



MEMORANDUM

TO: Planning and Economic Development Committee

FROM: Valerie Shuttleworth, M.C.I.P., R.P.P., Director, Long Range Planning Branch

DATE: September 5, 2012

RE: **Status Update - Appeals of the York Region Official Plan 2010, ROPA 1 - Town of East Gwillimbury Urban Expansion, and ROPA 3 -Town of Markham Urban Expansion**

This memorandum provides an update on the ongoing Ontario Municipal Board (OMB) hearing process dealing with the York Region Official Plan (2010) and Regional Amendments 1 and 3, the urban area expansion amendments in the communities of East Gwillimbury and Markham respectively. Regional Amendment 2 was approved by the OMB in June 2012, following the withdrawal of the appeal by Sustainable Vaughan. Council last received an update at its meeting of June 28, 2012.

The York Region Official Plan 2010 (ROP) received partial approval at the Ontario Municipal Board Pre-hearing Conference (PHC) July 11, 2012

Staff is pleased to advise that, on July 11, 2012, the Ontario Municipal Board approved a significant portion of the ROP, through an oral decision followed by the Board Order on August 23, 2012. *Attachment 1* to this memorandum provides the details analysis of the current status of ROP policy and mapping approvals under three (3) categories:

1. Approved (In force and in effect);
2. Approved (OMB Order Withheld at the request of appellants pending policy modifications that may be required to these sections/policies to facilitate changes having been made to other appealed policies/sections).
3. Policies remaining under appeal Region-wide.

In addition to the above, a number of policies and map designations, remain subject to site specific appeals. The locations of the site specific appeals are shown on Figure 1 appended to this report as *Attachment 1*. While negotiations are ongoing in regard to these site specific elements a number will require adjudication by the OMB at the end of the overall hearing.

The key elements of the July partial approval are outlined in Table 1 below: It should be noted that Table 1 does not reflect the status of the OMB orders in regard to these approvals. This detail is included in *Attachment 2*.

TABLE 1 – ROP Policies and Mapping Approved July 11, 2012 (note: Order withheld on some policies see attachment 2)		
Chapter	Section	Topic Area
Chapter 2 -Sustainable Natural Environment	Entire Chapter Approved	
Chapter 3 - Healthy Communities	3.1	Human Health and Well-being
	3.2	Air Quality and Climate Change
	3.3	Provision of Human Services
	3.4	Cultural Heritage
	3.5	Housing Our Residents (except 35% affordable housing target)
Chapter 4 - Economic Vitality	4.2	City Building
	4.4	Financial Management
Chapter 5 - An Urbanizing Region	Table 1	York Region Employment and Population Forecasts by Local Municipality
	5.2	Sustainable Cities, Sustainable Communities
	5.3	Intensification
	Table 2	York Region Intensification Targets by Local Municipality
	5.4	Regional Centres and Corridors
	5.6	Building Complete, Vibrant Communities
Chapter 8 - Implementation	Entire Chapter Approved	
Maps	Map 1	Regional Structure
	Map 2	Regional Greenlands System
	Map 3	Environmentally Significant Areas and Areas of Natural and Scientific Interest
	Map 4	Key Hydrologic Features
	Map 5	Woodlands
	Map 6	Wellhead Protection Areas
	Map 7	Oak Ridges Moraine Aquifer Vulnerability Areas and Watershed Boundaries
	Map 8	Agricultural and Rural Area
	Map 9	Mineral Aggregate Resources
	Map 10	Regional Cycling Network
Figures	Figure 1	Oak Ridges Moraine Landform Conservation Areas

The result of this partial approval is that Regional and local municipal staff is able to begin applying these policies in their review of local official plans and development applications.

There are key sections and policies on the ROP that remain under appeal

Key sections and policies of the ROP remaining under appeal include the following:

1. Chapter 1 – Introduction.
2. Chapter 3 – Housing our Residents - specifically policy 3.5.7 requiring a 35% affordable housing target in Regional Centres and Key Development Areas.
3. Sections 4.3 and 4.4 - Protecting Employment Lands and Planning for Retail
4. Section 5.1 - Forecasting and Phasing Growth (specifically policies dealing with Land Budget.

