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Recommendation Report – Shining Hill OPA Staff Report to Council

Report Number: 2021-82

Department(s): Planning and Building Services

Author(s): Meghan White

Meeting Date: November 15, 2021

Recommendations

1. That the report entitled Recommendation Report – Shining Hill OPA dated November 15, 2021 be received; and,
2. That Council adopt Official Plan Amendment Number 32, substantially in accordance with Appendix 2 of this report; and,
3. That the land use change request submitted by Shining Hill Estates Collection Inc, for the lands shown on Appendix 1, currently designated as Rural in the Region's Official Plan, be supported in principle subject to the completion of York Region's Municipal Comprehensive Review; and,
4. That staff be directed to bring back a further official plan amendment by-law for the lands shown on Appendix 1, currently designated as Rural in the Region's Official Plan, for Council's consideration after the Region's new Official Plan is in force and effect, if it changes the lands on Appendix 1 from Rural to Urban; and,
5. That Karen Whitney, Director, Community Planning and Development Services, York Region, be notified of this action; and,
6. That Paul Bailey of Shining Hill Estates Collection Inc. be notified of this action; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

This report recommends approval of the Official Plan Amendment submitted by Shining Hill Estates Collection Inc. The requested land use change from environmental protection to urban land uses has been found to conform to the Provincial and Regional Plans. These documents have already designated the lands for settlement or urban uses; therefore, the application does not constitute a land use change for them nor does it constitute an expansion to a settlement area.

In 2003, Council decided to place these lands in a restrictive designation. However, the planning policy context and the prevailing development situation has changed. The Provincial policies have changed and the majority of the greenfield areas have been built-out in Newmarket. Diversity of housing options for Newmarket is seen as a vital component in solving the current housing supply and affordability crisis.

Logistically, there is a need to separate the Official Plan Amendment approval into two different components. If Council agrees with the change in land use permissions (i.e. the “principle of land use”), there would be a need to have two different by-laws implementing this change at the local level brought forward at two separate times. The first by-law would allow the change for the lands in the Urban Area, the second by-law would bring in the change for the lands within the whitebelt. The second by-law could not be adopted by Council until after the Region of York completes its Municipal Comprehensive Review and its new Official Plan is in force and effect.

Subject to Council’s further consideration, the following staff report on the official plan amendment describes considerations of good planning, public interest and benefits to current and future Newmarket residents.

Purpose

The purpose of this report is to present the findings of how this Official Plan Amendment application conforms to Provincial, Regional and local planning policies, outlines the amendment process to date, and makes recommendations to Council. Subject to Council’s consideration, a draft OPA text is provided to capture the intent of why the OPA is appropriate and how it would be adopted.

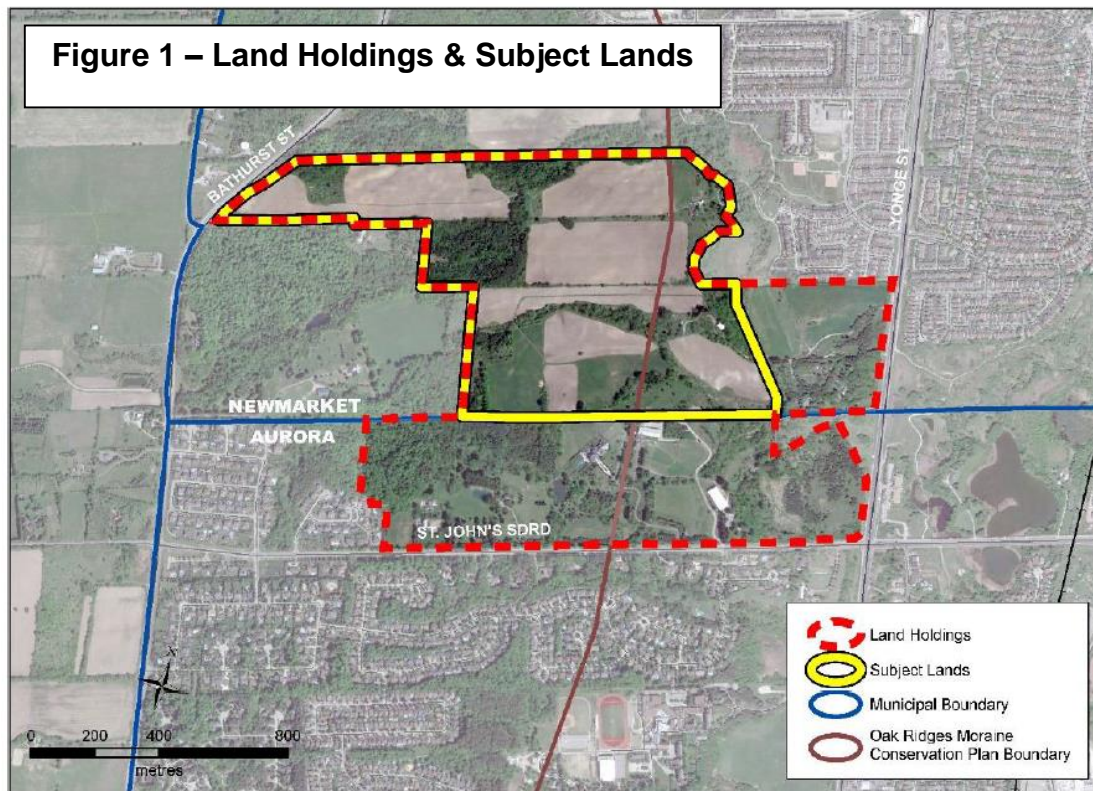
Background

In 2003, Council went through a conformity exercise to bring the 1996 Official Plan into conformity with the Oak Ridges Moraine Conservation Plan (ORMCP). That process resulted in Official Plan Amendment number 28 to the 1996 Town of Newmarket Official Plan (OPA 28). Through the adoption of OPA 28 Council designated the area, generally south of Mulock Drive to the Newmarket/Aurora border, with a more restrictive standard than contemplated by the ORMCP. The approval of OPA 28 by the Minister of Municipal Affairs and Housing resulted in the enhanced Environmental Protection Area –

