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Item #	14
Report No.	1
Council - January 29/13	

**MODIFICATIONS TO THE VAUGHAN OFFICIAL PLAN – 2010
WEST VAUGHAN EMPLOYMENT AREA SECONDARY PLAN (VOLUME 2)
RESPONSE TO PUBLIC, GOVERNMENT AND AGENCY SUBMISSIONS
FILE 25.5.19
WARD 1 & 2**

Recommendation

The Commissioner of Planning Recommends:

1. THAT no modifications to the West Vaughan Employment Area Secondary Plan are recommended in response to Communication Item C9 relating to Committee of the Whole Report regarding Modifications to the Vaughan Official Plan 2010, West Vaughan Employment Area Secondary Plan (Volume 2) Item #14 dated January 15, 2013;

Contribution to Sustainability

The recommendations in this report are consistent with Objective 2.1 of "Green Directions": *To achieve sustainable growth and development by completing and implementing Vaughan Tomorrow, the City's Consolidated Growth Management Strategy – 2031, and by ensuring that the strategy is subject to periodic review and renewal.*

Economic Impact

There are no economic impacts associated within this report.

Communications Plan

This report is a response to direction given at Committee of the Whole on January 15, 2013.

Purpose

To respond to Communication Item C9 by KLM Planning Partners Inc. (on behalf of the Block 66 Landowners Group) regarding Committee of the Whole Item 14 "Modifications to the Vaughan Official Plan 2010 – West Vaughan Employment Area Secondary Plan (Volume 2) Response to Public, Government and Agency Submissions File 25.5.19" as directed by Committee of the Whole on January 15, 2013 (see Attachment 1).

Background

The letter dated January 15, 2013 from KLM Planning Partners Inc. on behalf of the Block 66 Landowners Group expressed concern over the recommendation to include policies identifying and protecting lands to allow for the completion of the Environmental Assessment for the future GTA West Transportation Corridor. These policies are set out in Section 2.2.3. of the modified Plan and the lands subject to the "GTA West Transportation Corridor Protection Area" are shown as an overlay in the pertinent schedules (refer to Attachment 4a), b) and c). The Block 66 Landowners Group, through oral and written deputation dated January 15, 2013 (Communication C9) (refer to Attachment 1) requested that the same timeframe limitation for lands affected by the "GTA West Transportation Corridor Study Area" boundary in OPA 637 also be applied to the affected lands in Block 66 of the West Vaughan Employment Area Secondary Plan. The provision allows the applicant to submit an official plan amendment to remove the lands from the GTA West Corridor Protection Area, should MTO indicate that it will not proceed with the corridor by December 31, 2013 or submit an official plan amendment application if MTO has not proceeded expeditiously with an Environmental Assessment by December 31, 2013.

Location of the Corridor Protection Policy Area

The GTA West Transportation Corridor Protection Area applies to approximately 166 ha (410 acres) in Block 66 of lands within the West Vaughan Employment Area Secondary Plan, as shown on Attachments 3 and 4. Block 66 is bound by Nashville Road to the north, Major Mackenzie to the south, Huntington Road to the east and, Highway 50 to the West.

Status of The GTA West Preliminary Route Planning Study (MTO)

The Ministry of Transportation is currently conducting an Individual Environmental Assessment (IEA) that commenced in 2008 to establish future transportation infrastructure needs to 2031 within a study area that extends from Highway 400 to Guelph. This study area affects the northwest quadrant of the City. The IEA is intended to identify measures that will provide for improved highway linkages to the Urban Growth Centres identified in the Provincial Growth Plan.

The IEA is being conducted in 2 stages. In November 2012, at the completion of Stage 1, MTO released a final report titled "GTA West Corridor Environmental Assessment Transportation Development Strategy Report" which was filed for public review. The report effectively identified the "Preliminary Route Planning Study Area" to form the basis of more detailed analysis in Stage 2. The Report also recommends that Stage 2 of the Environmental Assessment be undertaken by MTO within 0-5 years. Once the report has been finalized it will be forwarded to the Minister of Transportation for decision.

Stage 2 will examine the route location for the new 400-series Provincial Highway / Transitway through the "Preliminary Route Planning Study Area". The timing of this stage of the study has not yet been determined.

