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RICHMOND HILL – NORTH LESLIE OMB REHEARING

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated August 25, 2008, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. Staff be authorized to share the costs of consultants, with the Town of Richmond Hill, to attend the OMB regarding the rehearing of the North Leslie employment land appeals.
2. A maximum of \$200,000 be funded from the tax stabilization reserve for external consultants and other costs associated with the North Leslie OMB rehearing.

2. PURPOSE

The Ontario Municipal Board will be conducting a rehearing regarding the proposed employment lands in the North Leslie Secondary Plan.

This report requests Council's authorization to share the OMB costs of some or all the consultants required for this rehearing with the Town of Richmond Hill, and that a maximum of \$200,000 be funded from the tax stabilization reserve for external consultants and other costs associated with this hearing.

3. BACKGROUND

The first full North Leslie OMB hearing occurred in 2006

The first OMB Hearing (2006) with respect to the North Leslie lands comprised approximately 580 hectares (1433 acres) located north of Elgin Mills Road East between

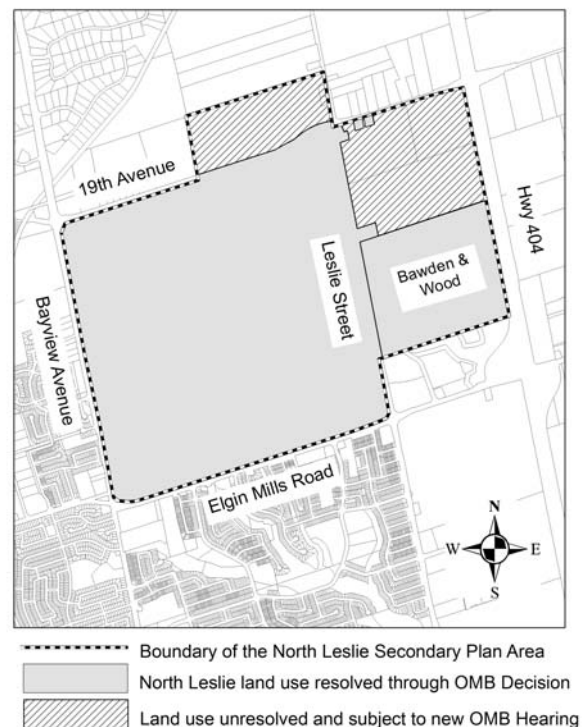


FIGURE 1

Bayview Avenue and Highway 404, up to 19th Avenue, and including one parcel of land at the north-west corner of Leslie Street and 19th Avenue (*see Figure 1*).

Although there were over 70 issues identified by the parties, the two primary issues before the Board were: 1) Protection of the environment; and, 2) Residential versus employment land designation for the lands in the north-east quadrant of the North Leslie Secondary Plan. With respect to the latter issue, the Town of Richmond Hill, supported by York Region, put forward its proposed Secondary Plan which consisted entirely of employment land, while the landowners proposed an alternate secondary plan entirely consisting of residential uses.

The OMB decision favoured the Town's plan

The OMB issued its decision on November 23, 2006 and, with the exception of the Bawden & Wood property (*see Figure 1*), which was approved for mixed use development, the OMB decision favoured the Town's Plan supporting the evidence of the Region and Town witnesses that employment uses were more appropriate than residential uses along the Highway 404 corridor.

The OMB decision was reviewed and a new North Leslie Employment Land hearing ordered

While the majority of the landowners were content with the Board's decision, a few of the landowners in the north-east corner of the Secondary Plan area were of the opinion that the Board did not fully comprehend the employment land evidence provided at the original hearing. Under Section 43 of the *OMB Act*, these landowners argued successfully that the OMB should review its decision with respect to their lands (identified as "Land use unresolved and subject to new OMB Hearing" on *Figure 1* above). A new hearing related to the land uses within this site specific area has been scheduled for March, 2009. It is important to note that the OMB approved the area as an "Urban Area" at the original hearing. This was an issue at the first hearing, but will not be an issue at the rehearing.

4. ANALYSIS AND OPTIONS

In June of 2007, Regional Council confirmed "that employment areas are a critical resource in York Region, and that these areas are vital to the economic strength of the Region." In May of 2008, Regional Council again confirmed the importance of protecting strategic employment lands located along existing and future 400-Series Highways, recognizing that the combined requirements of the Provincial *Oak Ridges Moraine, Greenbelt* and *Growth Plans* substantially limit the availability of lands within York Region to accommodate 2031 Provincial growth targets.

