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**YORK REGION OFFICIAL PLAN –DECEMBER 2009
RECOMMENDATION TO ADOPT THE OFFICIAL PLAN**

(Regional Council at its meeting on December 16, 2009 amended this report by adding the following additional recommendation:

- 6. *The potential urban expansions located in the Town of Markham and conceptually identified as stars on Map 1 – Regional Structure, be removed.)***

The Planning and Economic Development Committee recommends:

1. Receipt and referral to staff of the following communications:

- (a) E. Liasi, Markham Resident, November 25, 2009;**
- (b) B. Youngberg, Markham Resident, November 25, 2009;**
- (c) R. Humphries, Humphries Planning Group Inc., received November 30, 2009, representing 1539253 Ontario Limited, owners of land in the City of Vaughan;**
- (d) C. and B. Rapson, Markham Residents, November 30, 2009;**
- (e) D. More, President, Markham Village Conservancy, November 30, 2009;**
- (f) J.A. Dawson, McCarthy Tétrault, December 1, 2009, solicitors for Deltera Inc. and Postwood Developments Limited;**
- (g) J.A. Dawson, McCarthy Tétrault, December 1, 2009, solicitors for Sanmike Construction Limited;**
- (h) C. Milani, Rizmi Holdings Limited, owner of lands in the City of Vaughan, December 1, 2009;**
- (i) P.A. Foran, Aird & Berlis, December 1, 2009, representing the North Leslie Residential Landowners' Group Inc., landowners in the Town of Richmond Hill;**
- (j) P.A. Foran, Aird & Berlis, December 1, 2009, on behalf of E. Manson Investments;**

- (k) **B. Tung, KLM Planning Partners Inc., December 1, 2009, on behalf of Lasseter Development Inc., land owners in the Town of Markham;**
 - (l) **R. Humphries, Humphries Planning Group Inc., December 1, 2009, representing a group of landowners within the Vaughan 400 North Employment Area, in the City of Vaughan;**
 - (m) **G. Daya, Vice President, Rouge Fairways Residents' Association, December 1, 2009 (revised), representing an area in the Town of Markham;**
 - (n) **R. Buczolits, Senior Vice President, The Rice Commercial Group of Companies, December 1, 2009 (revised);**
 - (o) **P. Lowes, Principal, Sorensen Gravely Lowes Planning Associates Inc., December 2, 2009, for Westlin Farms Inc., property owners in the Township of King;**
 - (p) **S. Rosenthal, Davies Howe Partners, December 2, 2009, counsel to 775377 Ontario Limited (Belmont), Clearpoint Developments Ltd. and Upper City Corporation, owners of lands in the Town of Richmond Hill;**
 - (q) **K. Kitteringham, Town Clerk, Town of Markham, December 2, 2009, Resolution regarding York Region Official Plan Regional Submission Analysis and Response to Markham Comments;**
 - (r) **B. Quan, QX4 Investments Limited, dated December 2, 2009, on behalf of Living Water Faith Fellowship, owner of property in the Town of East Gwillimbury;**
 - (s) **P.A. Foran, Aird & Berlis, December 1, 2009, on behalf of the North Markham Landowners Group, landowners in the Town of Markham;**
- 2. Receipt of the presentation by John Waller, Director, Long Range and Strategic Planning;**
- 3. Receipt and referral to staff of the following deputations:**
- (a) **Jim Robb, Rouge Duffins Greenspace Coalition, and communications dated November 11, 2009, November 30, 2009 and December 2, 2009;**
 - (b) **Steven Zakem, Aird and Berlis, and communication dated November 25, 2009, solicitors for Loblaw Properties Limited, property owners in the Town of Markham;**