The "Preliminary Route Planning Study Area" is intended to be large enough to accommodate several route alternatives for new highway / transitway facilities, including interchanges to connecting freeways and major arterials, sideroad connections or realignments, transit stations and rail connections, as well as other related facilities such as stormwater management ponds, areas for environmental mitigation and transit station parking (as shown on Attachment 3). The area is subject to refinement during Stage 2 of the EA; however no timeframe has been established by the Province.

The Preliminary Route Planning Study Area has an impact on a large portion of the northwest quadrant of the City, extending from Highway 400 on the east to Highway 50 on the west, and includes approximately 166 ha (410 acres) of the lands in Block 66 within the WVEA Secondary Plan boundary.

The Ministry of Municipal Affairs and Housing recommended, through the Province's "One Window" comments on VOP 2010 – Volume 1, language for inclusion in Volume 1 that addressed the need for such protective policies. It would provide for the City (pertinent portion underlined):

To work with York Region and the Province to plan for and protect corridors and rights-of-way for transportation and transit facilities, as shown on Schedule 9 (VOP 2010 – Volume 1) to meet current and projected needs; and not permit development in such planned corridors that could preclude or negatively affect the use of the corridor for the purpose (s) for which it was identified or actively being planned. To this end, secondary plans or official plan amendments shall include more detailed official plan policy and mapping to provide corridor protection. Such amendments shall be prepared in consultation with Region of York and the Province. Policies shall ensure that development applications neither preclude nor predetermine

the Environmental Assessment process and after a final alignment is determined. Where Environmental Assessments are being undertaken by the Province, these policies and mapping shall be prepared to the satisfaction of the Province.

The GTA West Transportation Corridor Protection Area Policies

The corresponding policies in the West Vaughan Employment Area Secondary Plan were developed by staff in consultation with the Ministry of Transportation and were based on the policies of OPA 637 (the Vaughan-400 North Employment Area). The OPA 637 policies provide for protection of the corridor while the EA is being conducted and the highway alignment is being determined. In addition, the modified WVEA and OPA 637 provide policies for the removal of lands from the protection area when it is determined that they are not required for transportation purposes.

The policies applied in the West Vaughan Employment Area Secondary Plan were first applied in the North Kleinburg-Nashville Area Secondary Plan. The North Kleinburg-Nashville policies were prepared in consultation with the Ministry of Transportation and Municipal Affairs and Housing. After Council approval of the modified North Kleinburg-Nashville Secondary Plan, the Ministry of Municipal Affairs and Housing advised that it was satisfied with the GTA West Corridor policies. The Council modified plan was endorsed by the Region of York and the North Kleinburg-Nashville Plan was approved by the Ontario Municipal Board. The requested policies were not included.

The respondent is concerned that certain arrangements that were obtained for OPA 637 lands in regard to the GTA West Corridor were not incorporated into the West Vaughan Employment Area Secondary Plan. Upon further review by staff, it was determined that the arrangements mentioned were not included in OPA 637 but formed part of the OMB Minutes of Settlement, which were negotiated by all the parties. In the minutes of settlement it was agreed, among other things that;

14. If the Province clearly indicates before December 31, 2013, that the Corridor will not proceed (e.g. that there will be no highway and public transit facility within the Amended OPA 637 area), the other Parties or any of them, may at any time elect to seek an amendment to Amended OPA 637 to remove any or all lands subject to the policies protecting the Corridor. This does not prejudice the position the Province may take should any such amendments be proposed.
15. If paragraph 14 does not apply, and if the MTO EA has not proceeded expeditiously resulting in the release of lands in accordance with policy 2.3.3.1 (d) (i) (a) (ii), the Parties or any of them, may at any time after December 13, 2013, seek an amendment to the OPA 637 (being part of the Vaughan Official Plan) to remove lands subject to the policies protecting the Corridor. This does not prejudice the position the Province may take should any such amendments be proposed. Nor does this mean that the MTO EA and the Environmental Assessment Act will no longer determine the land that is required for the transportation facilities that will be included within the Corridor.

