

## COMMITTEE OF THE WHOLE – MAY 31, 2011

### **YORK REGION OFFICIAL PLAN**

#### **FILE #9.6.34**

#### **RECOMMENDATION**

The Acting Commissioner of Planning and the Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the Commissioner of Engineering and Public Works, recommend:

1. That Council direct staff to monitor the Ontario Municipal Board appeals of the Region of York Official Plan (ROP) and the Region of York Official Plan Amendment (ROPA) 2; and
2. That staff report further should any issues arise during the OMB proceedings that could have an impact on the City.

#### **Contribution to Sustainability**

Not applicable.

#### **Economic Impact**

Not applicable.

#### **Communications Plan**

The OMB, the Region of York and the parties to the OMB appeal will be advised of Council's direction.

#### **Purpose**

The purpose of this report is to provide Council with an update on the York Region Official Plan and ROPA 2 and to obtain Council direction regarding the City's position at the Ontario Municipal Board appeals of the ROP and ROPA 2.

#### **Background - Analysis and Options**

The Region of York's Draft Official Plan was released on June 22, 2009 and presented to Committee of the Whole (Working Session) on September 15, 2009. On October 19, 2009, a staff report commenting on the ROP was considered at the Committee of the Whole. At the Council meeting of November 3, 2009, Council adopted the staff recommendations which included a recommendation that the comments be forwarded to Regional staff for discussion and clarification.

York Region Council adopted a revised ROP on December 16, 2009 and forwarded it to the Ministry of Municipal Affairs and Housing (MMAH) for approval. The Region received MMAH's approval of the ROP (subject to a number of modifications) on September 7, 2010.

On September 23, 2010, Regional Council adopted Regional Official Plan Amendments 1, 2 and 3 which provide for expansions to the urban area in the white belt in the Town of East Gwillimbury, City of Vaughan and the Town of Markham, respectively.

The ROP and Regional Official Plan Amendments 1, 2 and 3 have been appealed to the Ontario Municipal Board and the first Pre-hearing conference took place on May 2, 2011.

There are currently 51 appellants in addition to a large number of requests for party status which will be considered by the Board in the near future.

The City of Vaughan has requested party status and the Region has consented to this request.

#### **APPEALS RELATED TO LANDS IN VAUGHAN**

Twelve of the appeals filed against the Region's Official Plan and ROPA 2 are related to lands located within the City of Vaughan. Attached as Attachment 1 is a table listing the appellants and the basis of their appeals. The majority of these appeals are site specific.

Pursuant to the *Planning Act*, persons or public bodies who, prior to an Official Plan being adopted, did not make oral submissions at a public meeting or written submissions to the council, may not commence an appeal. The Region has identified the landowners who have not properly filed appeals and will be addressing their status as appellants at motions scheduled before the OMB on May 30, 2011 and July 19, 2011. The appellant status of the Block 27 Landowners Group Inc., Kau & Associates L.P., Sustainable Vaughan, Fieldgate Developments and TACC Developments have been included in the Region's motion materials.

#### **REQUESTS FOR PARTY STATUS**

A number of requests for party status have been submitted to the OMB. Those that relate to lands within the City of Vaughan include requests from the Huron-Wendat Nation, whose concerns include the Cultural Heritage policies of the ROP, the appeals filed by the Block 27 Landowners Group Inc. and Helmhorst Investments Inc., among others, and the consultation process undertaken by the Region. The Region has since advised that, although it is committed to a continuing dialogue with the Huron-Wendat Nation, it does not consent to this request for party status for the OMB proceedings.

MI Developments Inc. and Delisle Properties Ltd., who have been involved in the OMB proceedings related to the Tesmar Holdings Inc. site on Jane Street at Riverrock Gate, have also requested party status related to Tesmar's appeal of the ROP. The Region has no objection to these requests.

The Vaughan 400 Landowners Group Inc. and Block 34 East Landowners Group Inc. have requested party status related to their interests in the ROPA 52 and OPA 637 lands. The Region has no objection to these requests.

165 Pine Grove Investments Inc. has requested party status related to the Regional Official Plan and ROPA 2. Their interests relate to a site specific development located on Pine Grove Road, just east of Islington Avenue in Woodbridge. Their concerns relate to any policy in the ROP or ROPA 2 that may be amended in the future that could adversely affect their site and the approvals they are seeking. Without clarification as to the specific policies the status request relates to, the Region has stated that it is unable to consent to this request for party status.