Oak Ridges Moraine designation. The ORMCP policies set a minimum in terms of environmental protection and allowed (still allows) for urban uses on this part of the Oak Ridges Moraine (ORM). The Council of the day decided that Newmarket in 2003 did not need development in the ORM and placed more stringent limitations on development than was prescribed in the ORMCP. In 2006, a new Official Plan was adopted and approved, and OPA 28 was not changed. The designations and limitations remained in place and are still in place today

Council has not needed to review the planning context of these lands since then. In the intervening years, the Province has updated the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

The application subject of this report was submitted in 2020. It was declared complete in August 2020 and the statutory Public Meeting was held January 18th, 2021. The lands subject to the application are located mostly in the ORM, with the most eastern portion of the lands not within the ORM. Figure 1 below shows the entire land holdings of Shining Hill Estate Collections Inc. in this area (red dashed line) as well the lands subject to this application (yellow). The Figure also shows the boundary of the Oak Ridges Moraine (brown line). The subject lands to the west (left) of the brown line are within the ORM and subject to OPA 28.



It was determined from the outset the “Principle of Development” had to be determined by Council first, before any discussions on the form and type of development. The current application seeks to establish this principle. Only the appropriateness of urban

uses on the lands is being considered at this time. As will be discussed, the form, type and design of development will be explored and evaluated in subsequent applications.

Subject Lands

Municipally known as 16250, 16356 and 16450 Yonge Street, the subject lands are located between Yonge Street and Bathurst, as shown on the map below.

The subject lands are located on the southern boundary of Newmarket, between Yonge Street and Bathurst Street. They are comprised of three parcels totaling 83 hectares (205 acres).

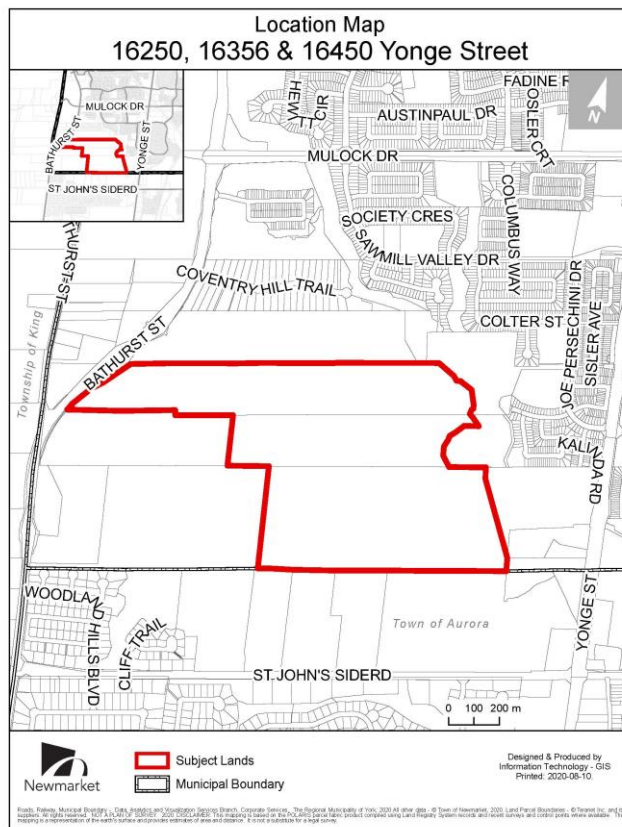
The subject lands are mostly vacant, save for a few dwellings and associated structures. The lands are either currently being farmed or contain natural heritage features. The surrounding community consists of existing and proposed residential homes and environmental areas.

North: vacant land followed by low density residential dwellings.

South: estate residential dwellings and lands owned by the applicant within the Town of Aurora.

East: vacant lands, residential uses (existing and under construction) and Yonge Street.

West: Bathurst Street, estate residential dwellings and King Township.



Application

Given the scale of the proposed application and complexity of the planning policy framework, the applicant has submitted only an official plan amendment that seeks to establish the principle of land use (i.e. urban uses) only, not the precise land use mix or form of development. The application proposes to change the land use designation on the lands from an environmental protection designation to a designation that will allow for urban uses. Through re-designating the lands the Town will be identifying which lands are suitable for urban uses and which lands are not. Specifically, as identified by the applicant, the woodlands will be given a protected designation and ultimately transferred into public ownership. Other identified natural features such as wetlands and

their associated buffers will also be placed in a protected designation. Specifically, the mature woodlands comprise approximately 33 hectares or 81.5 acres, which is approximately 40% of the subject lands. Overall, 70% of the lands are currently proposed be conveyed to public ownership, through Natural Heritage lands, roads, parks, stormwater management lands and schools (approximately 58 hectares out of 83 hectares).

In the future, if the OPA policies are adopted by Council and approved by the Region of York, the land owner would be required to apply for a further official plan amendment which will be a Secondary Plan for the area. This Secondary Plan will delve into the broader land use mix, forms of development, design details of the roads, park locations, stormwater management facilities, etc.