Comments

After further review of the respondent's request, it was determined that it would be inappropriate to consider further modifications to the West Vaughan Employment Area Secondary Plan to incorporate provisions, based on the aforementioned minutes of settlement, for the following reasons:

- The provisions were developed to address a specific set of circumstances at a particular location and time and formed part of OMB minutes of settlement and not policies in OPA 637;

- They were developed jointly as part of a mediated settlement. The City should not consider a unilateral inclusion of such policies in the West Vaughan Employment Area Secondary Plan without consulting MTO, the Region of York and possibly the Region of Peel (at a minimum);
- Policies following the same model were previously applied in the North Kleinburg-Nashville Secondary Plan and were approved by the Region of York, leading to the Plan's final approval by the Ontario Municipal Board. A similar request was considered by staff at the time of consideration of the North Kleinburg-Nashville Secondary Plan and was determined not to be necessary.
- The policies would not provide the owner with additional rights. Landowners could still apply to amend the Official Plan at any time to be removed from the GTA West Transportation Corridor Protection Area with or without these provisions.

Relationship to Vaughan Vision 2020/Strategic Plan

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

Regional Implications

Should the respondent pursue the request to modify Section 2.2.3. of the Official Plan, further consultation with the Region and Province would be required.

Conclusion

Upon further review, staff do not support the respondent's request to include a timeframe to modify Policy 2.2.3. in the West Vaughan Employment Area Secondary Plan at this time for the reasons aforementioned. Therefore no modifications to the West Vaughan Employment Area Secondary Plan are recommended.

Attachments

1. Communication Item C9 to Committee of the Whole Report
2. West Vaughan Employment Area Location Map
3. GTA West – Preliminary Route Planning Study Area (November 2012)
4. a) Transportation Network (revised January 2013)
b) Natural and Cultural Heritage Network (revised December 2012)
c) Land use (revised December 2012)

Report prepared by:

Melissa Rossi, Senior Policy Planner, ext. 8320
Roy McQuillin, Manager of Policy Planning, ext. 8211

Respectfully submitted,



JOHN MACKENZIE
Commissioner of Planning



DIANA BIRCHALL
Director of Policy Planning

/lm



ATTACHMENT 1c9

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P-2160

January 15, 2013

(via E-mail)

City of Vaughan
Clerks Department
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Mr. Jeffrey A. Abrams

Re: Committee of the Whole – January 15, 2013 – Item #14
Modifications to the West Vaughan Employment Area Secondary Plan
City of Vaughan Official Plan - Volume 2
Block 66 West Landowners Group Inc.
Part of Lots 21 to 25, Concession 10,
Block 66 West
City of Vaughan

c9
Communication
CW: Jan 15/13
Item: 14

Dear Mr. Abrams,

We act on behalf of the Block 66 West Landowners Group Inc., the owners of approximately 155 Ha. of land situated north of Major Mackenzie Drive, east of Highway 50, south of Nashville Road and west of the hydro corridor in the City of Vaughan.

The Block 66 West Landowners Group represents 73 percent (155 Ha.) of the entire Block 66 West lands (214 Ha.) and was formed in January 2011. A formal Block Plan Funding Agreement was signed by the participating landowners in July 2011. In the spring of 2011, the Landowners Group retained a consulting team to review and analyze the opportunities and constraints of the Block 66W lands for the purposes of pursuing a Block Plan Application on the lands.

The lands are currently designated "Employment Secondary Plan Study Area" and "Major Open Space and Valley Lands" by Official Plan Amendment No. 600 (i.e. the existing in force Official Plan). The new City of Vaughan Official Plan 2010 ("VOP 2010") was adopted by Vaughan Council on September 7, 2010, and is currently under appeal at the Ontario Municipal Board (OMB). Under the new Official Plan (VOP 2010), the lands are designated "Prestige Employment", "General Employment" and "Natural Area" and subject to the policies of the Vaughan West Employment Area Secondary Plan.

The City of Vaughan is considering modifications to the West Vaughan Employment Area Secondary Plan at the Committee of the Whole meeting on January 15, 2012. We have reviewed the revised policies and the related mapping and we have some concern with the modifications proposed.

Attachments 5a, 5b, and 5c in the Development Planning Department staff report proposes to replace Schedules "1", "2", and "3" in the Secondary Plan respectively, which among other modifications proposes a new land use designation - "GTA West Transportation Corridor Protection Area". This new designation applies to the northern portions of the Block 66 West lands.

