

Submission Number
D05.2009.001.3.001
D05.2009.002.3.001
D05.2009.003.3.002

Date of Submission:
June 8, 2010

Submission Author:
Region of Peel

**Comments or Requested Change to Proposed ROPAs 1, 2
and 3**

Analysis and Recommendation

No comments on proposed ROPAs 1, 2 or 3

No comment necessary

Received June 8, 2010

D05.2009.001.3.001

From: Gurusinghe, Basil [Basil.Gurusinghe@peelregion.ca]

Sent: June 8, 2010 11:41 AM

To: Jeffrey, Barb

Cc: Warren, Andrea

Subject: Proposed Amendments 1, 2 and 3 to the Official Plan for York Region.

Thank you for circulating the subject amendments to the Official Plan for York Region to us.

We have reviewed them and would like to inform you that we have no comments to offer.

Basil Gurusinghe
Principal Planner
Development Planning Division
Public Works
Region of Peel

Submission Number
D05.2009.001.3.002
D05.2009.002.3.002
D05.2009.003.3.003

Date of Submission:
June 14, 2010

Submission Author:
Chippewas of RAMA First Nation

**Comments or Requested Change to Proposed ROPA 1, 2
and 3**

Analysis and Recommendation

As a member of the Williams Treaties First Nations, Rama First Nation acknowledges receipt of your letter of May 13, 2010, which was received on May 19, 2010.

Letter confirms receipt of our communications.

A copy of your letter has been forwarded to Karry Sandy-McKenzie, Barrister & Solicitor, Coordinator for Williams Treaties First Nations for further review and response directly to you.

Regional staff met with First Nations representatives on August 26th, 2010 regarding Regional Official Plan Amendment 1. York Region will continue to engage with First Nations communities.



Chippewas of RAMA
First Nation

A Proud Progressive First Nation Community

Received June 14, 2010

D05.2009.001.3.002

5884 Rama Road, Suite 200

Rama, Ontario L0K 1T0

T 705.325.3611 F 705.325.0879

June 2, 2010

York Region
Planning and Development Services
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Attention: John B. Waller, Director Long Range and Strategic Planning Branch

Re: Proposed Regional Official Plan Amendments 1, 2 and 3

Dear Mr. Waller:

As a member of the Williams Treaties First Nations, Rama First Nation acknowledges receipt of your letter of May 13, 2010, which was received on May 19, 2010.

A copy of your letter has been forwarded to Karry Sandy-McKenzie, Barrister & Solicitor, Coordinator for Williams Treaties First Nations for further review and response directly to you. Ms. Sandy's address is 8 Creswick Court, Barrie, ON L4M 2J7 and her telephone number is (705) 792-5087.

We appreciate your taking the time to share this important information with us.

Sincerely,

Chief Sharon Stinson Henry

c: Council, Rama First Nation
Jeff Hewitt, General Counsel
Karry Sandy-McKenzie, Coordinator Williams Treaties Nations
Chief Rodney Monague Jr., Portfolio Chief for Williams Treaties Nations

SSH/sw

September 1, 2010

Submission Number
D05.2009. 001.3.003

Date of Submission:
June 15, 2010

Submission Author:
Town of East Gwillimbury

Comments or Requested Change to Proposed ROPA 1

Analysis and Recommendation

The Town of East Gwillimbury requests York Region acknowledge that the settlement area boundary coincident with the Urban Expansion Area identified in ROPA 1 will be further refined through detailed Secondary Plan processes undertaken by the Town in consultation with York Region.

The Region has provided documentation to Town staff regarding the Town Council's resolution on this issue.

Policy 8.4.3 of the ROP states that the boundaries on Maps 1 to 12 are intended to indicate the general location. Exact boundaries shall be defined in local official plans and zoning by-laws. However, the boundaries of the Urban Area identified on Map 1, are fixed where they are identified by a municipal street, rail line, parcel fabric as it exists on the day of adoption of this Plan, lot and/or concession blocks, or, other clearly identifiable physical features.

There are some areas within the ROPA 1 boundary where no defined feature currently exists. Once more detailed planning is completed at the secondary plan level, minor adjustments may be allowed where the current boundary line is drawn on ROPA 1.