5. Section 5.5 - Local Centres and Corridors.
6. Chapter 6 - Agricultural and Rural Areas.
7. Section 7.2 - Moving People and Goods, specifically policies relating to Regional right-of-way widths and compensation.
8. Maps 11 and 12, Transit Network and Street Network.
9. Figure 2: York Region Strategic Employment Lands.

A number of these sections and policies remain subject to ongoing mediation. Staff and legal counsel continue mediation efforts and remain optimistic that many of the remaining issues can be resolved without the need for a hearing.

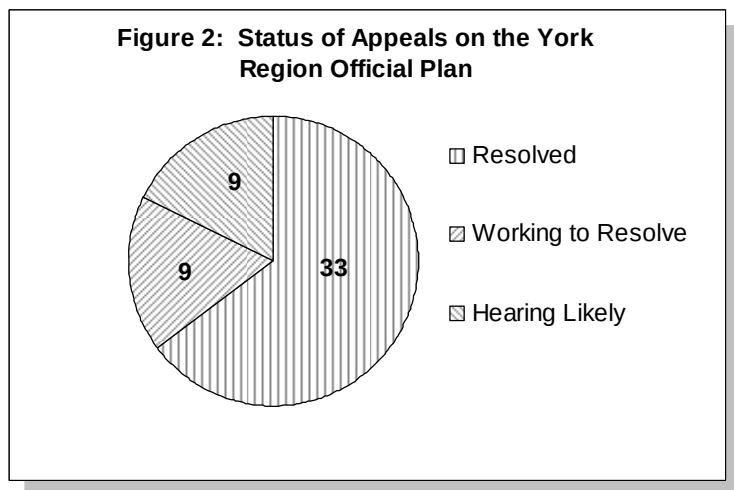
Mediation and settlement discussions with appellants are well advanced

Figure 1 below outlines the status of appeals and progress made to date with respect to the ROP. Over 32 days of OMB mediation have taken place resulting in the significant approvals that occurred in July 2012. Thirty- three (33) appeals of the original fifty-one (51) appeals on the ROP have now been settled.

Additional parties came forward on July 11, 2012

Although not appellants, party status gives landowners the ability to participate in the Ontario Municipal Board process. Party status can be granted to those who fulfill requirements specified in the Planning Act and at the discretion of the Ontario Municipal Board.

As part of the OMB PHC on July 11, 2012, 6 additional landowners with applications in process in the Town of Georgina, and 1 in the Town of Aurora came forward and were added as parties to the hearing on consent of the Region in so far as the transition status of their applications is concerned.



The status of appeals on ROPA's 1, 2 and 3

The only appeal of ROPA 2 was withdrawn in May, 2012 and ROPA 2 is now approved. Regional Official Plan Amendments 1 and 3 remain under appeal with three appeals (and 2

development interests added as parties) on ROPA 1 and 4 appeals on ROPA 3. Regional staff will continue to work with these parties' representatives to resolve their issues.

The Ontario Municipal Board Hearing is scheduled to begin November 19, 2012 for a period of 19 weeks

The Board Order approving parts of the ROP also provided a Procedural Order for:

- a firm start date for the hearing
- the structure of the hearing phases
- deadlines for the exchange of witness statements, among other matters

The OMB has now identified November 19, 2012 as the commencement date of the start of Phase 1 of the hearing, with the next Pre-hearing Conferences scheduled for September 7 and 21, 2012. Regional staff anticipates that additional policies may be ready for approval on consent at this PHC and additional Minutes of Settlement may be filed with the Board.

The Ontario Municipal Board Hearing will be conducted in Phases as follows:

Phase 1

Growth management and land needs issues related to employment and retail policies including the issue of conversions, transit and transportation policies, land budget issues and consideration of growth beyond 2031.

Phase 2

Area-specific application of land budget methodology based on the principles established in Phase 1, in ROPA 1 appeals, including urban expansion area requirements in the Town of East Gwillimbury, and the appropriate location of urban expansion in the Town of East Gwillimbury.