Supporting Studies

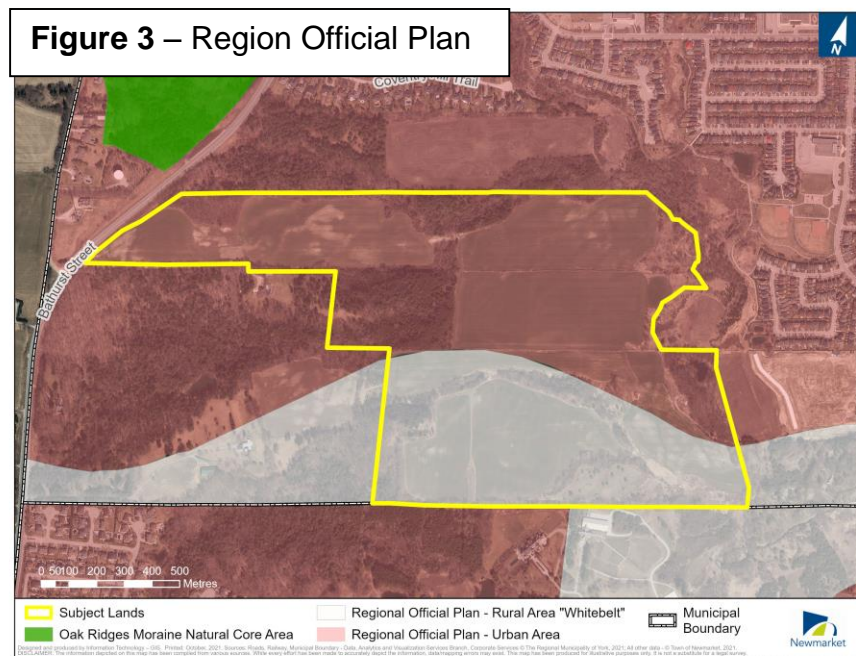
In accordance with the Town’s requirements, the applicant submitted an Environmental Conditions Report, a Functional Servicing Report, and a Transportation Mobility Plan in support of the application. These reports have been reviewed and sufficient information was provided to determine that urban land uses can be accommodated on the lands. The studies show that there is sufficient infrastructure capacity to support urban land uses. The Environmental Conditions Report demonstrates that urban land uses can be accommodated while protecting the natural heritage features.

Process

As shown in Figure 3, part of the subject lands are in the Rural/whitebelt in the Region’s Official Plan. The pink lands are designated Urban in the Region’s Official Plan.

Urban uses are not permitted in the Rural designation, however it is possible that the Rural designation will

be changed by the Region through their Municipal Comprehensive Review (MCR). How this designation could change is elaborated on later in this report.



Council's planning decisions and the Town's Official Plan must, legally, conform to the Region's Official Plan. Currently the Region does not permit urban uses on a portion of the lands; therefore, the Town's official plan cannot permit urban uses at the present time either. Because of the Rural designation, Town Council cannot adopt an official plan amendment allowing urban uses for those portion of the subject lands. If Council chooses to permit the change in land use permissions, staff would bring forward two separate by-laws. The first by-law would implement the land use change on the lands inside the Urban Area. The second by-law would be brought back to Council after the completion of the Region's MCR process, once the Rural/whitebelt lands are re-designated from Rural to Urban in the Regional Official Plan.

It is staff's understanding through the MCR process that the Rural lands will become Urban, as it is a relatively small piece of Rural lands between larger Urban Areas. Until this redesignation is officially completed through the Region's MCR process Council cannot approve the land use change at the local level.

It is not premature for Council to consider the land use change at the local level, as Council's decision on the matter will assist the Region in their decision making process. The Region and the applicant understand this and agree that it is an appropriate time to consider the land use change and that it cannot formally happen on the Rural/whitebelt lands until the Region's official plan has changed. If the Region decides not to change the designation from Rural to Urban, staff will not bring forward the second by-law and the lands will retain their current land use designations.

Discussion

The Planning Act requires that a decision of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the policy statements issued under subsection (1) of the Act, and shall conform with provincial plans in effect on that date, or shall not conflict with them. The policy statement is the Provincial Policy Statement 2020 (the "PPS"). The relevant provincial plans comprise A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the "Growth Plan"), the Oak Ridges Moraine Conservation Plan 2017 (the "Oak Ridges Moraine Plan"), and the Lake Simcoe Protection Plan (LSPP).

The section below outlines the applicable policies from these document and how the proposal fits within that context.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. Planning decisions shall be consistent with the Provincial Policy Statement.

Growth Management & Housing

The PPS states: Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a horizon of up to 25 years. Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

The PPS requires planning authorities to maintain sufficient land to accommodate projected residential growth. This is tracked and analyzed at the Regional level. As the majority of these lands are already designated Urban Area in the Region's Official Plan they are already included in the calculations for where growth can be accommodated in Newmarket. There is a small portion of the subject lands designated Rural in the Region's Official Plan, the Municipal Comprehensive Review aims to convert the lands to Urban Area as a technical amendment, this is discussed further in the report. The Region already considers the majority of the subject lands space where growth can be accommodated in Newmarket. Therefore also allowing for urban uses on the lands, at a local level, conforms to the PPS.

The PPS requires that municipalities shall provide for a range and mix of housing options and densities and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area. This is to be accomplished by establishing affordable housing rates (set for Newmarket by the Region), permitting and facilitating all housing options and intensification, directing development to locations with existing infrastructure, promoting transit supportive densities and establishing development standards which minimum the cost of housing and facilitate a compact urban form.

The requirement to meet "projected market-based" housing needs is a new statement/concept added to the PPS in 2020. This is one of the policies that has changed the planning policy landscape since Council last reviewed the appropriateness of development in this part of Newmarket. The intent of this policy is that market demand must be considered when developing planning policies. As discussed later in this report, the concept of housing driven in part by market demand is echoed in another leading provincial planning document: the Growth Plan for the Greater Golden Horseshoe.

Natural Heritage & Agriculture

Section 2.1.2 of the PPS states:

“The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems¹, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.”