York Region include appropriate policies in ROPA 1 to recognize the need for and support for these detailed Secondary Plan processes.

ROP policy 8.4.3 addresses this issue as described above.

No change required



Town of
East Gwillimbury

Fernando Lamanna, BA

Deputy Clerk
Legal and Council Support Services
905-478-4282 x1240
flamanna@eastgwillimbury.ca

D05.2009.001.3.003

June 15, 2010

Received June 15, 2010

Region of York
Attn: John B. Waller, Director Long Range and Strategic Planning Branch
17250 Yonge Street,
Newmarket, ON
L3Y 6Z1

Dear Mr. Waller:

For your information and records, at its regular meeting held on Monday, June 7, 2010, the Municipal Council of the Town of East Gwillimbury enacted as follows:

BE IT RESOLVED THAT the letter from J. Waller, Director Long Range and Strategic Planning Branch, York Region, dated May 13, 2010, regarding Proposed Regional Official Plan Amendments 1, 2 and 3, be received; and

THAT the Region of York has circulated proposed Regional Official Plan Amendments (ROPA), 1, 2 and 3 for comment and consideration at a statutory public meeting scheduled for June 16, 2010; and

THAT ROPA 1 identifies urban expansion lands in the Town of East Gwillimbury that generally coincide with the Settlement Area Boundary included in the Town's draft Official Plan (dated May 17, 2010); and

THAT the Settlement Area Boundary included in the Town's draft Official Plan (dated May 17, 2010), is based on a Regional land budget exercise, Regional population and employment targets assigned to East Gwillimbury and confirmed through the Town's growth management work, approved by the Council of East Gwillimbury in March of 2010; and

THAT the Settlement Area Boundary included in the Town's draft Official Plan (dated May 17, 2010), will be further refined through detailed Secondary Plan processes for the Urban Expansion lands included in ROPA 1; and

THAT the Town's draft Official Plan (dated May 17, 2010) includes policies (Section 3.4.5) to recognize these detailed Secondary Plan processes and boundary adjustments; and

.../2

"Our town, Our future"

19000 Leslie Street, Sharon, Ontario L0G 1V0 Tel: 905-478-4282 Fax: 905-478-2808
www.eastgwillimbury.ca

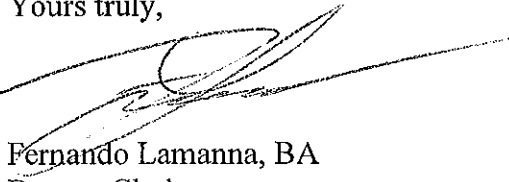
THAT the Town of East Gwillimbury requests the Region of York to acknowledge that the settlement area boundary coincident with the Urban Expansion Area identified in ROPA 1 will be further refined through detailed Secondary Plan processes undertaken by the Town of East Gwillimbury, in consultation with the Region of York; and

THAT the Region include appropriate policies in ROPA 1, to recognize the need for and support for these detailed Secondary Plan processes; and

THAT the Deputy Clerk forward a copy of this resolution to York Region Planning Staff.

If you have any further questions feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'Fernando Lamanna', with a long horizontal stroke extending to the right.

Fernando Lamanna, BA
Deputy Clerk
Legal and Council Support Services

cc: Denis Kelly, Regional Clerk
Val Shuttleworth, General Manager, Planning and Building Services

Proposed ROPA 1 East Gwillimbury Urban Expansion to Adopted ROP 2009 - Submission Analysis
Proposed ROPA 2 Vaughan Urban Expansion to Adopted ROP 2009 - Submission Analysis
Proposed ROPA 3 Markham Urban Expansion to Adopted ROP 2009 - Submission Analysis

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September 2, 2010

Submission Number
D05.2009. 001.3.004
D05.2009.002.3.003
D05.2009.003.3.004

Date of Submission:
June 16, 2010

Submission Author:
David Donnelly, Donnelly law on behalf of the Huron
Wendat Nation

Comments or Requested Change to Proposed ROPAs 1, 2 and 3

Analysis and Recommendation

Writing in response to the Email notification of ROPA's 1, 2 and 3 and the statutory meeting of June 16, 2010.

Reminding York Region of its duty to consult and accommodate the Huron-Wendat Nation and other First Nations concerning matters of cultural heritage.