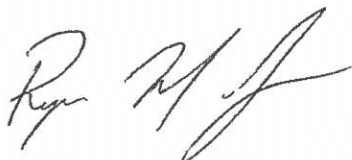
We have concern with the addition of the GTA West policies as proposed in subsection 2.2.3. We understand that the approval of OPA No. 637 (Highway 400 North Employment Area Plan) provided the policy basis for the proposed policies in the West Vaughan Employment Area Secondary and we generally have no concern with this approach. However we do have concern that the proposed policies do not account for the timeframes associated with the final approval of OPA No. 637. The final approval of OPA No. 637 was the result of a mediated settlement, in which it was agreed that if by December 31, 2013, the Province either clearly indicates that the corridor will not proceed or the Province has not proceeded expeditiously in determining the final alignment of the corridor, that landowners affected by the preliminary study boundary may apply after that date to amend the official plan.

We respectfully request that the same terms be offered to the landowners of Block 66 West through a revised policy in the proposed modified plan. This will allow the landowners to continue to work with the Province, the Region and the City with regard to submission of a Block Plan Application which will facilitate the development of these important employment lands based on the analysis completed thus far, which could be impacted by unnecessary delays through the determination of the final alignment of the GTA West corridor.

I trust that these comments are helpful and would appreciate the opportunity to meet with staff to discuss them in some more detail. Please provide me with written notice of Council's Decision and adoption in regard to the proposed modifications to the West Vaughan Employment Area Secondary Plan.

