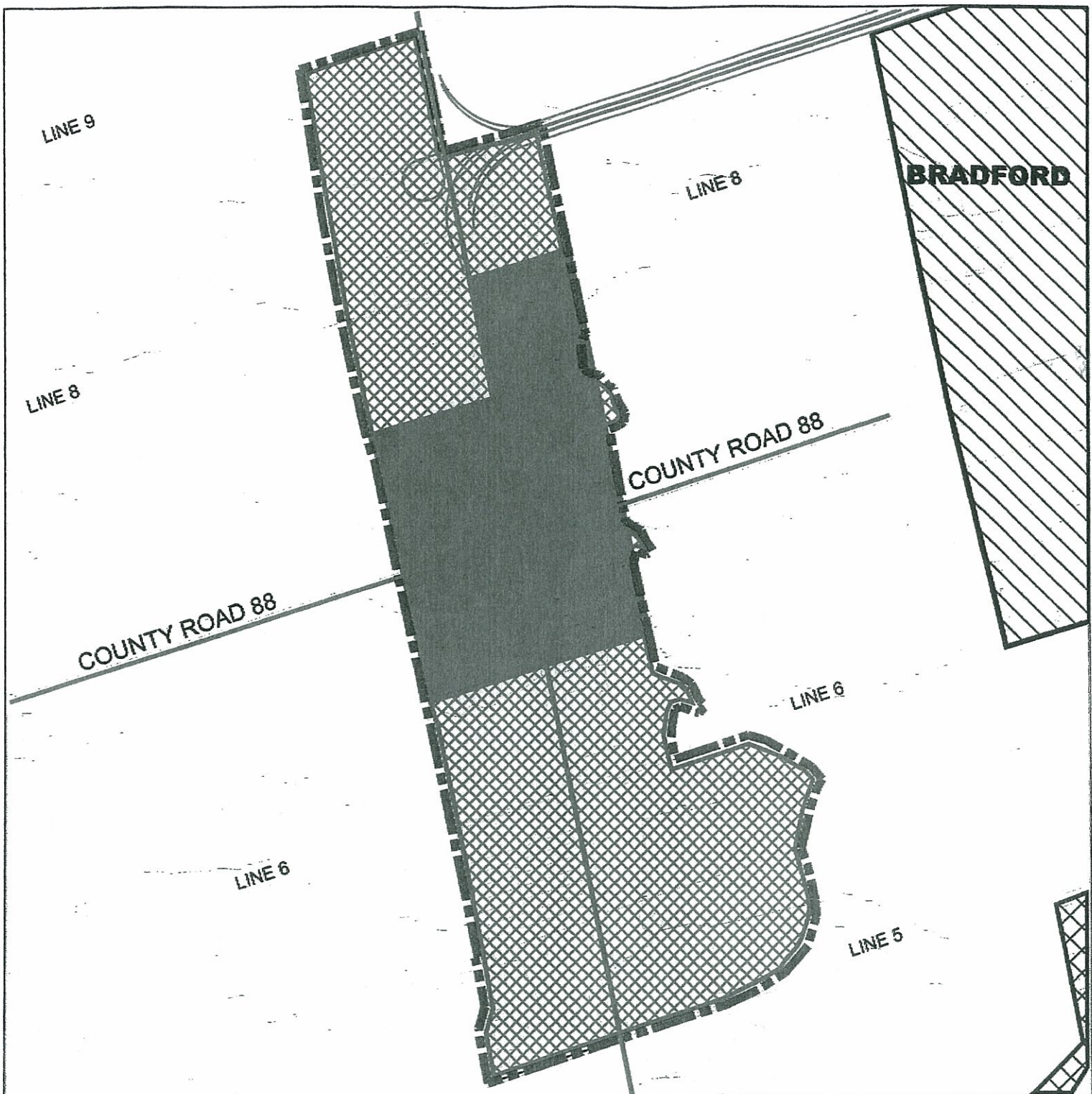
The recent OMB decision in Bradford West Gwillimbury clearly recognizes and relies on the future construction of the Bradford Bypass in order to support the development of new employment lands along Highway 400. In order to support this OMB decision, the Minister has to enact a Minister's Zoning Order to enable the OMB decision to have effect.

As per Council direction on September 24, 2009, the Commissioner of Planning and Development Services has responded to the Ministry of Energy and Infrastructure regarding the Environmental Bill of Rights Registry Posting 010-6860, requesting that the Province include the Bradford Bypass in the *Places to Grow – Simcoe Area: A Strategic Vision for Growth* document and stressing the urgency for the Bypass to be built in the shorter term.