Section 2.1.5 further states that development is not permitted in Significant Woodlands² unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Section 2.1.8 speaks to no development in lands adjacent to natural heritage features unless the ecological function of adjacent lands has been evaluated and demonstrated that there will be no negative impacts. Negative Impacts is defined as: degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities

No development is proposed within the woodlands, wetlands or watercourses found on the subject lands. The Lake Simcoe Region Conservation Authority (LSRCA) provides review and analysis of environmental matters on behalf of the Town. The LSRCA believes the above noted policies can be met through the detailed studies that will be required as the planning process continues through the Secondary Plan, rezonings and subdivision plans. Those processes will have fine grained, detail studies that will provide the details on the exact nature and size of the buffers required from wetlands and woodlands. The proposal would see the woodlands conveyed to the Town. Having the woodlands in public ownership offers better protection as it eliminates the possibility of their development in the future. The proposed new Official Plan policies will ensure that this protection is continued and any impacts are further studied, as required.

¹ **Natural heritage system:** means a system made up of natural heritage features and areas and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used

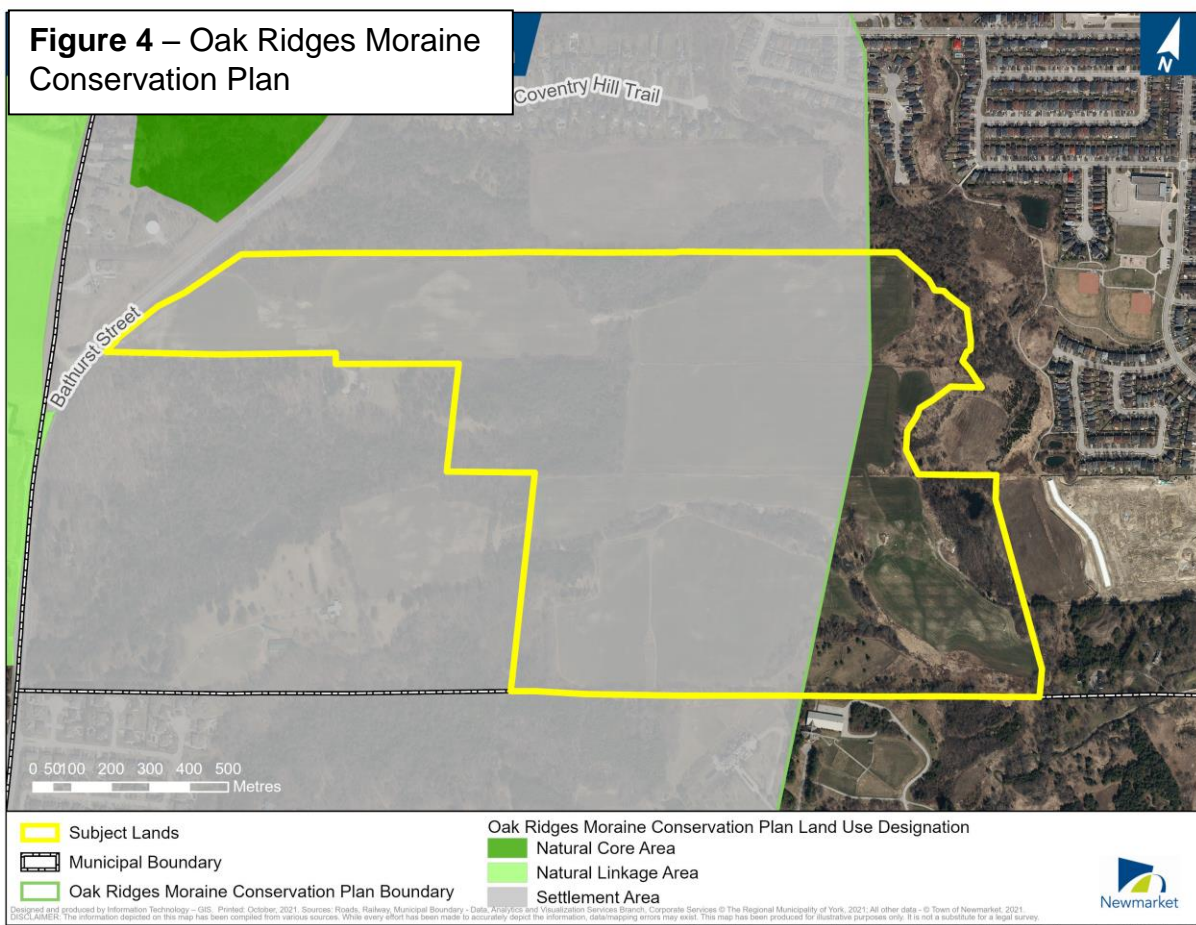
² **Significant Woodland:** means an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry.

Section 2.3 of the PPS speaks to the projection of prime agricultural areas for long-term agricultural use. As discussed in detail in the Growth Plan section, the lands within Newmarket are not considered prime agricultural lands.

Based on the analysis presented above, it is staff’s opinion that changing the land use permissions to allow urban uses is in conformity with the Provincial Policy Statement 2020.

Oak Ridges Moraine Conservation Plan

The property is partially located within the Oak Ridges Moraine Conservation Plan (ORMCP). As shown in Figure 4, the western portion of the subject site is designated Settlement Area in the Oak Ridges Moraine Conservation Plan (ORMCP).



Settlement lands in the ORMCP are intended to focus and contain urban growth by mitigating the impact of development on the natural ecological functions and hydrological features and promote the efficient use of land resources through intensification and redevelopment of underutilized lands within urban areas. ORMCP Settlement Areas permit some urban development and allow for a range of commercial, residential, industrial and institutional uses, when the natural features are appropriately identified, studied and negative impacts have been mitigated. The Settlement Area

designation has a broad list of objectives including maintaining the health of key natural heritage features, accommodating trail connections and promoting strong communities.