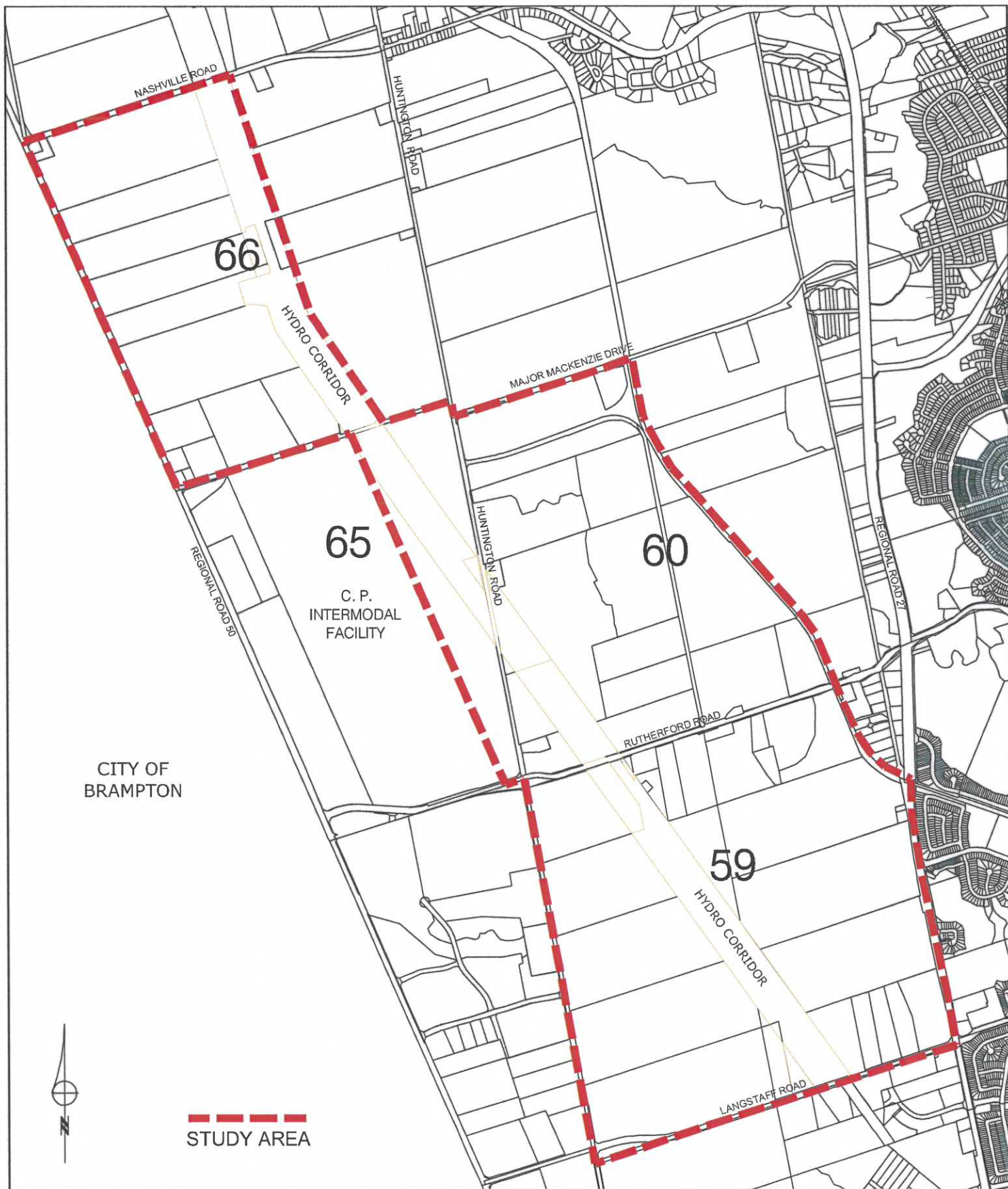
Yours very truly,

KLM PLANNING PARTNERS INC.



Ryan Mino-Leahan, MCIP, RPP
Senior Planner

Copy: John Mackenzie, Commissioner of Planning
Diana Birchall, Director of Policy Planning
Block 66 West Landowners Group Inc.



Location Map / Context Plan

APPLICANT(S): City of Vaughan
 LOCATION: Part of Lots 10 - 26,
 Concessions 9 & 10

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Policy Planning Department

Attachment

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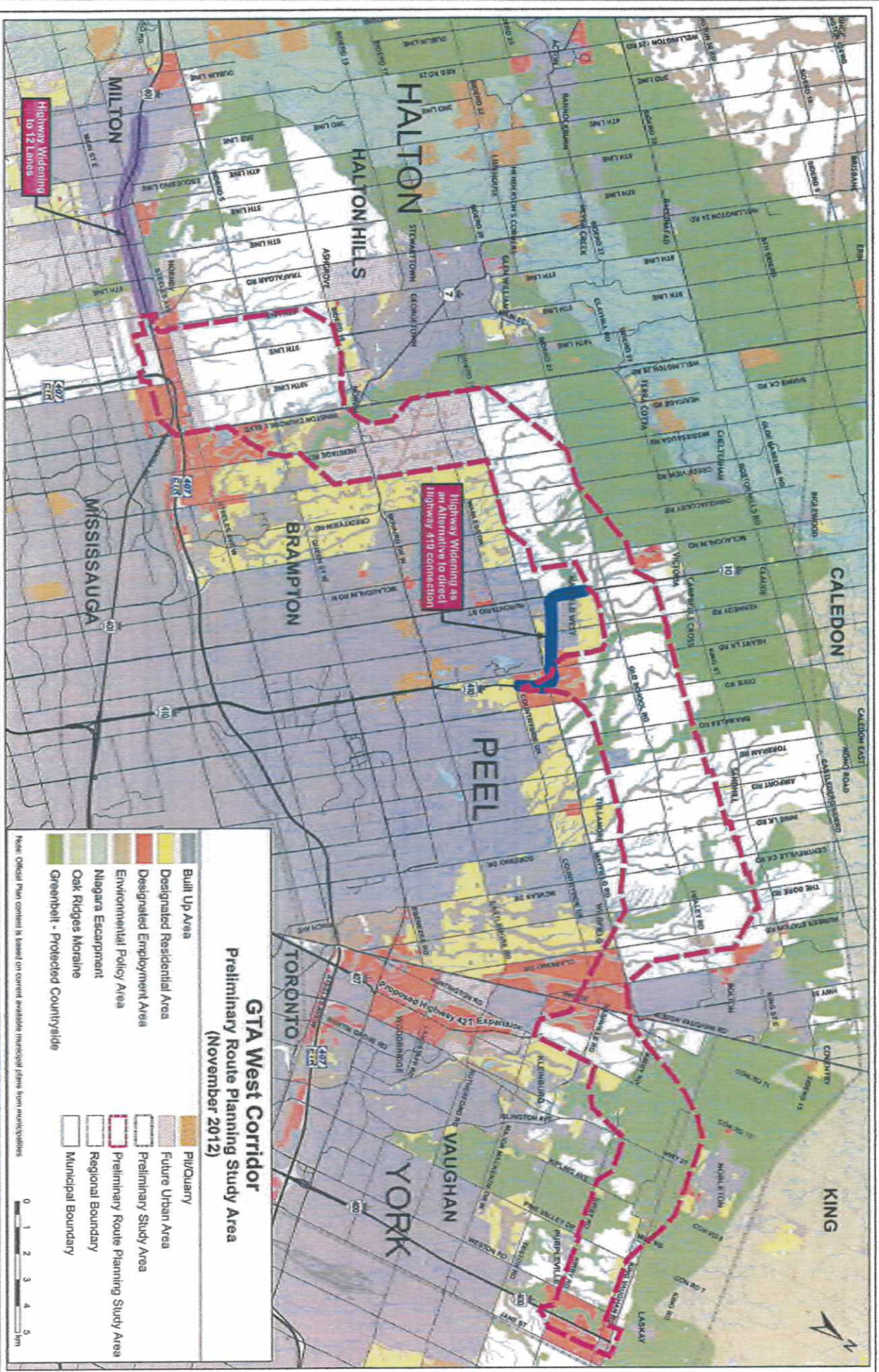
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January 29, 2013