- (c) **Neil Davis, Davis Webb, and communication dated November 25, 2009, solicitors for W.J. Smith Gardens Limited, owners of land in the Town of East Gwillimbury;**
 - (d) **Robert E. Jarvis, Q.C., and communication dated November 23, 2009, solicitor for 110 Inverlochy Boulevard Limited and Briarlane Rental Property Management, property owners in the Town of Markham;**
 - (e) **Robert E. Jarvis Q.C., and communication dated November 25, 2009, solicitor for Cornerstone Christian Church, regarding lands in the Town of Markham;**
 - (f) **Jane Pepino, Aird & Berlis, on behalf of North Markham Landowners Group, Armadale Properties Limited and Toronto Airways Limited;**
 - (g) **Richard Arblaster, and communication dated December 2, 2009, solicitor for The Mandarin Golf and Country Club Inc. and AV Investments II Inc., owners of lands in the Town of Markham;**
 - (h) **Marianne Yake, President, Richmond Hill Naturalists and communication dated December 1, 2009;**
 - (i) **David Charezenko, iPLANcorp, and communication dated December 2, 2009, on behalf of King Cole Ducks, property owner in the Town of Whitchurch-Stouffville;**
 - (j) **Andrew Madden, on behalf of North Leslie Landowners Group Inc.; and**
 - (k) **Peter Miasek, Resident, Town of Markham.**
- 4. Adoption of the recommendations contained in the following report dated November 4, 2009, from the Commissioner of Planning and Development Services, and the following additional recommendations:**
- 4. Regional Council recognize that the stars on Map No. 1 – Regional Structure, are a conceptual representation only and they have no status until Regional Council formally adopts boundary expansions adding additional lands into the ‘Urban Area’ as defined on Map No. 1.**
 - 5. Regional staff continue to work with staff from the local whitebelt municipalities (Markham, Vaughan and East Gwillimbury) to define any boundary expansions to the Urban Area prior to February 2010.**

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council adopt the York Region Official Plan – December 2009, appended to this report as *Attachment 1*.
2. The Regional Solicitor be directed to proceed with the adopting bylaw for Regional Council's consideration on December 16, 2009.
3. The Commissioner of Planning be authorized to give Notice of the Adoption to those stakeholders that requested Notice and to those agencies, boards and commissions as prescribed by the *Planning Act*.

2. PURPOSE

This report:

- Recommends adoption of the York Region Official Plan – December 2009. The December 2009 document is a revised version of the Draft June 2009 document;
- Highlights the key revisions made to the Draft York Region Official Plan – June 2009 as a result of public review and comment;
- Provides a summary and detailed comments on the submissions received on the Draft document; and,
- Identifies the next steps to be taken by the Region in order for the adopted York Region Official Plan – December 2009 to be approved by the Minister of Municipal Affairs and Housing.

3. BACKGROUND

Draft York Region Official Plan was released in June 2009 for public review and comment

Regional Council at its meeting on June 25, 2009, endorsed Clause 3 of Report 5 of the Regional Planning and Economic Development Committee which introduced the Draft York Region Official Plan – June 2009 and released the document for public review and comments over the summer and early fall, 2009.

Since that time, Regional staff has undertaken four public information sessions, in addition to the statutory Open House and Statutory Public Meeting to fulfill the *Planning Act* requirements for both the 5-year review of the Official Plan and for a new Official Plan

As well, Regional staff has consulted and held meetings with local municipal Councils and their staff, First Nations, Chief Administrative Officers from the local municipalities, chief building officials, municipal engineers, provincial ministries and agencies, including the Conservation Authorities and school boards, special interest groups including Building Industry Land Development group (BILD), and environmental groups.

As well the Region has received over 160 submissions from the development industry, members of the public, agencies and other government levels, and special interest groups. Key elements from these submissions are discussed in Section 4 of this report. *Attachment 3* to this report contains both a summary of the submissions as well as the detailed submission analysis for all submissions received up to the end of day November 24, 2009

Regional Council at its meeting of October 22, 2009 endorsed Clause 5 of Report 6 of the Planning and Economic Development Committee which provided context for the Statutory meeting of October 7, 2009. A summary of public consultations was received as part of that report.

4. ANALYSIS AND OPTIONS

Summary of Submissions Received

Attachment 3 appended to this report provides both a summary of submissions and the detailed Submission Analysis attached to each submission received to the end of day November 24, 2009. Regional staff have invested considerable effort in reviewing, discussing, clarifying and resolving issues where possible.

Submissions have now been received from all local municipalities. Review of local municipal submissions is contained in Part 3 of *Attachment 3*. Regional staff has revised the Plan to accommodate many of these comments. Key issues are discussed in the following sections.

The Province of Ontario has, through its one-window planning response, provided comments which encapsulate a co-ordinated Provincial response to circulation of the Draft Plan. These are also provided in Part 3 in *Attachment 3*. A number of the Provincial comments have been included in the revised Plan.

The consultation has shown:

1. The Regional Official Plan structure and vast majority of policies are sound.
2. Most comments have contributed to the development of better policy.
3. Many comments relate to the issue of whether lands are within urban expansion areas.
4. The plan reflects good planning and is in the public interest.

5. There are some areas and issues that cannot be agreed upon.

Key Policy Revisions made to the Draft Official Plan

After extensive consultation with local municipalities, provincial ministries and stakeholders a number of key revisions have been made to the Draft York Region Official Plan - June 2009.