The ORMCP generally requires the minimizing of disturbances to natural features, ground water, and ensuring property drainage and minimizing site alteration. Sections 21 – 26 outline the need to identify and protect the minimum vegetative protection zone and key natural heritage/hydrological features, through natural heritage evaluations and watershed/conservation plans. The policies in the proposed OPA ensure that the natural heritage considerations from the ORMCP conformity exercise done in 2003 are maintained. This will continue to protect natural features identified in OPA 28 and therefore continue to conform to the requirements of the ORMCP.

The proposed OP policies will require additional detailed analysis and study of any natural features and the impact of urban uses on them through subsequent development applications (Secondary Plan, rezoning, subdivision plans, etc.), also ensuring their protection.

Subsection 24(8) (b)(ii) requires demonstration that there is an adequate water supply for the development, which does not compromise the ecological integrity of the Plan Area. If the land use change is approved, any development will be on full municipal water and sanitary sewer servicing and, through future development applications, will be required to demonstrate that it will not negatively affect the water supply and the ecological integrity of the surrounding area. The preliminary Functional Servicing Report submitted with the OPA application has demonstrated, at a high level, that this can be achieved. As further details are known, further studies will be required and limitations and/or mitigation measures can still be required through the subsequent required planning applications.

Subsection 27(3) requires the approval authority to consider the importance of ensuring that natural vegetation is maintained, and if possible, improved or restored, and that impervious surfaces are minimized to reduce stormwater runoff. The proposed official plan policies include requirements to retain and protect the identified on-site natural features, minimize disturbance to existing landform, and incorporate low impact development (LID) measures throughout a future new community. This will reduce impervious surface and help manage stormwater.

Section 43 requires that a sewage and water system plan demonstrates, among other things, that the quantity / quality of ground water and surface water will be maintained through any future development. The proposed official plan policies require the use of LID techniques such as swales, ditches and infiltration trenches in order to provide water quality and quantity control. Any future development would be on full municipal services, therefore any permitted redevelopment is not anticipated to have any impact to the quantity or quality of groundwater.

These lands have been identified for settlement uses for many years in the ORMCP, and through the Settlement Area designation, the Province has determined that this

area is appropriate for urban uses. As such, changing the Town's official plan designation from environmental protection to urban uses meets the intent of the Oak Ridges Moraine Conservation Plan.

Growth Plan, 2019

Planning decisions must also conform to the Growth Plan for the Greater Golden Horseshoe (Growth Plan).

Growth Management

The Growth Plan is about accommodating forecasted growth in complete communities. Complete communities are communities that are well designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting. They also support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form. The proposed OPA policies will require that future development of the land creates a complete community with a compact built form³ as required by the Growth Plan.

It is important to optimize the use of the existing urban land supply as well as the existing building and housing stock to avoid over-designating land for future urban development while also providing flexibility for local decision-makers to respond to housing need and market demand. The requirement for municipalities to have regard for market demand is a new addition to the Growth Plan and the PPS. This was a significant shift brought in by the Province in 2019. Municipalities now have to take market demand into account when managing growth. The application would allow for the future consideration of planning applications over the subject lands that, if approved, would assist in meeting market demand for housing.

The subject lands have been designated for settlement in the ORMCP and the Region's Official Plan; such as, the conversion to urban uses in the Town's Official Plan is not

³ **Compact Built Form** A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semidetached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a wellconnected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.

considered an expansion and therefore development of these lands is considered by the Growth Plan as utilizing the existing urban land supply.

Under the Growth Plan, the subject lands are within a Designated Greenfield Area (DGA). DGAs are defined as lands within Settlement Areas but outside the delineated built-up areas. This application does not constitute a settlement boundary expansion as the lands are within the DGA, which include settlement areas. The limits of the DGA are set by an official plan, in this case the Region's Official Plan as it sets most of the subject lands as urban (all the lands outside the Rural/whitebelt designation).

Natural Heritage System

A Natural Heritage System for the Growth Plan has been mapped by the Province to support a comprehensive, integrated, and long-term approach to planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System for the Growth Plan excludes lands within settlement area boundaries that were approved and in effect as of July 1, 2017. The subject lands were within the settlement area boundaries set by the Region's Official Plan in 2017 and therefore the Natural Heritage System policies of the Growth Plan do not apply to this application. For areas within settlement areas the Growth Plan relies on the policies of the PPS for Natural Heritage Systems. The proposal is consistent with the PPS Natural Heritage Systems policies.

Agricultural Policies

The Growth Plan provides for the identification and protection of the Agricultural System in the GGH, which contains some of Canada's most important and productive farmland; a finite, non-renewable resource.