The reports regarding Amendments 1, 2 and 3 - posted online in preparation for the June 16, 2010 statutory meeting - contain no references to Huron-Wendat cultural heritage in the area, nor do they set out any framework for consultation or accommodation. This is in direct contrast to the cultural heritage policies outlined in section 3.4 of the Regional Official Plan adopted by Council on December 16, 2009 which state, among other things, that it is the policy of Council to "require local municipalities to adopt official plan policies to conserve significant cultural heritage resources."

The Amendments deal with expansions of the Urban Area. The Policy framework and the detailed policies that will apply to the development of lands within these amendments areas are contained in the Regional Official Plan that was approved by the Minister of Municipal Affairs. The Region's revised land budget has been available on the Region's website since March 2010. The Region's website contains over 50 background reports to the official plan. In addition the June 2009 Draft of the Official Plan indicated the location of potential urban expansions areas by asterisks.

Local official plans, which are being prepared at this time are being circulated in advance of the offer to meet with First Nations. Regional Amendments 1, 2 and 3 were circulated in late May and then again in July in advance of a meeting with First Nations on August 26, 2010 held to review the amendments. The Huron Wendat were invited to this meeting but did not send either a First Nations representative or their legal representative Mr. Donnelly. Mr. Donnelly has been contacted by Regional staff to discuss his issues.

September 2, 2010

The Regional Official Plan is deficient in many respects regarding the consultation and accommodation of Huron-Wendat cultural heritage interests. However, it is strange to note that even those policies contained within the Regional Official Plan that are geared towards recognition and protection of Huron- Wendat cultural heritage assets and consultation of the Huron-Wendat Nation, do not seem to have been implemented in Amendments 1, 2 and 3 themselves.

The Huron-Wendat Nation has lost thousands of cultural heritage sites to development over the past several decades. Regulations under the Planning Act, R.S.O. 1990, c. P. 13 (the "Planning Act") do not require notification of First Nations before a planning decision is made by a municipal council or the Minister, unless the development site is located within one kilometre of a Reserve.

We request that York Region fully recognize its duty to consult and accommodate the Huron-Wendat Nation with respect to its cultural heritage interest in the York Region by informing the Huron-Wendat Nation of all cultural heritage assets that are put at risk through the urban expansion schemes put forward by Amendments 1, 2 and 3, and by ensuring that these assets are protected through consultation with the Huron-Wendat Nation for the implementation of effective protection and/or management plans.

Development of lands in Amendments 1, 2 and 3 are subject to the policies of the Region of York Official Plan. These policies recognize the rich cultural history of the Region including the presence of Huron Wendat as well as other First Nations and the Métis Nation.

The Planning Act provides for First Nations with Reserves within 1 kilometre of an application to be notified. Following on the work undertaken for infrastructure planning, recognizing the wider and significant impacts associated with the Regional Official Plan, Regional Planning staff has followed a far more rigorous and wider notification, engagement and consultation process for the Official Plan and for local official plans where the Region is the approval authority.

The Region has undertaken consultation and discussions with First Nations in the course of the development and approval of the ROP that exceeds the *Planning Act* requirements. The Region will continue to consult with First Nations.

The Huron Wendat did not attend the meeting to discuss Regional Amendment 1, 2 and 3 on August 26, 2010, however Regional staff has contacted Mr. Donnelly to discuss the issues he has raised. In addition the Region is preparing to issue a request for Proposal to undertake an Archaeological Management Plan for the Region to be carried out in 2010 and 2011. The consultant will undertake consultation on the Terms of Reference as well as ongoing consultation as part of the Steering Committee for this study. First Nations at the meeting held on

Proposed ROPA 1 East Gwillimbury Urban Expansion to Adopted ROP 2009 - Submission Analysis
Proposed ROPA 2 Vaughan Urban Expansion to Adopted ROP 2009 - Submission Analysis
Proposed ROPA 3 Markham Urban Expansion to Adopted ROP 2009 - Submission Analysis

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September 2, 2010

August 26, 2010, requested First Nations presence on the consultant selection panel and in crafting the Terms of Reference.

Mr. Donnelly has been contacted in regard to his clients' issues.