For more information on this report, please contact Michael Mallette, Senior Planner, at (905) 830-4444, Ext. 1506 or Heather Konefat, Director, Community Planning, at Ext. 1502.

The Senior Management Group has reviewed this report.

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



**SCHEDULE A1 TO
OFFICIAL PLAN AMENDMENT NO. 15
AREA OF MINISTER'S
ZONING ORDER**

**RURAL LAND USE PLAN
TOWN of BRADFORD WEST GWILLIMBURY
OFFICIAL PLAN**

-  Lands Redesignated from Agriculture to Lands Subject to Minister's Zoning Orders
-  Lands Redesignated from Highway 400/CR 88 Special Policy Area to Lands Subject to Minister's Zoning Orders



PLANScape

SCALE

1 : 30 000

**PROJECT
NO.**

36638

DATE INITIATED

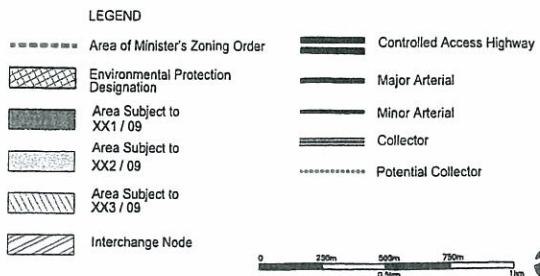
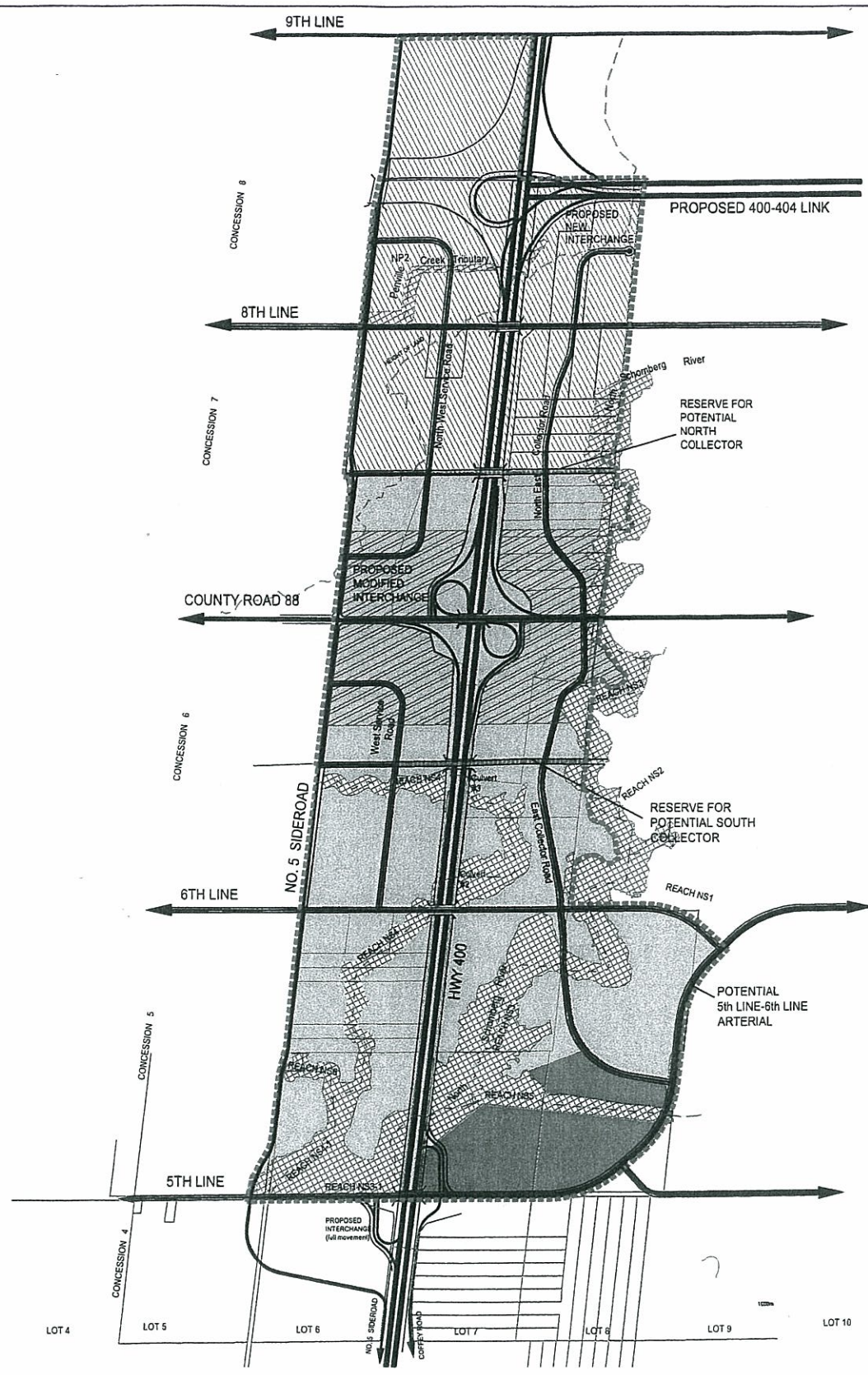
June 29, 2006