Phase 3

Area-specific application of land budget methodology based on the principles established in Phase 1, in ROPA 3 appeals, including urban expansion area requirements in the Town of Markham, and the appropriate location of urban expansion in the Town of Markham.

Phase 4

Resolution of other Region-wide policies including those necessary for ROPA lands to be released for urban development.

Phase 5

- Remaining site/area specific appeals not addressed through phases 1 to 4, above.

Next Steps

Through a continued focus on mediation and negotiation, Regional staff is optimistic that additional parts of the ROP can be brought into force thereby avoiding a lengthy hearing and related costs. Regional staff and expert witnesses are also preparing for the potential of a hearing, if needed.

Staff will report to Planning and Economic Development Committee again in October advising of the status of all matters leading into the hearing on November 19, 2012.

Valerie Shuttleworth, M.C.I.P., R.P.P.
Director Long Range Planning

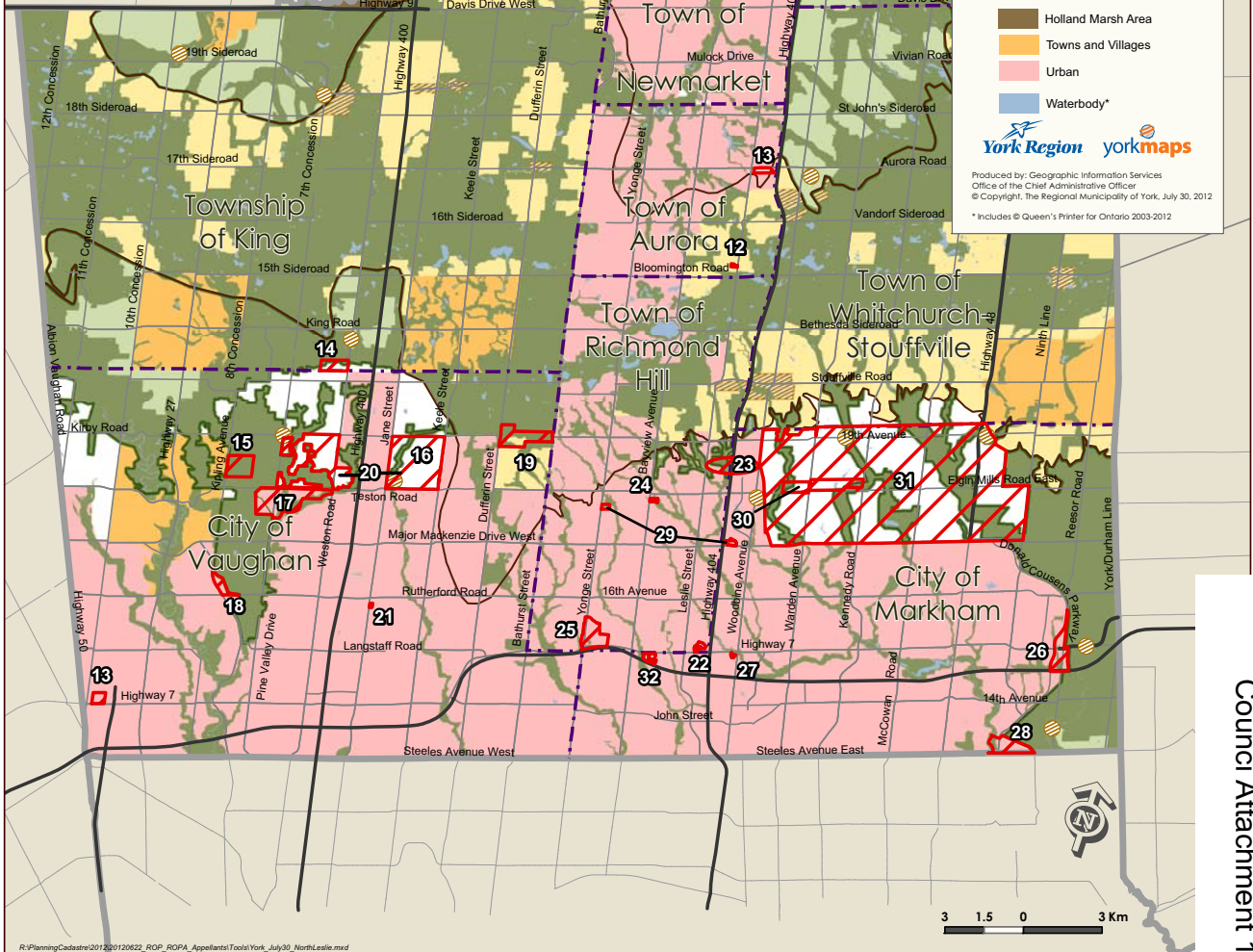
Attachment 1 - Figure 1 – Site and Area Specific Appeals
2 - Status York Region Official Plan – 2010 Policies after OMB Decision of July
11, 2012