The following section summarizes the issues related to the importance of protecting the proposed employment lands within the North Leslie Secondary Plan, particularly the lands identified as “Land use unresolved and subject to new OMB Hearing” on *Figure 1*. In addition, this section identifies the benefits of retaining consultants to defend this position including sharing the related costs with the Town of Richmond Hill.

The North Leslie Employment Lands are vital to Richmond Hill and to York Region

The Provincial Growth Plan for the Greater Golden Horseshoe (“Places to Grow”) forecasts an additional 520,000 residents and 340,000 jobs in York Region by 2031. Managing this growth effectively requires matching the forecasted population growth with high quality employment. In York Region, a number of employment projects are currently under construction across the Region and, in 2007, industrial and commercial construction was valued at \$868,763,000. While the Canadian economic growth may be tempered by a weaker U.S economy in the short term, the long term outlook for employment growth in this area is positive. Accommodating this growth will require the availability of strategically located vacant employment lands.

In June of 2007, Regional Council adopted the report entitled “Protecting Areas of Employment” which outlined a strategic framework to support local municipal planning for employment lands. In May of 2008, Regional Council confirmed the importance of protecting strategic employment lands located along existing and future 400-Series Highways as these areas are vital to the economic strength of the Region. *Attachment 1* to this report identifies the North Leslie lands as “Strategic Employment Lands”. Richmond Hill, which is approaching complete build-out, is particularly challenged by long term employment land supply issues and the North Leslie proposed employment lands are critical to the future of the community.

Unique characteristics of employment lands, as well as the overall supply, are important considerations in the planning for York Region’s long-term employment needs. The role of the 400-series highway corridors, and the limited supply of land with direct exposure to them, is especially critical in York Region’s long-term planning. The need to protect the employment lands within the North Leslie Secondary Plan is also further reinforced in the PPS, in the Provincial Growth Plan, and in the recent changes to the Planning Act (Bill 51).

Employment Land issues to be addressed at the OMB

The North Leslie rehearing includes issues such as demand/supply of employment lands, strategic locational criteria, timing of development, the manner of how the lands develop, marketability of employment lands, and the interpretation and implementation of Provincial legislation and plans.

With the earlier OMB decision to not allow a mid-block collector road (404 overpass) through the Bawden & Wood lands, a collector road/overpass linking the North Leslie lands and the Markham employment lands to the east will need to be reintroduced into the OMB rehearing.

It is likely that evidence will be required to be provided to the OMB from the following consultants: a land use planner; a transportation planner; a land economist; and a marketing expert.

Representation of Regional interests at the OMB

The OMB has scheduled a seven (7) week hearing for the North Leslie hearing to begin next March. Prior to the hearing, witnesses are required to prepare issues lists, witness statements, document books, exhibits, and to attend meetings and pre-hearings. External consultants/witnesses are recommended so that York Region Planning staff can continue to respond to the high volume of files, projects, and other cases that require constant management. The extensive time required for the North Leslie rehearing would compromise staff's ability to maintain the current high level of service. York Region staff members are also involved in other OMB hearings in late 2008/early 2009.

In addition, the costs of some or all of the required external consultants could be shared with the Town of Richmond Hill, thereby substantially reducing the costs for both parties. During the previous North Leslie hearing, the Town and the Region shared several witnesses which resulted in greater efficiency.

5. FINANCIAL IMPLICATIONS

At this time, the OMB has set down seven (7) weeks for the new North Leslie hearing. It is estimated that a total cost of \$200,000 will be required for the hearing, to engage consultants to represent the Region, and to pay for incidental costs such as transcripts.

6. LOCAL MUNICIPAL IMPACT

The Town of Richmond Hill and York Region have been working together for a number of years on the North Leslie matter. Similar positions regarding the disposition of these lands have been taken through each respective Council and at the first Ontario Municipal Board Hearing.

The Town of Richmond Hill has continued to hold the position that it is important to protect strategic employment lands located along existing and future 400-Series Highways and oppose the employment land conversion proposed by the landowners. It is anticipated this position will be reaffirmed by Richmond Hill Council shortly.

7. CONCLUSION

York Region Council has recently reconfirmed the importance of protecting strategic employment lands located along existing and future 400-Series Highways as these areas are vital to the economic strength of the Region. The Town of Richmond Hill has also maintained its position to protect the North Leslie lands for employment uses.

It is recommended that staff be authorized to retain consultants to support Council's position and that staff be authorized to share the costs of some of, or all, the consultants with the Town of Richmond Hill, to a maximum of \$200,000, to be funded from the tax stabilization reserve.

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

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the agenda for the September 3, 2008 Committee meeting.)