However, York Region has been slow to recognize its duty to consult and accommodate the Huron-Wendat Nation regarding their cultural heritage. We look forward to discussing these issues with you and beginning the process of meaningful consultation.



David R. Donnelly, MES LLB
david@donnellylaw.ca

June 16, 2010

Ms. Barbara Jeffrey, MCIP, RPP
Manager, Land Use Policy and Environment
Long Range and Strategic Planning
17250 Yonge Street,
Newmarket, ON L3Y 6Z1

Dear Ms. Jeffrey,

**Re: York Region Proposed Regional Official Plan Amendments 1, 2 and 3
Huron-Wendat Nation Consultation**

We act for the Huron-Wendat Nation in all matters pertaining to their cultural heritage in Ontario. I am writing to you in response to your June 10, 2010 e-mail regarding York Region's Official Plan, proposed Amendments 1, 2 and 3 to this Plan, and the June 16, 2010 statutory meeting in which they will be discussed.

As York Region contemplates amendments to its Official Plan that would authorize the urban expansion of the Town of East Gwillimbury, the City of Vaughan, and the Town of Markham, I would like to remind you of York Region's duty to consult and accommodate the Huron-Wendat Nation and other First Nations concerning matters of cultural heritage. The Huron-Wendat Nation has a constitutional right to be consulted and accommodated with respect to its cultural heritage interests. These rights have been recognized in the successful prosecution of the Ontario Realty Corporation in *R. v. Ontario Realty Corporation* (17 May 2004), Toronto (Ont. Ct. Jus.) and in *Hiawatha First Nation v. Ontario (Minister of Environment)*, [2007] 2 C.N.L.R. 186. As the Supreme Court of Canada stated in *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, [2005] 3 S.C.R. 388 [Para. 54] "[c]onsultation that excludes from the outset any form of accommodation would be meaningless."

The reports regarding Amendments 1, 2 and 3 - posted online in preparation for the June 16, 2010 statutory meeting - contain no references to Huron-Wendat cultural heritage in the area, nor do they set out any framework for consultation or accommodation. This is in direct contrast to the cultural heritage policies outlined in section 3.4 of the Regional Official Plan adopted by Council on December 16, 2009 which state, among other things, that it is the policy of Council to "require local municipalities to adopt official plan policies to conserve significant *cultural heritage resources*." Policies 10 and 11 laid out in s. 3.4 state that it is the policy of Council:

10. To prepare, in partnership with First Nations, the Métis Nation, and other stakeholders a York Region Archaeological Resources Management Plan which considers:
 - a. the locations of significant or potentially significant archaeological resources, cultural heritage sites, ceremonial sites and sacred sites; and,
 - b. protocols for the protection and management of significant or potentially significant archaeological resources, cultural heritage sites, ceremonial sites and sacred sites.
11. That prior to approval of development or site alteration on lands containing significant or potentially significant archaeological resources, a plan for the protection and/or management of these resources will be developed, in co-operation with the local municipality and the Region, in accordance with provincial legislation and guidelines. If the archaeological resources pertain to First Nations and/or Métis Nation heritage, the protection and/or management plan will be developed in consultation with appropriate First Nations and Métis Nation communities. In situations where archaeological resources are to be preserved on site, the Region in consultation with local municipalities shall consider regulatory tools such as zoning restrictions and heritage easements.

The Huron-Wendat Nation cannot endorse the Regional Official Plan as adopted by Council on December 16, 2009, as it does not require the suspension of all Stage 3 and 4 archaeological licences issued without notification and consultation of the Huron-Wendat Nation or adopt the ossuary model for all authorized archaeological procedures.

The Regional Official Plan is deficient in many respects regarding the consultation and accommodation of Huron-Wendat cultural heritage interests. However, it is strange to note that even those policies contained within the Regional Official Plan that are geared towards recognition and protection of Huron-Wendat cultural heritage assets and consultation of the Huron-Wendat Nation, do not seem to have been implemented in Amendments 1, 2 and 3 themselves.

The Huron-Wendat Nation has lost thousands of cultural heritage sites to development over the past several decades. Millions and millions of artifacts, some of profound religious and historical value, have been scattered across private collections, warehoused improperly, abandoned and in a few notorious cases, thrown in the garbage.