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Figure 1

Site and Area Specific Appeals

Lands Subject to ROP/ROPA Site/Area Specific Appeals	
445158 Ontario Inc. (Mldan)	1
878211 Ontario Limited	2
Mt. Borden Kent	3
Wholesale Forest Products Ltd.	4
Kotzer/Foch Properties	5
Dorzil	6
Md Block Crossing between Green Lane and Mount Albert Road	7
ROPA 1 Appeal Lands	8
Yonge and Green Lane Developments	9
Green Lane Regional Corridor	10
W.J. Smith Gardens	11
Karma Tekchen Zabsal Ling	12
SmartCentres (Aurora/Vaughan)	13
Westlin Farms	14
1539253 Ontario Inc.	15
Block 27 Landowners Group	16
Block 40/47 Lands	17
Islington/Rutherford Lands	18
Lucia Miani and Rizmi Holdings	19
ROPA2 Lands	20
Tesmar (4.1 Acre Parcel and Jane and Riverrock Gate)	21
Canada Mortgage and Housing Corporation and Quaestus Corporation	22
Md Block Crossing between Elgin Mills Road and 19 th Avenue	23
Sannike Construction	24
Yonge Bayview (Richmond Hill Centre Lands)	25
Cornell New Urban Lands	26
Kau and Associates (Markham)	27
Little Farm Lands	28
Loblaws (Markham/Richmond Hill)	29
Romandale Farms	30
ROPA3 Appeal Lands	31
Times Group (Leitchcroft Lands, Markham)	32



Status York Region Official Plan – 2010 Policies after OMB Decision of July 11, 2012

Chapter/Section	Approved (in force and effect)		Approved (Order Held)		Still Under Appeal	
	Policies	Number of Policies	Policies	Number of Policies	Policies	Number of Policies
Chapter 1: Introduction						
					Entirety	0
Chapter 2: A Sustainable Natural Environment						
	Entirety	124				
Chapter 3: Healthy Communities						
Section 3.1 Human Health and Well-Being	3.1.1 to 3.1.4, 3.1.6, 3.1.7, 3.1.9 and 3.1.10	8	3.1.5	1	3.1.8	1
Section 3.2 Air Quality and Climate Change			Entirety	14		
Section 3.3 Provision of Human Services			3.3.1 to 3.3.12	12	3.3.13	1
Section 3.4 Cultural Heritage			Entirety	14		
Section 3.5 Housing Our Residents			3.5.1 to 3.5.6 and 3.5.8 to 3.5.24	23	3.5.7	1
Chapter 4: Economic Vitality						
Section 4.1					Entirety	16

