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REPORT NO. 3 - STATUS UPDATE
ON OMB HEARING FOR 19T-03001, TOWN OF EAST GWILLIMBURY

Regional Council at its meeting on September 23, 2004 amended this Clause as follows:

Delete recommendation 1(i) and replace it with the following:

1. *If the Ontario Municipal Board decides to approve plan of subdivision 19T-03001, the Board only issue its Order once all of the following have been met:*
 - i. *The extension of Highway 404 being confirmed by the execution of a Memorandum of Understanding between the Ministry of Transportation and York Region, **in consultation with the Town of East Gwillimbury**, that includes the following:*
 - *a commitment by the Province to extend Highway 404 to Queensville Sideroad or a point further north;*
 - *a schedule of events for the implementation of the Highway 404 extension that includes, but is not limited to, approval of all required Environmental Assessments, timing of the acquisition of all land requirements, target date for tendering **of the road works to provide at least two lanes of road capacity in the Highway 404 right-of way**, and anticipated completion date(s);*
 - *a commitment to include the Highway extension in the Province's 10 year capital plan;*
 - ***funding arrangements** and timing of funding for the extension.*

Delete conditions 6 and 7 of the Conditions of Draft Approval and replace them with the following:

6. *Prior to final approval, the following shall have taken place:*

Execution of a Memorandum of Understanding between the Ministry of Transportation and York Region that establishes:

 - *a commitment to extend Highway 404 to Queensville Sideroad or a point further north;*
 - *a schedule of milestone events for the Highway extension that includes, but is not limited to, approval of all required Environmental Assessments, acquisition of all land, tendering date **of the road works to provide at least two lanes of road capacity in the Highway 404 right-of-way**, and anticipated completion date(s);*
 - *a commitment to include the Highway's extension in the Province's 10 year capital plan*
 - ***funding arrangements** and the timing of funding*

7. *Subject to the approval of the Memorandum of Understanding noted in Condition 6, the timing of development may proceed in phases that are directly linked to the schedule of milestone events for the extension of Highway 404. Development phasing shall be to the satisfaction of York Region and the Town of East Gwillimbury. **The phasing plan may include restriction of retail sales of lots and/or blocks subject to the tendering of the road works to provide two lanes of road capacity in the Highway 404 right-of-way.***)

The Planning and Economic Development Committee recommends the following report, August 23, 2004, from the Commissioner of Planning and Development Services and the Commissioner of Transportation and Works, be referred to Regional Council for consideration at its meeting to be held on September 23, 2004:

1. RECOMMENDATIONS

It is recommended that the Ontario Municipal Board be advised of the following:

1. If the Ontario Municipal Board decides to approve plan of subdivision 19T-03001, the Board only issue its Order once all of the following have been met:
 - ii. The extension of Highway 404 being confirmed by the execution of a Memorandum of Understanding between the Ministry of Transportation and York Region that includes the following:
 - a commitment by the Province to extend Highway 404 to Queensville Sideroad or a point further north;
 - a schedule of events for the implementation of the Highway 404 extension that includes, but is not limited to, approval of all required Environmental Assessments, timing of the acquisition of all land requirements, target date for tendering the project, and anticipated completion date(s);
 - a commitment to include the Highway extension in the Province's 10 year capital plan;
 - timing of funding for the extension.
 - iii. Execution of a Pre-paid Development Charge Credit Agreement between York Region, the Town of East Gwillimbury and the Developers Group for the extension of the York Durham Sewer System and provision of municipal water supply to the community of Queensville.
 - iv. Award of construction contracts for the Sixteenth Avenue Trunk Sewer Phase 2, 19th Avenue, Lower Leslie and the Southeast Collector trunk sewers, or other suitable arrangements providing sewer capacity to the satisfaction of York Region.

2. Subject to the approval of the Memorandum of Understanding noted in Recommendation 1(i), the timing of development may proceed in phases that are directly linked to the schedule of milestone events for the extension of Highway 404. Development phasing shall be to the satisfaction of York Region and the Town of East Gwillimbury.
3. Draft approval of plan of subdivision 19T-03001 be subject to the conditions of approval set out in *Attachment No. 1* to this report.
4. Regional staff continue discussions with the Province, affected area municipalities and the developer group regarding confirmation and timing of the extension of Highway 404 and the feasibility of a phasing plan for plan of subdivision 19T-03001.

2. PURPOSE

The purpose of this report is to report back to Committee and Council regarding the status of the transportation and servicing issues impacting plan of subdivision 19T-03001 and clarify the Regional position for the Ontario Municipal Board (OMB) hearing that will recommence on November 15, 2004.