Revised Community Design, Water and Energy Standards

The requirement for LEED has been changed to focus on community design, energy savings and water conservation. While development is encouraged to obtain LEED certification, Regional staff, after consultation with local municipalities and BILD recognizes that the achievement of energy and water savings in all new buildings, which is of key importance to York Region, can be achieved through several mechanisms. The policies of the Regional Official Plan have been amended to require minimum energy and water performance standards for new buildings. A complimentary implementation program will be developed to ensure these performance standards are met.

Encourage Second Suites

Second Suite policies have been revised to encourage local municipalities to consider second suites as opposed to require second suites. A number of municipalities indicated this was a more acceptable stance for the Region to take in consideration of this sensitive issue.

Clarification of Greenlands and Natural Environment policies and mapping

Clarification has been made to policies within the Sustainable Natural Environment section of the Plan and mapping to provide further clarity and guidance in respect to applicability. As well, changes have been made to policies within the Significant Woodlands section of the Plan to fully articulate the tests that must be applied to the Woodlands layer on Map 5 to determine if a woodland is significant. Some changes have been made to provide some flexibility in Urban Areas, specifically within intensification areas as defined through a local municipal intensification strategy, and in new community areas to allow relocation of woodlands in rare and certain specified circumstances in order to integrate the Regional Greenlands System enhancement objectives with the intensification and compact community design objectives.

Urban Boundary Expansions

Regional staff has been working closely with East Gwillimbury, Markham and Vaughan staff to identify Urban Area expansions that are fully justified by the Regional comprehensive review and land budget. The Region is required by provincial legislation to bring its Official Plan into Conformity with the *Places to Grow* (2005) Plan including planning for a population of 1.5 million people in 2031. Given that planning approvals for new communities can take up to 10 years or more, it is important to proceed with urban boundary expansions given the risk that the ground-related housing supply could run out in just over five years in southern York Region. Discussions on the specifics of the urban boundary expansion regarding the location of community lands and employment lands are continuing with the local municipalities.

The Regions growth management strategy requires a minimum of 40% intensification across the Region, some municipalities have considerably more. An additional 40% of new development will occur in lands already designated for development. This leaves 20% of new development that must be accommodated in the whitebelt areas through an Urban Area expansion.

The urban boundary expansion and forecasted growth for the Region will require investment in transportation, water and wastewater infrastructure and human services. The Region is currently undertaking a detailed fiscal impact assessment and economic implications analysis for the forecast and land budget.

The Region has constructed very significant amounts of water and wastewater infrastructure to service future growth and has debt financed those works that will be recovered from future development charges. It is essential that sufficient land supply be available for development in order to ensure that the Region is able to collect development charges on a timely basis.

An updated land budget report will be brought forward to Committee and Council in the near future. Urban area expansions for the three whitebelt municipalities of East Gwillimbury, Markham and Vaughan will be brought forward via a Regional Official Plan Amendment early in 2010. This Urban Area expansion will be the final component in bringing the Regional Plan into conformity with Provincial legislation. In the mean time, potential urban area expansions are shown schematically as asterisks on Map 1.

Review of the Greenbelt and Oak Ridges Moraine Plan (ORMCP) in 2015

Policies have been included in Chapter 8.4 of the Plan to recognize the need to review employment and urban land needs and the Agricultural and Rural land area as part of the 2015 review of provincial plans. These policies recognize not only the potential need for additional lands along 400 series highways to be required for employment growth, but also that some of the lands currently designated Urban Area or Towns and Villages are not required for development. These lands could therefore be re-designated for rural, agricultural uses or Greenlands uses in keeping with the more restrictive local official plan documents. The Ministry of Municipal Affairs and Housing has verbally identified that such redesignations are likely appropriate within the context of the wider provincial review.

The Region has carried out a LEAR analysis to determine the agricultural and rural land areas at the Regional level, however several area municipalities have identified the need to reconsider this at the 5-year review to ensure its accuracy and to examine issues relating to agricultural and rural policies at the local level.

Phasing Policies

A number of comments were received in regard to the need and implementation of the Draft Official Plan Phasing policies from the development industry and local municipalities. The policy has been revised to indicate that a phase of a new community area development must be substantially complete (i.e. generally 75% of residential land area built) before a subsequent phase may be registered, to ensure the orderly development of land.

Centres and Corridors Density and Reducing Density

Policy revisions have been made to clarify the density requirements for Regional Corridors.

Elsewhere the policy prohibiting the approval of local municipal official plan and zoning by-law amendments that would have the effect of reducing the density of a site in areas that have been approved for medium- or high-density development has been qualified with the exception “unless need is determined through a comprehensive review”.