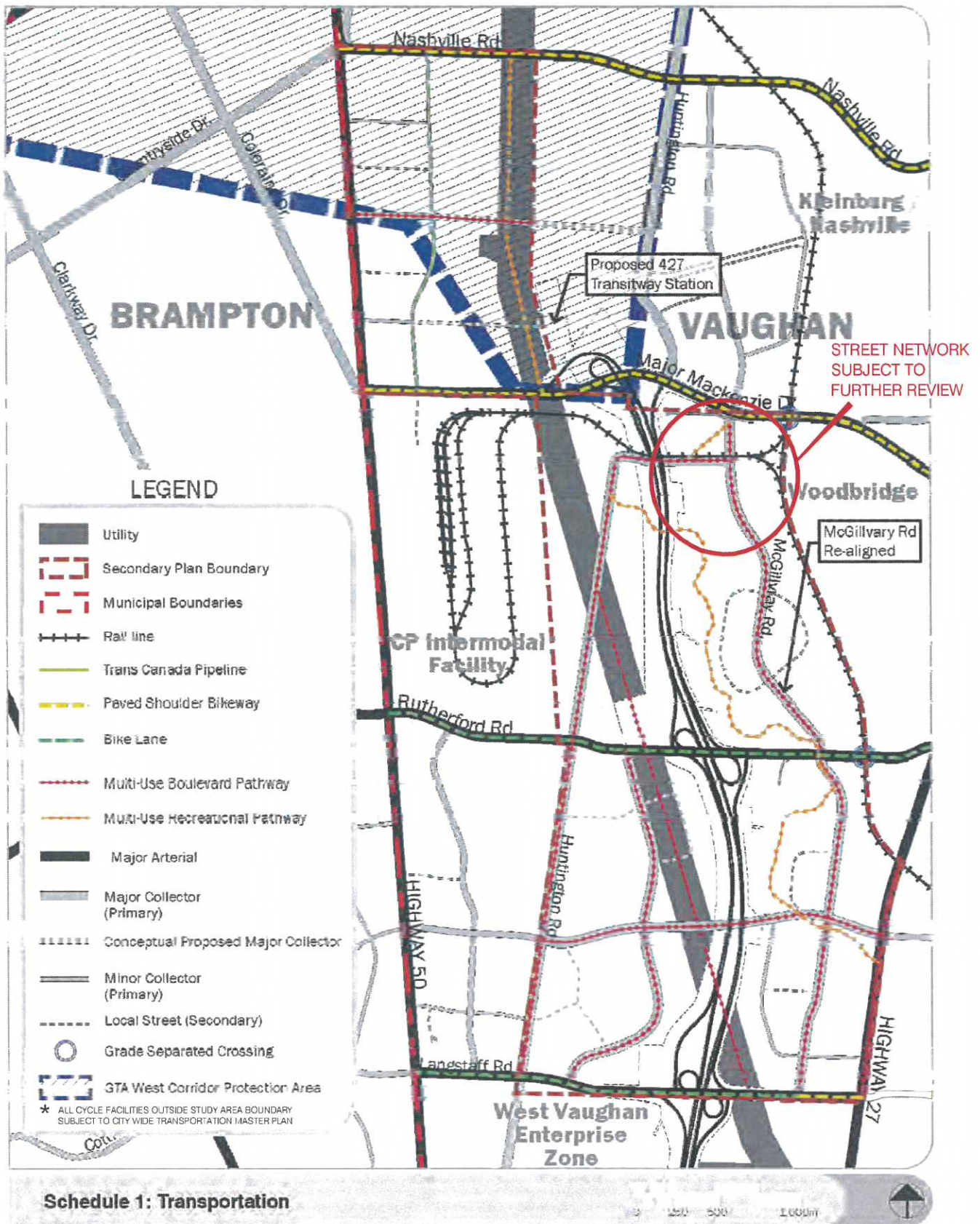
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APPLICANT(S): *LOCATION: Part of Lots 10 - 26,*
City of Vaughan *Concessions 9 & 10*