3. BACKGROUND

On April 22, 2004, Regional Council adopted Clause 1 of Report No. 4 of the Planning and Economic Development Committee, as modified by the Committee (*see Attachment No. 2*). Recommendation No. 3 requires staff to report back to Committee and Council regarding the sanitary sewer and transportation issues impacting the community of Queensville.

With respect to the transportation issue, Regional Council adopted staff's recommendation 4 which states:

- “4. If the Ontario Municipal Board decides to approve draft plan of subdivision 19T-03001, the Board only issue its Order once all of the following have been met:
 - i. Arrangements satisfactory to York Region and the Town of East Gwillimbury for the extension of Provincial Highway 404 to provide two additional lanes of north-south road capacity. ...”

Section 4 of this report identifies criteria that must be met to confirm the arrangements for the extension of Highway 404 are in place to enable draft plan approval of plan of subdivision 19T-03001.

With respect to the sanitary sewer issue, the Region is undertaking a review of servicing capacity in the York Durham Sewer System to determine if there is any additional

sanitary sewer capacity. The review is expected to be completed in September/October 2004.

3.1 Ontario Municipal Board Hearing

The Ontario Municipal Board (OMB) hearing for plan of subdivision 19T-03001 commenced on May 25, 2004 at which time the Board approved, in principle, the design of the plan of subdivision and also indicated that the density of the plan was appropriate. The Board adjourned the hearing to November 15, 2004 with respect to the sewer and transportation issues. A pre-hearing is scheduled for September 29, 2004 to provide the Board with an up-date regarding these issues.

York Region needs to clarify and define what “satisfactory arrangements” are for the extension of Highway 404 at its September 23, 2004 Council meeting in order to meet the standard procedural order timelines for the November 15, 2004 hearing date.

3.2 Meetings with Provincial Staff

Regional staff and staff from the Towns of Newmarket, East Gwillimbury and Georgina have met and will continue to meet with Provincial staff regarding the extension of Highway 404. Ministry of Transportation staff have advised that the timing for the start of the extension of Highway 404 is targeted for 2006. However, recent comments from the Minister of Public Infrastructure and Renewal and statements in Provincial discussion papers have created uncertainty with respect to this target date.

4. ANALYSIS AND OPTIONS

Development of the Queensville community as a sustainable centre with a full range of services and facilities is tied to the provision of adequate north south road capacity to serve the community.

This report identifies what arrangements are satisfactory to the Region that would address recommendation no. 4 of staff’s previous planning report that was adopted by Council and the specific transportation policy set out in the Queensville Community Plan that states:

“... no development shall take place prior to satisfactory arrangements for front ending agreements, accelerated payments, or other suitable mechanisms for the extension of Highway 404 as a two lane arterial road to Queensville Sideroad, or Regional Road improvements sufficient to provide two additional lanes of north-south road capacity...”

Regional staff’s previous report on plan of subdivision 19T-03001 provided an evaluation of traffic options to serve growth in Queensville and concluded that the only viable option was to extend Highway 404 to Ravenshoe Road either as a full expressway or a two lane arterial road (*see Attachment No. 2*).

4.1 Extension of Highway 404

Two options that provide “satisfactory arrangements” for the extension of Highway 404 include:

- The Province tendering the project to extend Highway 404 to Queensville Sideroad, or a point further north; or,
- Execution of a Memorandum of Understanding between the Province and the Region that establishes a commitment to extend Highway 404, a schedule of milestone events, and funding for the extension.

Both options provide a reasonable level of assurance that the project will proceed; however as a result of recent Provincial statements regarding the extension of Highway 404, a Memorandum of Understanding should provide greater certainty at an early time that the Highway extension will be constructed. York Region successfully executed an MOU with the Province for the previous extension of Highway 404 to Green Lane.

Condition 6 of the conditions of draft plan approval set out in *Attachment No. 1* to this report states:

Prior to final approval, the following shall have taken place:

Execution of a Memorandum of Understanding between the Ministry of Transportation and York Region that establishes:

- a commitment to extend Highway 404 to Queensville Sideroad or a point further north
- a schedule of milestone events for the Highway extension that includes approval of all required Environmental Assessments, acquisition of all required land, tendering date, and anticipated completion date;
- a commitment to include the Highway’s extension in the Province’s 10 year capital plan
- timing of funding

4.1.1 Phasing of Development

Execution of a Memorandum of Understanding provides opportunity to phase development in Queensville. Regional staff have met with the applicant and their consultants to discuss the possibility of phasing development to coincide with milestone events associated with the implementation of the Highway 404 extension and sewage and water and wastewater capacity. Condition 7 would allow for potential phasing of development provided there is certainty of the completion of the extension of Highway 404 and provision of sewage and water and wastewater capacity. Regional staff will continue discussions with the Province, affected area municipalities, and the developer group to determine the feasibility of a phasing plan.