Regulations under the *Planning Act*, R.S.O. 1990, c. P. 13 (the “*Planning Act*”) do not require notification of First Nations before a planning decision is made by a municipal council or the Minister, unless the development site is located within one kilometre of a reserve. The Huron-Wendat reserve is located outside Ontario. This means that the Huron-Wendat Nation has never and will never receive notice that sites of cultural significance to the Huron-Wendat Nation are scheduled for development or destruction. This violates the Huron-Wendat Nation’s constitutional right to be consulted and accommodated with respect to its cultural heritage interests.

It is shocking to us that regulations governing all aspects of the planning process such as consent applications (O. Reg. 197/96), plans of subdivision (O. Reg. 544/06), zoning by-laws (O. Reg. 545/06) and official plans (O. Reg. 543/06) all limit notification of First Nations to those First Nations living within one

kilometre of a reserve. In fact, these regulations put the rights of municipalities, ratepayers, school boards, conservation authorities, utilities, and in the case of O. Reg. 544/06, telecommunications infrastructure providers before the constitutionally entrenched rights of First Nations.

We request that York Region fully recognize its duty to consult and accommodate the Huron-Wendat Nation with respect to its cultural heritage interest in the York Region by informing the Huron-Wendat Nation of all cultural heritage assets that are put at risk through the urban expansion schemes put forward by Amendments 1, 2 and 3, and by ensuring that these assets are protected through consultation with the Huron-Wendat Nation for the implementation of effective protection and/or management plans.

George Smitherman, former Minister of Energy and Infrastructure, has encouraged city officials to consult Aboriginal communities regarding land use planning issues (see Attachment 1: Letter from George Smitherman to Linda Jackson (26 March 2009)). However, York Region has been slow to recognize its duty to consult and accommodate the Huron-Wendat Nation regarding their cultural heritage. We look forward to discussing these issues with you and beginning the process of meaningful consultation.

Yours Truly,



David R. Donnelly

Attachment.

cc. L. Lainé
H. Bastien
K. Sioui
C. Strahl

Minister of Energy
and Infrastructure

Office of the Deputy Premier

4th Floor, Hearst Block
900 Bay Street
Toronto ON M7A 2E1
Tel.: 416-327-6758
Fax: 416-327-6754
www.ontario.ca/MEI

Ministre de l'Énergie
et de l'Infrastructure

Bureau du vice-premier ministre

4^e étage, édifice Hearst
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Toronto ON M7A 2E1
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MEI1826MC-2009-2

MAR 26 2009

Her Worship Linda D. Jackson
Mayor, City of Vaughan
2141 Major Mackenzie Drive
Vaughan ON L6A 1T1

Dear Mayor ^{Linda} Jackson:

At the Places to Grow summit on November 5, 2008, I presented my vision for a greener, more competitive and prosperous future for the Greater Golden Horseshoe. I was also pleased to announce this government's interest in investing in public infrastructure and working together with those municipalities that share this vision to implement the Growth Plan for the Greater Golden Horseshoe.

The *Places to Grow Act*, 2005 requires a council or municipal planning authority to amend its official plan to conform to the policies in the Growth Plan within three years of it coming into effect. The deadline for this work is June 16, 2009.

I recognize that lower-tier municipalities require certain planning work to be done by upper-tier municipalities before they can complete their own conformity amendments. Therefore, in certain circumstances, I am willing to consider an extension for lower-tier municipalities to bring official plans into conformity. In order to be considered for an extension of no more than one year, please provide a letter outlining the status of your conformity process, the reason for the required extension, how much time is needed to finalize conformity work and a brief work plan detailing the steps required to achieve conformity.

In the mean time, however, there is significant work that lower-tier municipalities can continue with in preparation for official plan amendments related to conformity, including an analysis of intensification opportunities and development of local policies to achieve complete, well-designed, transit-supportive and pedestrian-oriented communities.

In carrying out this Growth Plan conformity work, I strongly encourage you to engage those Aboriginal communities who have an interest in land use planning in your community, to ensure they have an opportunity to participate in this process.

If you have any questions regarding my announcement or the process and expectations for conforming to the Growth Plan, please feel free to contact Brad Graham, Assistant Deputy Minister for the Ontario Growth Secretariat, at 416-325-5803 or 1-866-479-9781.