Affordable Housing

The requirement that 25% of new housing units across the Region be affordable has been clarified to specify that a portion of these units include housing for people with disabilities and seniors.

The requirement that 35% of new housing units in Regional Centres and Regional Corridors be affordable has been revised to specify Key Development Areas instead of Regional Corridors. This change responds to comments that all areas within Corridors may not be preferable locations for affordable housing units. Additionally, the scope of the policy has been expanded to include both low and moderate income households rather than moderate income households only.

Accessibility Policies Included

Accessibility policies have been added to encourage accessible buildings and communities in keeping with provincial *Accessibility for Ontarians with Disabilities Act, 2005*.

Emphasis on Economic Vitality

Revisions have been made to emphasize the importance of Economic Vitality and balanced growth. Revisions include careful monitoring of employment growth in relation to population growth.

Specific revisions include a new policy, 4.1.1, to ensure an equal integration between economic vitality, the natural environment, and healthy communities, a revision to policy 4.3.3 on employment land density to allow for 40 jobs per hectare to be achieved as an average across the overall developable area in the local municipality, a policy revision to allow institutional uses on employment lands and a new policy, 4.3.16, allowing the conversion of employment lands for mixed use development within Regional Centres and key development areas along Regional corridors without the requirement of a comprehensive municipal review.

Protection of Agricultural and Rural Areas

Input from the Region's Agricultural Advisory Liaison Group and LEAR Steering Committee indicated there was a need to broaden references to local agricultural "production" as opposed to local food and to provide cross references and policies to the importance of this sector in both the Economic Vitality section as well as Healthy Communities. In the former situation, reference to "local food" to many people has come to mean the production of fruits and vegetables for local consumption as opposed to the production of agricultural products to support the production of a wide variety of agricultural goods for consumption.

As well, "local food" has become synonymous with the marketing of the specific products such as tomatoes, lettuce or fruit. Descriptions of "local food" rarely consider the growing of products that contribute to local production, such as growing corn for cattle feed that contributes to the production of locally raised

beef. Regional official plan policies are intended to be more inclusive as a support to this economic sector and way of life in this Region.

It is anticipated that as the industry evolves, and as further studies are undertaken by other levels and jurisdiction of government and through farming organizations that these policies and their implementation will evolve as well. As well, Map 8 – Agricultural and Rural Policy Area has been revised to acknowledge the update of LEAR mapping adopted by Council in November 2009 and include additional Rural areas and the Holland Marsh Specialty Crop Area as requested through consultation with area municipalities and the Province.

First Nations and Métis Nation Archaeological Resources and Engagement

Relevant policies have been expanded to specify the inclusion of the Métis Nation.

The policy committing to the development of an Archaeological Resources Plan now identifies this as a “Management Plan” rather than a “Master Plan”. Also, a list of considerations for the Plan has been added including: identification of the locations, protocols for the protection and management of significant or potentially significant archaeological resources and exploring the potential to provide for a secure re-interment site.

GTA West Corridor

The conceptual alignment of the GTA West Corridor has been modified on all maps to reflect a more northerly location. This conceptual alignment remains outside of the Oak Ridges Moraine and north of the existing estate residential development in the City of Vaughan.

A Balanced Plan

A wide range of comments have been received on the Draft Regional Plan, often from very different perspectives. Some call for more directive or stricter policies while others call for more flexible approaches or no policy at all. Similarly, some Local Municipalities have requested stronger policies while others, in some cases have requested more general policies.

Regional staff have invested considerable effort in analyzing, discussing, clarifying and in many cases resolving issues. The Region is required to adopt a Plan which conforms to provincial legislation. The Revised Plan has utilised a carefully considered and balanced approach while providing appropriate policy strength and clarity in order to remain a leader in regional planning.

Transition Policies Clarified

The majority of submissions, from private developers and consultants on behalf of landowners continue to deal with including individual properties in the Urban Area or the potential for new policies to affect existing plans which are either approved or in process. Policies in the Plan, within Section 8.4 relating to transition have been clarified and expanded.

Key Mapping Revisions made to the Draft Official Plan

A number of changes have been made to the Maps to match the changes identified in the report as well as to ensure clarity and consistency. Map 8 has also been revised in several locations in consultation with area municipalities to more closely reflect the results of the LEAR evaluation and local municipal official plans.

Annotated Version of the Plan

To assist readers in determining the location of revisions, we have appended an annotated version of the Plan as *Attachment 2* to this report.

The annotated version shows the location, extent and substance of policy changes from the June 2009 Draft Official Plan to the December 2009 version recommended for adoption.