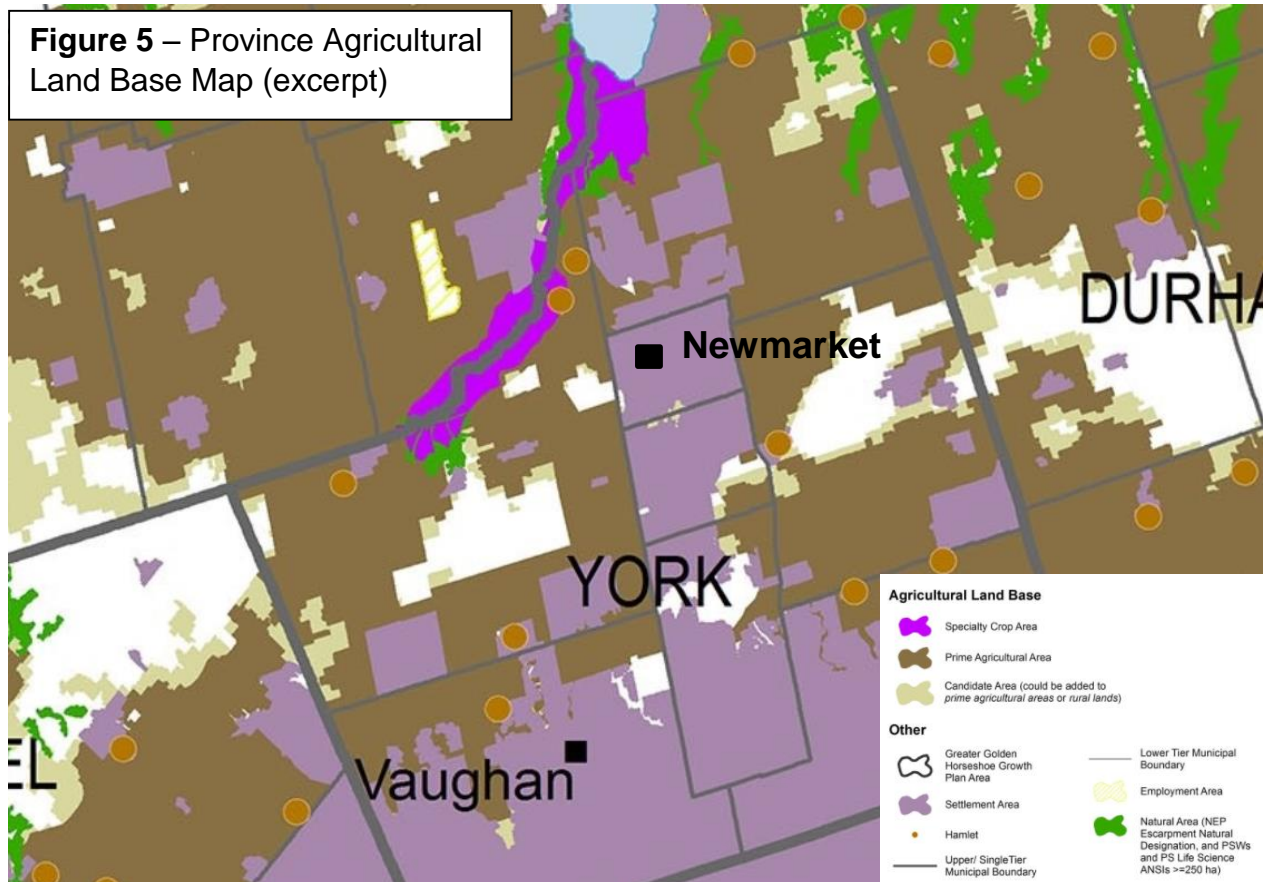
An Agricultural System⁴ for the GGH has been identified by the Province. Prime agricultural areas,⁵ including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture.

⁴ **Agricultural System** The system mapped and issued by the Province in accordance with this Plan, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: 1. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; 2. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector. (Greenbelt Plan)

⁵ **Prime Agricultural Area** An area where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the Province as amended from time to time. (Based on PPS, 2020 and modified for this Plan)

Prime Agricultural Lands Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection

As shown in image below the subject lands are not considered to be part of the Province’s Agricultural System nor are they Prime Agricultural Lands. All of Newmarket is shown as “settlement area” with no brown for Prime Agricultural Area shown within Newmarket.



Climate Change

Climate change poses a serious challenge for maintaining existing infrastructure and planning for new infrastructure, however, vulnerability assessments can help to identify risks and options for enhancing resilience. Similarly, comprehensive stormwater management planning, including the use of appropriate low impact development and green infrastructure, can increase the resiliency of our communities.

The Growth Plan policies regarding Climate Change state that: supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan and that reducing dependence on the automobile and supporting existing and planned transit and active transportation aid in mitigating the impacts on the climate. If the official plan amendment is approved, the new OP policies will require the development to be a complete community and reduce resident’s dependence on the automobile.

Allowing urban uses on the subject lands has been found to conform to the Growth Plan, as the subject lands have already been designated for urban uses in the Growth Plan. Additionally the proposed official plan policies will create a complete, compact community that will be walkable and serve the daily needs of future residents.

York Region Official Plan

Decisions with respect to planning matters are required to conform to the York Region Official Plan (YROP). The YROP designates this site mostly “Urban Area” with some of the southern lands designated “Rural Area”. The entire lands are within the Regional Greenlands System with watercourses, wetlands and woodlands are located on the lands. The subject lands are located in Wellhead Protection Areas C and D (WHPA-C and WHPA-D), as well as a Recharge Management Area (WHPA-Q), an Area of High Aquifer Vulnerability, and a Highly Vulnerable Aquifer. Figure 1 of the YROP shows the lands being in Landform Conservation Areas 1 & 2. The site is located within the Lake Simcoe Watershed and is subject to the applicable policies of the Lake Simcoe Protection Plan.

As mentioned above, the subject lands are entirely located within the Regional Greenlands System and contain a number of environmental features and associated hazard lands. The Regional Greenlands System is conceptual and is intended to be identified more specifically in the local municipal official and secondary plans. Furthermore, the YROP permits the boundaries of the Regional Greenlands System to be refined, without the need for an amendment, as the result of an approved planning application where such a refinement is supported by the appropriate technical study. Upon this refinement, development and site alteration is prohibited within the Regional Greenlands System. The current application has proposed new limits for the Natural Heritage Areas, this boundary and buffers will continue to be refined through the Secondary Plan which would follow an approval of the land use change.