BY

CB

NO.	DATE YYMMDD	REVISIONS	BY
1	06-June-30	Boundary Revision	CB
2	06-October-18	Text Revisions	JT
3	06-November-1	Final	JT

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**Area of Minister's
Zoning Order
Land Use &
Transportation Plan**

Schedule G



BRYAN W. TUCKEY
Commissioner
Planning and Development Services Department

September 25, 2009

Ms. Tija Dirks
Director
Ministry of Energy and Infrastructure
Ontario Growth Secretariat
Growth Policy, Planning and Analysis
Planning and Analysis
777 Bay Street, 4th Floor
Toronto, ON M5G 2E5

Dear Ms. Dirks:

Re: York Region Letter dated September 2, 2009 on York Region Comments on *Places to Grow Simcoe Area: A Strategic Vision for Growth* – EBR Posting 010-6860

York Regional Council at its meeting on September 24, 2009 requested that the comments herein be considered in addition to York Region's September 2, 2009 letter on *Places to Grow Simcoe Area: A Strategic Vision for Growth* – EBR Posting 010-6860.

York Region notes that the recent Ontario Municipal Board Decision PL071221 with respect to the lands subject to Official Plan Amendment 15 in the Town of Bradford West Gwillimbury, which includes the lands necessary for the Highways 400-404 Link (Bradford Bypass) has an effect on the Simcoe Area Growth Plan.

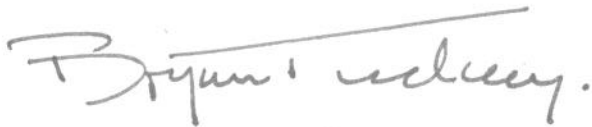
The OMB decision, supported by the Province and its agents (Provincial Development Facilitator and the Ministry of Municipal Affairs and Housing), recognizes the importance of this key piece of infrastructure. The settlement includes designating lands as subject to Minister's Zoning Order, which includes the lands for the possible interchange for the Highways 400-404 Link.

While the timing and the content of the Minister's Zoning Orders are pending it would appear, that through this OMB decision, that the importance of the Highway 400-404 link has been recognized by the Province by protecting these lands from employment uses, and York Region requests that this decision be reflected in *Places to Grow Simcoe Area: A Strategic Vision for Growth*.

York Region has continued to maintain its position that the development of the Bradford Bypass is a very critical component in the northern York Region transportation network. The transportation analysis that the Region has completed for its Transportation Master Plan indicates that the Highway 400-404 link is required now. The bypass is an important link to complete the Provincial 400 series highway network in the area. The Region has not had the benefit of a comprehensive analysis to support the delay of the construction of the Bradford Bypass post 2031. It is our view that the Province should complete the transportation study called for in the Simcoe Growth Plan in the short term to address these essential transportation needs.

Should you have any questions or comments, please contact John Waller, Director of Long Range and Strategic Planning at 905-830-4444 extension 1525 or john.waller@york.ca.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bryan W. Tuckey". The signature is fluid and cursive, with a long horizontal line extending from the top of the first letter.

Bryan W. Tuckey M.C.I.P., R.P.P.
Commissioner of Planning and Development Services

BT/kah

Copy to: Simcoe County Clerk
Barrie City Clerk
Orillia City Clerk
The Honourable Jim Watson, Minister of Municipal Affairs and Housing
The Honourable George Smitherman, Minister of Energy and Infrastructure
The Honourable John Gerretsen, Minister of the Environment
York Region Local Municipalities
York Region Members of Provincial Parliament (MPPs)