In addition, the Block 27 Landowners Group Inc., Kau & Associates L.P. and Sustainable Vaughan have also requested party status, in the event their appellant status is not accepted. The Region has advised that it reserves its position on Block 27's request for party status until the Region's motion on its appellant status is determined. The Region has no objection to Kau & Associates' request for party status on the condition that its appeal is withdrawn. The Region does not consent to Sustainable Vaughan's request for party status on the basis that they have not complied with the requirements of the *Planning Act*.

The requests for party status will also be addressed by the OMB at motions scheduled for May 30 and July 19, 2011.

#### **FUTURE OMB PROCEDURAL EVENTS**

Following the initial Pre-hearing of May 2, 2011, the OMB has scheduled the following events:

- |                 |  |
|-----------------|--|
| May 30, 2011    | -Motion re: appellant and party status requests  |
| June 30, 2011   | -Pre-hearing conference at which time it is expected that the deferral areas in ROPA 52 and OPA 637 will be brought into the Urban Area  |
| July 19, 2011   | -Motion re: appellant and party status requests  |
| Date TBD        | -date by which any party who intends to challenge the Region's allocation of population and employment must identify their intention to raise this issue   |
| September, 2011 | -date(s) to be set for Mediation Assessment  |
| Dates TBD       | -Mediation (once the number of interested parties and their areas of interest are identified)<br>-likely to be scheduled for two weeks or more in the Fall, 2011 and Winter, 2012  |
| October 7, 2011 | -Pre-hearing conference to finalize the Issues List, Procedural Order and any settlements reached on consent   |
| Dates TBD       | -Hearing dates are anticipated to be scheduled commencing in June 2012 for the first phase of the Hearing<br>-due to the number of appellants and various issues raised, the Hearing is likely to be phased with a number of appeals consolidated<br>-the Hearing is expected to take place over a number of weeks |

The procedural events and dates noted above will be refined as the proceedings progress, the issues become better defined, the parties are ready and the organization of the Hearing is well in place.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the priorities previously set by Council.

#### **Regional Implications**

The Region of York is the primary party responding to the appeals of its new Official Plan and ROPAs 1, 2 and 3. The Ministry of Municipal Affairs and Housing, as the approval authority, is also a party to the proceedings.

The local municipalities are generally supportive of the Region and are monitoring the proceedings, mainly as parties to the OMB appeals, with the exception of the Towns of Newmarket and Georgina who have requested participant status. The TRCA has also requested participant status.

## **Conclusion**

As the Region of York's Official Plan and ROPA 2 directly influences planning and development in the City of Vaughan, it is beneficial to monitor the OMB proceedings relating to the appeals. Through the appeal process, it is possible that the ROP and ROPA 2 may be modified. Any modifications to these documents may have an impact on the City and may also result in modifications to the City of Vaughan Official Plan 2010. Staff will provide a further report should any issues arise during the OMB proceedings that could impact the City.

## **Attachments**

Attachment 1: Table: Appellants to the Region of York Official Plan and ROPA 2 with Interests in the City of Vaughan

## **Report prepared by:**

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Respectfully submitted,

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Acting Commissioner of Planning

Janice Atwood-Petkovski  
Commissioner of Legal and Administrative  
Services and City Solicitor

**APPELLANTS TO THE REGION OF YORK OFFICIAL PLAN AND ROPA 2 WITH INTERESTS IN  
THE CITY OF VAUGHAN**

APPELLANT	LANDS AT ISSUE	BASIS OF APPEAL
Kau & Associates L.P.	7979 Weston Road	<ul style="list-style-type: none"> <li>-policy prohibiting major retail uses</li> <li>-currently permitted on site</li> </ul>
Block 27 Landowners Group Inc.	<ul style="list-style-type: none"> <li>-Region wide</li> <li>-City wide</li> <li>-Block 27</li> </ul>	<p>Policies re:</p> <ul style="list-style-type: none"> <li>-archaeological protection</li> <li>-affordable housing</li> <li>-phasing</li> <li>-density</li> <li>-passive solar gains</li> <li>-community energy plans</li> <li>-master environmental servicing plans</li> <li>-mobility plans</li> <li>-Greenlands Systems Plans</li> <li>-open space</li> <li>-urban heat island effects</li> <li>-potential urban expansions</li> <li>-Regional Greenlands System</li> <li>-significant woodlands</li> <li>-a proposed GO station</li> <li>-dedication/protection of public transit rights of way and transit stations</li> <li>-increased Regional road allowances</li> <li>-protection of corridors for servicing infrastructure</li> <li>-several definitions</li> </ul>
Helmhorst Developments Inc.	Northwest corner of Bathurst St. and Major Mackenzie Dr. (Block 12)	<ul style="list-style-type: none"> <li>-site has draft plan of subdivision approval for residential and commercial uses</li> <li>-opposed to policies that will be at odds with draft plan as approved, such as:                             <ul style="list-style-type: none"> <li>-affordable housing</li> <li>-phasing</li> <li>-sustainable development</li> <li>-increased rights of way widths</li> <li>-provisions exceeding the requirements of the ORMCP, Greenbelt Plan, PPS and Endangered Species Act</li> </ul> </li> </ul>