The Urban Area designation strategically focuses growth to urban areas to conserve resources and create sustainable and lively communities. A range of uses are permitted in the Urban Area designation, including residential and commercial uses. The Urban Area designation is where the YROP envisions growth and development. As discussed above, there is a portion of the subject lands which are in the Rural designation. The Region’s MCR intends to place those lands in the Urban Area designation as a matter of a technical amendment.

The YROP has many policies promoting a diversity and wide range of housing types and options. These policies support the achievement of the minimum intensification and density targets of the YROP and aim to contribute to the creation of complete communities. Allowing for urban uses on the subject lands will allow for Newmarket to continue to diversify its housing stock. Currently 75% of the dwelling units in Newmarket are single detached dwellings. That is a very popular form of housing; however, having the majority of dwelling units in Newmarket being of one type does not address the

housing needs of current and future residents. People and family groups are being left out of the housing market as there are not options that meet their lifestyle and financial needs. The proposed official plan policies aim to address that shortfall. While single detached dwellings would be permitted, the policies will require a broader mix of housing forms such as townhouses, semidetached dwellings, duplex, triplexes, quadruplexes, laneway houses, coach houses etc. The new housing forms in this area could fill in the types and forms of housing that are missing, and not currently planned for, in Newmarket. Establishing urban uses on the subject lands and allowing for this diversity of housing stock will appropriately implement the Region's Urban Area designation and housing policies.

Municipal Comprehensive Review

The Municipal Comprehensive Review is an exercise undertaken by the Region that reconsiders all aspects of their Official Plan. The considerations that are relevant to this application include population forecasts and the future of the whitebelt/redesignating lands from Rural to Urban. As part of York Region's MCR work, staff have been advised that it is recommended the rural/whitebelt lands that are located between the Urban Areas of Newmarket and Aurora will be redesignated to Urban Area. At the Regional level, this relatively small piece of Rural lands that is recommended to be changed as part of the technical updates to the designations. It does not figure into the Rural/whitebelt land conversions and expansions of Urban Areas that are being proposed through the MCR.

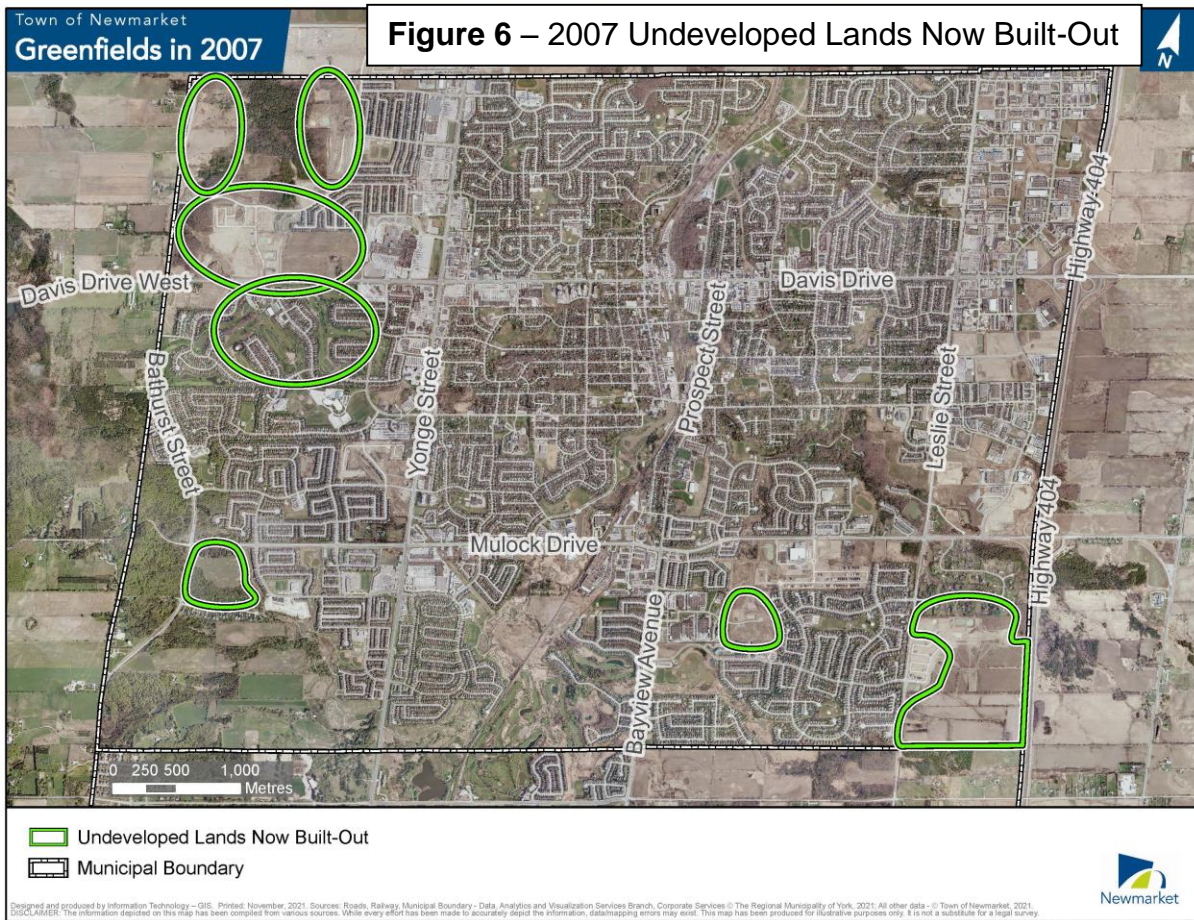
Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan (LSPP) is a provincial plan which looks to the preservation and enhancement of Lake Simcoe as a significant water body. The policies of the LSPP speak to stormwater management, subwatershed planning, wetland protection, watercourse protection, natural heritage planning, significant valley lands, ecological offsetting and phosphorus offsetting. The Lake Simcoe Region Conservation Authority (LSRCA) administers the LSPP and has advised that the proposed Official Plan Amendment conforms to the relevant sections of the LSPP.