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January 29, 2013
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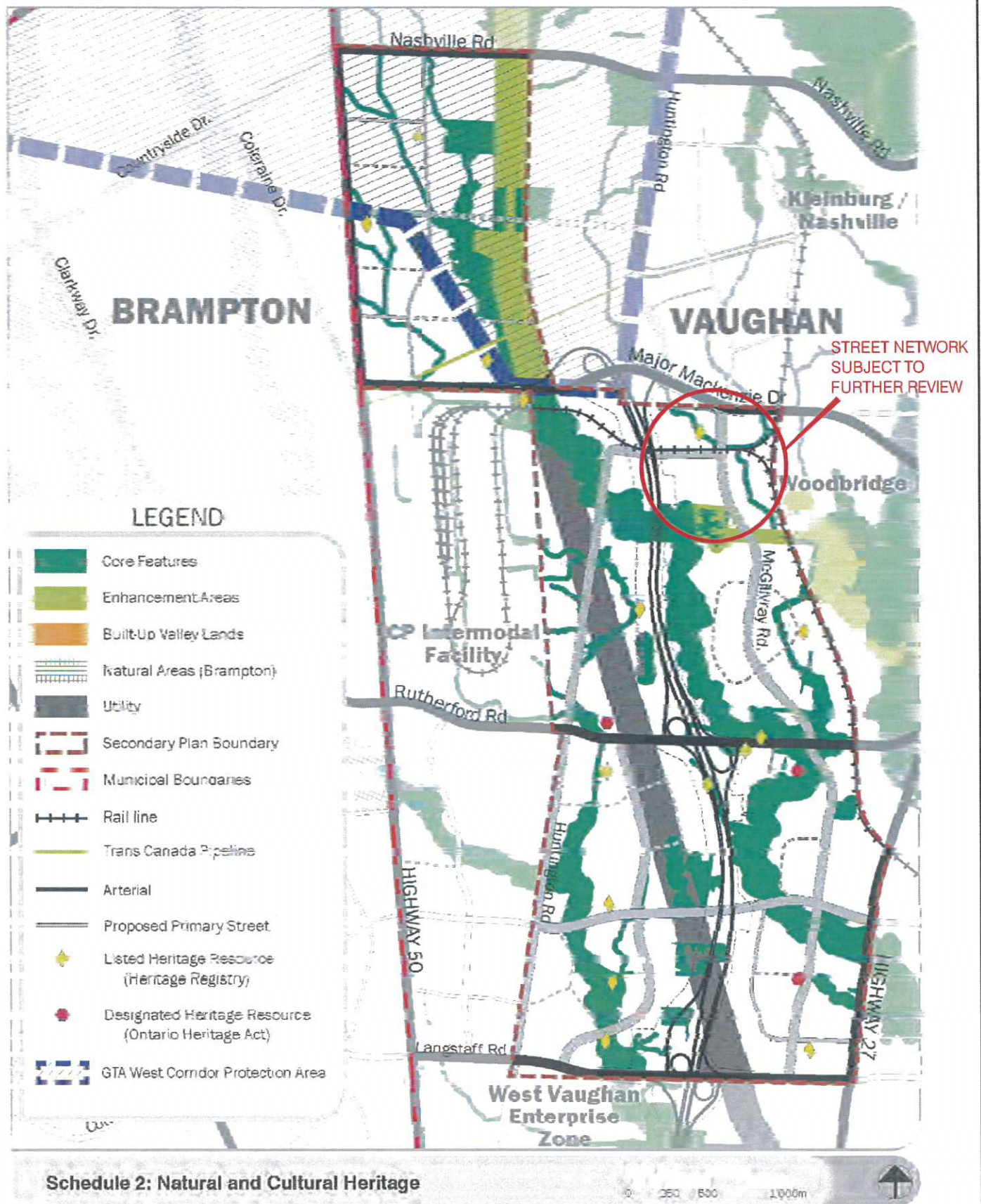




Schedule 1: "Transportation Network" (revised January 2013)