Sincerely,

A handwritten signature in black ink, appearing to read "George Smitherman".
George Smitherman
Deputy Premier, Minister

September 1, 2010

**Submission Number
D05.2009.001.3.005**

**Date of Submission:
August 24, 2010**

**Submission Author:
Lake Simcoe Region Conservation Authority**

Comments or Requested Change to Proposed ROPA 1

Analysis and Recommendation

LSRCA has no objection to the ROPA given that the development expansion lands will be subject to:

No comments necessary

Settlement area policies of the Lake Simcoe Protection Plan (6.3.5-DP), the policy recommendations and requirements of the east Holland and Black River Subwatersheds plans, comprehensive secondary planning processes and co-ordinated Master Environmental Servicing Plan and Block Planning processes.

LSRCA looks forward to working with the Region and Town in the sustainable development of the expansion lands.



**Lake Simcoe
Region
Conservation
Authority**

Received August 24, 2010 **D05.2009.001.3.005**



Proud Winner
of the 2009
International
Thiess Riverprize

August 24, 2010

John B. Waller, MCIP, RPP
Director Long Range and Strategic Planning Branch
Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Dear Mr. Waller:

Subject: Regional Official Plan Amendment 1

Thank you for consulting with the Lake Simcoe Region Conservation Authority (LSRCA) with regard to the proposed amendment to the Region's Official Plan (ROPA 1). We understand that the purpose and effect of this amendment will expand the urban area of the Town of East Gwillimbury ("Whitebelt" lands) in order to accommodate growth anticipated in the Growth Plan for the Greater Golden Horseshoe and the Region's Official Plan.

The LSRCA has reviewed this Official Plan amendment consisting of mapping changes and determined that we have no objection to its approval given that the development of the expansion lands will be subject to:

- The Settlement Area Policies (6.35-DP) and other relevant policies of the *Lake Simcoe Protection Plan*;
- The policy recommendations and requirements of the East Holland River and Black River Subwatershed Plans;
- Comprehensive Secondary Plan processes; and,
- Coordinated Master Environmental Servicing Plan and Block Planning processes.

.../2



Lake Simcoe
Region
Conservation
Authority

ROPA 1 - York
August 24, 2010
Page 2

We look forward to working with the Region and Town in the sustainable development of the expansion lands.

If you have any questions with regard to the above, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles F. Burgess".

Charles F. Burgess, MCIP, RPP
Senior Planning Coordinator

/cfb

Copy: Region of York; Barb Jeffrey, MCIP, RPP
 Town of East Gwillimbury; Dan Stone, MCIP, RPP
 LSRCA; Mike Walters, Rob Baldwin and Bev Booth, MCIP, RPP

Submission Number
D05.2009.001.3.006
D05.2009.002.3.005
D05.2009.003.3.006

Date of Submission:
August 24, 2010

Submission Author:
York Region District School Board

**Comments or Requested Change to Proposed ROPA 1, 2
and 3**

Analysis and Recommendation

Thank you for your correspondence regarding the Proposed Amendments 1, 2, 3 to the Official Plan for the Municipality of York. We have no comments at this time but would like to continue to be included in future correspondence. We will be bringing an information report to our trustees in September on the proposed Official Plan Amendments.

Letter confirms receipt of our communications.

York Region will continue to keep the York Region District School Board informed about the status of Proposed Regional Official Plan Amendments 1, 2 and 3.

Received August 24, 2010

D05.2009.001.3.006

From: Luk, Gilbert [mailto:gilbert.luk@yrdsb.edu.on.ca]
Sent: Tuesday, August 24, 2010 3:57 PM
To: Elliott, Trish
Subject: Proposed Amendments to York Region Official Plan

Hello Trish,

Thank you for your correspondence regarding the Proposed Amendments 1, 2, 3 to the Official Plan for the Regional Municipality of York. We have no comments at this time but would like to continue to be included in future correspondence. We will be bringing an information report to our trustees in September on the proposed Official Plan Amendments.

Regards,

Gilbert Luk

Planner – Planning & Property Development Services
York Region District School Board
60 Wellington St. West, Aurora, ON, L4G 3H2
Tel: (905) 727-0022 ext 2439| Fax: (905) 727-0775
Email: gilbert.luk@yrdsb.edu.on.ca