The Province has initiated meetings with York Region and area municipalities regarding the extension of Highway 404 and these meetings will continue to determine if certainty for the extension of Highway 404 can be confirmed.

4.2 Sanitary Sewer

In April 2004 Regional Council endorsed staff's recommended conditions that indicate that final approval for plan of subdivision 19T-03001 should await the in service date of major Regional sanitary servicing infrastructure. The Region has established a practise that permits final approval 6 months in advance of completion of servicing infrastructure to enable completion of home construction and occupancy when servicing is delivered. To reflect this practise Condition 5 has been revised to remove the words "in service" following the identification of the Regional infrastructure.

Conditions 4 and 5 of draft plan approval set out in *Attachment No. 1* establish the required water and wastewater infrastructure necessary to serve development in Queensville and also permit development if other suitable arrangements are made to the satisfaction of the Region. The Region has recently undertaken initiatives to determine if there is any additional sanitary sewer capacity. The Region's review of its servicing model is underway and results are expected in September/October 2004. Other sources of capacity, such as in-line storage, are being studied through the development of the dynamic model of the York Durham Sewer System. If additional capacity becomes available the Region will need to balance increasing the margin of safety and allowing additional development. Work on this exercise will continue through the fall and may be completed before the recommencement of the OMB hearing on November 15, 2004.

4.3 Conditions of Draft Plan Approval

Conditions of draft plan approval remain essentially the same as those endorsed by Regional Council at its meeting on April 22, 2004. Minor changes have been made to conditions 5 and 6 and a new condition 7 added to reflect the analysis in Section 4.1 of this report. A complete set of conditions are set out in *Attachment No. 1* to this report.

4.4 Relationship to Vision 2026

Action areas of Goal 7 of Vision 2026 – Infrastructure for a Growing Region are to "*Plan our road system to work efficiently with provincial and interregional infrastructure*", and "*to ensure that our transportation network co-ordinates with development*". The recommendations of this report support these action areas by ensuring there is sufficient road capacity to serve Queensville prior to development taking place.

5. FINANCIAL IMPLICATIONS

There are no changes to the Regional costs for water and wastewater infrastructure that were identified in the previous report. Regional water costs are estimated to be \$6 million, and Regional sanitary sewer costs \$16.2 million.

Regional costs related to the Highway 404 extension agreement will not be known until the Memorandum of Understanding is executed.

6. LOCAL MUNICIPAL IMPACT

The previous recommendations adopted by Regional Council regarding plan of subdivision 19T-03001 require the Town of East Gwillimbury also be satisfied that suitable arrangements are in place for the extension of Highway 404 prior to draft plan approval. Town of East Gwillimbury staff agree that the appropriate mechanisms to confirm Highway 404 will be extended are the tendering of the project and the execution of an MOU. Town staff will continue to be involved in discussions to determine if development phasing is feasible.

On August 25, 2004 Regional staff met with staff from the Town of Newmarket to discuss issues regarding the extension of Highway 404. Regional staff and Council, and area municipal staff and Council, are in agreement that an extension of Highway 404 is required to serve development in Queensville. Newmarket staff agree that one mechanism that provides a satisfactory arrangement for the implementation of the extension of Highway 404 is the execution of a Memorandum of Understanding between the Province and York Region.

Regional staff will continue discussions with area municipal staff and the development proponents to determine how best to expedite the construction of the extension of Highway 404 and provide for the possibility of phasing of development in Queensville.

7. CONCLUSION

Regional staff are continuing to meet with Provincial staff regarding the extension of Highway 404. To ensure that adequate road capacity is in place to serve development in Queensville, the Ontario Municipal Board should only issue its Order to draft approve plan of subdivision 19T-03001 when a Memorandum of Understanding is executed between the Province and York Region that provides for a commitment by the Province to extend Highway 404, a schedule of milestone events and funding for the extension. Provided an MOU is executed, Regional staff, area municipal staff and the developer can determine if a phasing plan for plan of subdivision 19T-00301 is feasible. Refinements to the conditions of draft plan approval have been made to reflect these changes.

The Senior Management Group has reviewed this report.

(A copy of the attachments referred to in the foregoing is included with this report and is also on file in the Regional Clerk's office.)