APPLICANT(S):
City of Vaughan

LOCATION: Part of Lots 10 - 26,
Concessions 9 & 10



Schedule 2: "Natural & Cultural Heritage Network" (revised December 2012)



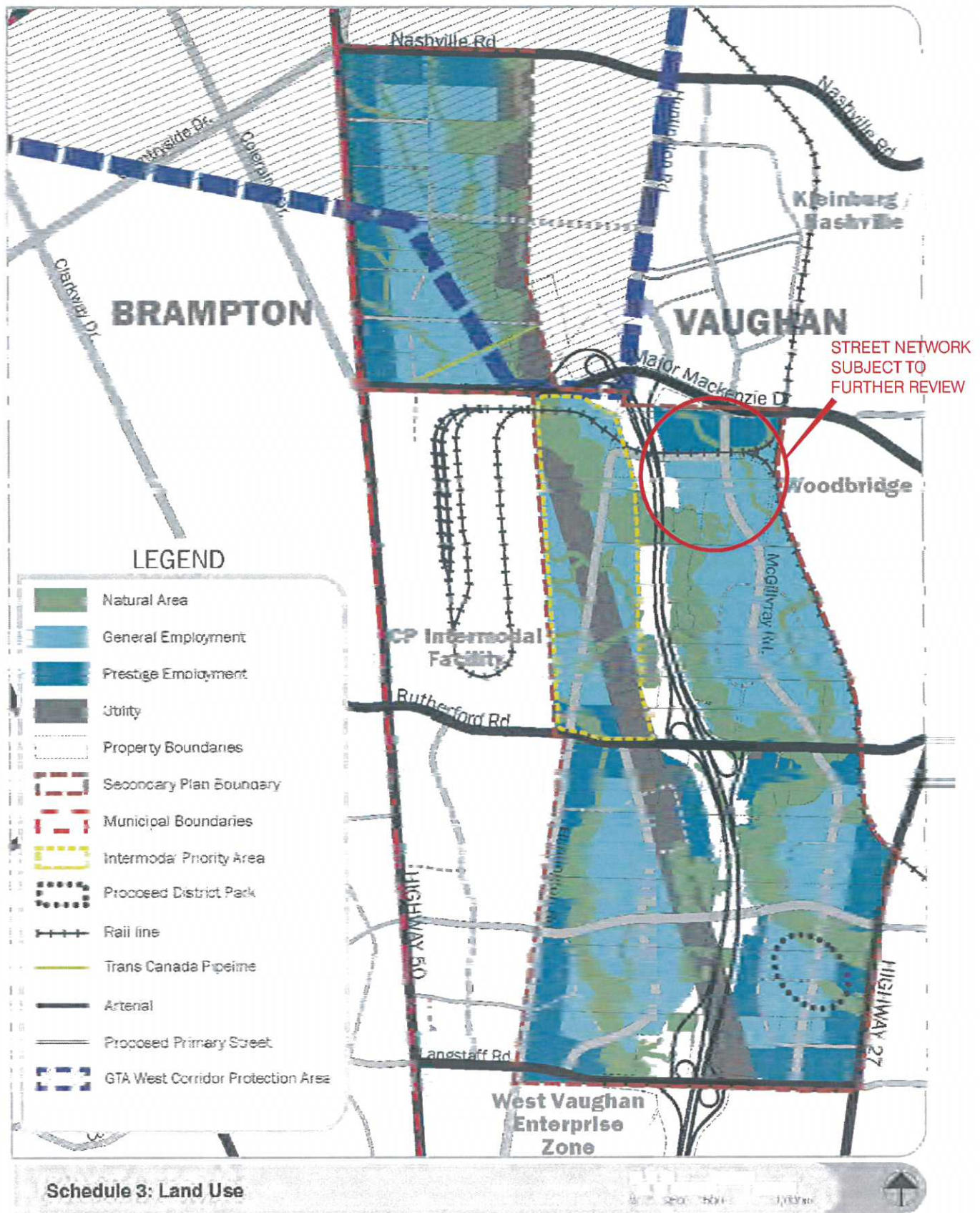
Policy Planning Department

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January 29, 2013
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APPLICANT(S):
City of Vaughan

LOCATION: Part of Lots 10 - 26,
Concessions 9 & 10

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Schedule 3: "Land Use" (revised December 2012)

APPLICANT(S):
City of Vaughan

LOCATION: Part of Lots 10 - 26,
Concessions 9 & 10

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