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RICHMOND HILL – OFFICIAL PLAN AMENDMENT 246 ONTARIO MUNICIPAL BOARD HEARING

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 OPA 246 appeal.
2. A maximum of \$100,000 be funded from the tax stabilization reserve for external consultants and other costs associated with the OPA 246 appeal.

2. PURPOSE

An OMB hearing will take place on Richmond Hill's OPA 246, concerning the retention of existing employment lands.

This report requests Council's authorization to share the OMB costs of some or all of the consultants with the Town of Richmond Hill, and that a maximum of \$100,000 be funded from the tax stabilization reserve for external consultants and other costs associated with the OMB hearing.

3. BACKGROUND

Retaining existing Employment Lands in Richmond Hill – Official Plan Amendment No. 246

Official Plan Amendment (OPA) 246 was adopted by Richmond Hill Council as part of its OP Review initiative in accordance with the provisions of the Provincial Growth Plan (Places to Grow). Unlike the site specific North Leslie matter that deals with proposed employment uses, OPA 246 is a town-wide policy amendment that proposes to retain all existing employment lands within the Town of Richmond Hill to ensure they are not converted to non-employment land uses, pending the completion of a "municipal comprehensive review" of the Town's Official Plan policies.

On May 15, 2008, Regional Council recommended that the OPA be approved and that Regional Planning staff be authorized to appear before the Ontario Municipal Board, in support of Richmond Hill's Official Plan Amendment 246, if required.

OPA 246 was appealed by a landowner on June 2, 2008. The appellant is of the opinion that the policies of OPA 246 are in conflict with Places to Grow in respect to the retention of employment lands.

4. ANALYSIS AND OPTIONS

The following section summarizes the issues related to the importance of protecting existing employment lands, within York Region and Richmond Hill, and identifies the benefits of retaining consultants to defend this position including sharing the related costs with the Town of Richmond Hill.

The retention of existing Employment Lands is vital to Richmond Hill and 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 is positive. Accommodating this growth will require the retention of existing vacant employment lands, as determined appropriate through the completion of the municipal comprehensive review of the Town's Official Plan policies.

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, particularly those located along existing and future 400-Series Highways as these areas are vital to the economic strength of the Region. The need to protect Richmond Hill's existing employment lands is also further reinforced in the PPS, in the Provincial Growth Plan, and in the recent changes to the Planning Act (Bill 51).

Richmond Hill which is approaching complete build-out, is particularly challenged by long term employment land supply issues and retaining the existing designated supply, subject to the comprehensive review, is critical to the future of the community.

Employment Land issues regarding policy interpretation to be addressed at the OMB

This OMB hearing will involve broad policy issues such as policy interpretation on a municipal wide basis dealing with existing employment lands, types of employment uses, and the interpretation and implementation of Provincial legislation and plans. 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

This matter is currently at the Board for the scheduling . It is anticipated that a pre-hearing will be scheduled for the fall of 2008 . The anticipated prehearing will deal with a Procedural Order. 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 time required for the OPA 246 hearing 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 external consultants could be shared with the Town of Richmond Hill, thereby substantially reducing the costs for both parties.

5. FINANCIAL IMPLICATIONS

At this time, the hearing regarding OPA 246 has not yet been scheduled; however, it is estimated that this hearing will require a few weeks. It is estimated that a total cost of \$100,000 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

Regional Council has recommended approval of OPA 246 and has authorized staff to appear before the Ontario Municipal Board, in support of Richmond Hill's Official Plan Amendment 246, if required.

7. CONCLUSION

York Region Council has recently reconfirmed the importance of protecting strategic employment lands located along existing and future 400-Series Highways. The Town of Richmond Hill has also maintained its position to ensure that there is protection of

existing employment lands, through the adoption of OPA 246. On May 15, 2008, Regional Council recommended that the OPA be approved and that Regional Planning staff be authorized to appear before the Ontario Municipal Board, in support of Richmond Hill's Official Plan Amendment 246, if required.

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 or all the consultants with the Town of Richmond Hill to a maximum of \$100,000, 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.