Chapter/Section	Approved (in force and effect)		Approved (Order Held)		Still Under Appeal	
	Policies	Number of Policies	Policies	Number of Policies	Policies	Number of Policies
Supporting the York Region Economic Strategy						
Section 4.2 City Building	4.2.1 to 4.2.4, and 4.2.7	5			4.2.5 and 5.2.6	2
Section 4.3 Protecting Employment Lands					Entirety	23
Section 4.4 Planning for Retail					Entirety	10
Section 4.5 Financial Management	4.5.1, 4.5.3 to 4.5.10, and 4.5.12 to 4.5.16	14			4.5.2 and 4.5.11	2
Chapter 5: An Urbanizing Region: Building Cities and Complete Communities						
Section 5.1 Forecasting and Phasing Growth	5.1.1 to 5.1.5, and 5.1.8 to 5.1.10	8			5.1.6, 5.1.7, and 5.1.11 to 5.1.13	5
Section 5.2 Sustainable Cities, Sustainable Communities			5.2.1 to 5.2.8, 5.2.11 to 5.2.13, and 5.2.15 to 5.2.42	39	5.2.9, 5.2.10 and 5.2.14	3
Section 5.3 Intensification			5.3.1 to 5.3.3, 5.3.5 to 5.3.9, and 5.3.11 to 5.3.14	12	5.3.4 and 5.3.10	2
Section 5.4	5.4.1 to	32			5.4.8(c), 5.4.9 and	3

Chapter/Section	Approved (in force and effect)		Approved (Order Held)		Still Under Appeal	
	Policies	Number of Policies	Policies	Number of Policies	Policies	Number of Policies
Regional Centres and Corridors	5.4.7, 5.4.10 to 5.4.19 and 5.4.21 to 5.4.35				5.4.20(b)	
Section 5.5 Local Centres and Corridors					Entirety	6
Section 5.6 Building Complete, Vibrant Communities			5.6.1, 5.6.2, 5.6.4, 5.6.6 to 5.6.10, and 5.6.13 to 5.6.32	28	5.6.3, 5.6.2, 5.6.11(c) and 5.6.12(h)	4
Chapter 6: Agricultural and Rural Areas						
					Entirety	74
Chapter 7 – Servicing Our Population						
Section 7.1 Reducing the Demand for Services	Entirety	24				
Section 7.2 Moving People and Goods	7.2.88	1			7.2.1 to 7.2.87	87
Section 7.3 Water and Wastewater Servicing	Entirety	51				
Section 7.4 Waste Management	Entirety	23				
Section 7.5	7.5.1 to 7.5.11,	18			7.5.12 and 7.5.15	2

Chapter/Section	Approved (in force and effect)		Approved (Order Held)		Still Under Appeal	
	Policies	Number of Policies	Policies	Number of Policies	Policies	Number of Policies
Energy and Utilities	7.5.13, 7.5.14, and 7.5.16 to 7.5.20					
Chapter 8 - Implementation						
Section 8.1 Engagement and Partnerships	Entirety	4				
Section 8.2 Monitoring and Measuring Success	8.2.1, 8.2.2, and 8.2.4 to 8.2.7	6			8.2.3(b)	1
Section 8.3 The Planning Process	8.3.1, 8.3.2 and 8.3.4 to 8.3.18	17			8.3.3	1
Section 8.4 Interpreting This Plan	8.4.1, 8.4.2, 8.4.5, 8.4.6, 8.4.8, and 8.4.10 to 8.4.26	23			8.4.3(b), 8.4.7 (b) and 8.4.9	3
Maps						
Map 1 -Regional Structure Map 2 – Regional Greenlands System Map 3 - Environmentally Significant Areas and Areas of Natural and Scientific Interest					Map 11 - Transit Network Map 12 - Street Network	

Chapter/Section	Approved (in force and effect)		Approved (Order Held)		Still Under Appeal	
	Policies	Number of Policies	Policies	Number of Policies	Policies	Number of Policies
Map 4 - Key Hydrologic Features Map 5 - Woodlands Map 6 - Wellhead Protection Areas Map 7 - Oak Ridges Moraine Aquifer Vulnerability Areas and Watershed Boundaries Map 8 - Agricultural and Rural Areas Map 9 - Mineral Aggregate Resources Map 10 = Regional Cycling Network Figure 1 – Oak Ridges Moraine landform Conservation Areas Figure 3 - Greenlands Systems Within York Region					Figure 2 – York Region Strategic Employment Lands	
Category Totals	In force & Effect	358 (48%)	Approved (Order Held)	143 (19%)	Under Appeal Region-wide	247 (33%)
TOTAL APPROVED				501 (67%)	TOTAL UNDER APPEAL	247 (33%)