APPELLANT	LANDS AT ISSUE	BASIS OF APPEAL
Lucia Milani and Rizmi Holdings Ltd.	11333 and 11641 Dufferin St. and 11490 Bathurst St.	<ul style="list-style-type: none"> <li>-wetlands</li> <li>-woodlands</li> <li>-development charges</li> <li>-cultural heritage resources</li> <li>-dedication/protection of public transit ways and transit stations</li> <li>-protection of corridors for servicing infrastructure</li> <li>-lapsing policies for draft plan approvals</li> <li>-the mineral extraction and environmental policies in the ROP are too restrictive</li> <li>-chapter 2 – environmental policies</li> <li>-chapter 6 – agricultural and rural policies</li> <li>-chapter 8 – transitional policies</li> <li>-various maps and Figure 1</li> </ul>
SmartCentres and Calloway REIT	<ul style="list-style-type: none"> <li>-various properties within the Region</li> <li>-existing or planned commercial or retail centres</li> </ul>	<ul style="list-style-type: none"> <li>-ROP in its entirety</li> <li>-regional greenlands system policies</li> <li>-natural features policies</li> <li>-social housing/hospital development charges</li> <li>-employment lands policies</li> <li>-retail policies</li> <li>-financial management policies</li> <li>-sustainability policies</li> <li>-Regional Centres/Corridors policies</li> <li>-Transit-oriented Development Guidelines policy</li> <li>-right-of-way conveyance policies</li> </ul>
Metrus Development Inc.	<ul style="list-style-type: none"> <li>-various properties within the Region</li> </ul>	<ul style="list-style-type: none"> <li>-mapping concerns</li> <li>-woodland policies</li> </ul>
Fieldgate Developments and TACC Developments	<ul style="list-style-type: none"> <li>-various properties owned/managed within the Region</li> </ul>	<ul style="list-style-type: none"> <li>-applicability of ROP to existing Secondary Plan Areas (incl. Nashville)</li> <li>-Regional Greenlands System policies</li> <li>-separation distances/buffers</li> <li>-natural features protection policies</li> <li>-affordable housing policies</li> <li>-social housing development charges</li> <li>-retail policies</li> <li>-sustainable building policies</li> <li>-LEED and Energy Star policies</li> <li>-phasing policies</li> </ul>

APPELLANT	LANDS AT ISSUE	BASIS OF APPEAL
Times Group Corporation	-various properties within the Region	<ul style="list-style-type: none"> <li>-right-of-way width and conveyance policies</li> <li>-affordable housing policies</li> <li>-social housing development charges</li> <li>-employment lands and conversion policies</li> <li>-retail policies</li> <li>-LEED and Energy Star policies</li> <li>-secondary plans for Regional centres/corridors</li> <li>-parking management policies</li> <li>-definitions</li> </ul>
Memorial Gardens Canada Ltd.	-Glenview Memorial Gardens (Vaughan) and Highland Hills Memorial Gardens in Gormley (Whitchurch-Stouffville)	-policies limiting locations of cemeteries
Signature Developments Inc.	-lands on west side of Huntington Rd., north of Nashville Rd., east of rail line, south of Kirby Rd. (Block 62)	-urban boundary expansion policies
Tesmar Holdings Inc.	-lands at N/E corner of Jane St. and Riverrock Gate	<ul style="list-style-type: none"> <li>-Regional Centres/Corridors policies</li> <li>-employment land policies (incl. conversion policies)</li> <li>-sustainability policies</li> <li>-intensification policies</li> <li>-Local Centres/Corridors policies</li> <li>-mapping</li> </ul>
Sustainable Vaughan	-urban expansion lands in Vaughan	<ul style="list-style-type: none"> <li>-forecasting and phasing growth policies</li> <li>-Regional Centres/Corridors policies</li> </ul>