Next Steps in the Process

Based on ongoing discussions with local municipalities, an updated land budget report will be brought forward for Committee and Council endorsement. This land budget refines land requirements contained in the January 2009 report and forms part of the municipal comprehensive review and conformity exercise.

The Region will initiate an amendment to the Regional Official Plan detailing the urban area expansions for the three whitebelt municipalities of East Gwillimbury, Markham and Vaughan early in 2010. While it is unusual that an Amendment to an adopted but unapproved Official Plan would be initiated, the Ministry of Municipal Affairs and Housing has advised Regional staff that it would be unwilling to process these urban expansions as modifications to the adopted Plan and that further public notice and review would be required as an amendment.

A 25-year Fiscal Impact Analysis of the cost of the Plan and associated infrastructure master plans has been undertaken by the Finance Department in co-operation with the Planning Department and a report will be brought forward for Committee and Council in the New Year.

The York Region Official Plan – December 2009, once adopted by Council, will be submitted, along with supporting information, to the Minister of Municipal Affairs and Housing for review and approval. This review is expected to be completed within 180 days of adoption as established in the *Planning Act*. Regional staff will work closely with the Province to ensure that this timeline can be met or shortened.

It is also anticipated that once the review is completed the Ministry may request further changes to the Plan and Regional endorsement of those changes. Such changes will require analysis and a return to Committee and Council for endorsement.

At the same time, additional submissions are likely to be received by the Region and the Province and it may be necessary to request the Ministry to modify policies to respond to these submissions or to respond to changing situations at the Region or local municipalities. Reports to Committee and Council on these issues will be brought forward as required.

Relationship to Vision 2026 and the Sustainability Strategy

Vision 2026, York Region's strategic plan for the future, establishes the overall vision and direction for Regional Council. As well, Council has proceeded with the Sustainability Strategy, the Natural Heritage Directions Strategy, New Communities Criteria, and the Master Plans for Transportation and Transit and Water and Wastewater that will determine a new way of proceeding with development.

The adoption of an updated York Region Official Plan will further support the implementation of Vision 2026 and the York Region Sustainability Strategy.

5. FINANCIAL IMPLICATIONS

The Draft York Region Official Plan was developed in-house with existing staff of the Planning Department and larger Regional Corporation. Current 2009 Planning Department budget allocations have been used to support this work. The 2010 budget process and allocations will consider the financial requirements to deal with appeals of the adoption and approval of the Regional Official Plan.

A 25-year Fiscal Impact Analysis of the cost of the Plan and associated infrastructure master plans has been undertaken by the Finance Department in cooperation with the Planning and Development Services Department. Preliminary results have been presented to the Council Workshop on May 28, 2009 and a further report is forthcoming in the first quarter of 2010.

6. LOCAL MUNICIPAL IMPACT

Local municipalities have been consulted on an ongoing basis during the preparation of this Official Plan document. Formal comments have been received from all local municipalities.

Regional staff has reviewed these municipal comments and a number of changes have been incorporated into the December 2009 Official Plan.

Regional staff has also presented the Draft Official Plan highlights to each local municipal Council directly in August and September 2009.

Local municipalities will continue to be consulted as the Region proceeds with the adoption of the Draft Official Plan document and the review by the Ministry of Municipal Affairs and Housing.

7. CONCLUSION

The Draft York Region Official Plan was released in June 2009 for public review and comment over the summer and early fall 2009.

Regional staff has presented the Draft Official Plan highlights to each local municipal Council in the Region, to interest groups, municipal staff and Provincial staff and to the First Nations and received comments. Four public information sessions were held as well as an Open House prior to the Statutory Public meeting on October 7, 2009.

Submissions have been received from over 160 parties, each of which has been analysed in *Attachment 3* to this report.

Changes to the Draft York Region Official Plan – June 2009 have been made through consideration of submissions and comments. It is recommended that Regional Council adopt the York Region Official Plan – December 2009, appended to this report as *Attachment 1*.

It is also recommended that in advance of the Council meeting of December 16, 2009, the Regional Solicitor be directed to proceed with the adopting bylaw for Regional Council's consideration.

Further it is recommended that the Commissioner of Planning be authorized to give Notice of the Adoption of the Draft York Region Official Plan – December 2009 to those stakeholders that requested Notice and to those agencies, boards and commissions as prescribed by the *Planning Act*.

For more information on this report, please contact Barbara Jeffrey, Manager Land Use Policy and Environment at (905) 830-4444, Ext. 1526 or John Waller, Director Long Range and Strategic Planning at Ext. 1508.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause were included in the agenda for the December 2, 2009 Committee meeting.)