Changes to Provincial Plans & Planning Context

Since 2003 when Council last considered development on lands in the Oak Ridges Moraine, the Provincial Policy landscape has changed. The PPS and the Growth Plan have changed, requiring planning decisions to consider market demand.

In the early 2000's there were still large portions Newmarket that were undeveloped and available as greenfield lands. Figure 6, below, shows the large tracts of greenfield development area that have since been built-out.



Since then, those lands have all been developed. Newmarket’s population has grown from 77,000 in 2006 to 90,000 now. Houses were built to accommodate all of those new residents. Council is now required to look forward to accommodate 20,700 new residents by 2051. The subject lands will provide a space for those new residents. This potential new part of Newmarket’s community also provides the opportunity to further diversify housing opportunities. Future growth will and should be accommodated in the Urban Centres, however that allows for the provision of only some kinds of housing – typically apartment style in buildings of varying height (4 to 17 storeys) and some limited new townhouses. These lands provide for the option to create new forms of ground related housing. The new Official Plan policies will permit and encourage duplex, triplex and quadruplex housing, as well as laneway housing and carriage houses, which are housing options that are currently not permitted in Newmarket. It is easier to accommodate these types of housing when the entire community has been designed with their inclusion in mind.

Town of Newmarket Official Plan – OPA 28

As previously discussed, the majority of the subject lands are subject to the 28th Amendment to the 1996 Town of Newmarket Official Plan (OPA 28). A portion of the

west side of the lands are not within the Oak Ridges Moraine and are therefore subject to the 2006 Official Plan. Those lands are currently designated Residential, and should the submitted OPA be approved their designation would also change to a new designation. Although the lands are within separate Official Plans currently, the policies discussed below would apply equally to the entire subject lands allowing for the comprehensive design for any new development.

The purpose and intent of OPA 28 has been discussed above in the Background section. The proposed new policies would maintain the protections for the natural features identified through OPA 28. They also allow for, and require, the detailed study of the natural features to understand the impacts of development and to establish appropriate buffers. As such, this amendment will be able to protect the spirit and intent of OPA 28 while allowing for new land uses and the associated community benefits discussed below.

Proposed New Official Plan Policies

Through this application, new policies guiding development on these lands can be created. It is an opportunity to raise the bar of community design in Newmarket to address the changing climate and the housing crisis. The official plan policies will endeavour to ensure the creation of a leading edge community that will be an excellent urban space and will decrease contributions to climate change. The proposed new policies (summarized below) will set a very high standard for development and consideration of modern and up to date standards for good community building.

The proposed new policies are based on three Guiding Principles:

1. Housing Affordability by providing for a mix of unit types, sizes, ownership models and tenures;
2. Addressing Climate Change through environmentally progressive housing and sustainable design; and
3. Community Focused Design to reduce car dependency.

The draft OPA document is attached as Appendix 2 to this report. At this time, only a high-level policy decision is being considered: to allow urban uses on the subject lands or not. As such, if approved, the new OP policies require a further Planning Act process to delve into all of the policy matters that have to be explored to develop a good community. The new policies require that a Secondary Plan process be undertaken to establish the design parameters for the new community. The proposed policies set the frame work for all of the areas that have to be investigated in the next stage of development. The proposed policies outline how the Secondary Plan will:

1. Protect and enhance the natural environment
2. Build a compact complete and diverse community
3. Promote efficient development patterns and standards
4. Strive for excellence through intentional place-making and urban design
5. Plan for active mobility options through the provision of complete streets

6. Set a high standard of sustainability, waste reduction, and energy and water efficiency

This would be a fully public process and it is anticipated that there would be many touch points and engagement sessions with Council and the public.

Community Benefits

In the planning context, allowing these lands to have urban uses offers benefits to the entire Newmarket community. Through Planning Act applications, and the development process, the Town can take lands into public ownership. This is a common practice. Lands are often taken into public ownership for a range of intentions from road widening purposes to the creation of new parks. As part of these future development processes, if the amendment is approved, the forests on the subject lands will be given to the Town. Trails will be created through the forests giving residents access to lands which were previously private. It has been raised several times that increased access to natural areas is essential for positive mental health and that the recent COVID lockdowns have highlighted the need for access to natural spaces. Bringing the lands into public ownership and adding trails grants access to these green spaces. If the lands remain in private ownership no access is available. Having the woodlands in public ownership also offers a better chance at proper forest management.

As mentioned, bringing the forested areas into public ownership will allow for an expansion of the Town's already extensive trail network. Trails are an excellent form of active transportation allowing for residents to travel the town without getting into their cars, as well as simply enjoying a leisurely walk. The development of a new community would increase the opportunities for trails and connectivity between Bathurst Street and Yonge Street.

Allowing urban uses on the subject lands will allow the Town and the landowner to work together to achieve a mix of housing. The proposed policies will require that housing forms beyond the standard single detached dwelling are provided. As previously discussed, providing for a mix of housing ensures there are options for all people, including affordable units, units suited to people with smaller housing needs, units for multi-generational families, etc. There is a gap in the housing types available in Newmarket and this development offers the opportunity to start to fill in that gap. Historically there have only been mainly single detached dwellings constructed in Newmarket. This well-serves one segment of the population. However, it excludes many people from homeownership. Increasing the diversity of housing forms provides more options to more people.

The community will also benefit from the higher standards of design and sustainability proposed in the new policies. It has been acknowledged that there is a climate change

emergency⁶. Requiring a higher level of sustainability in the design and construction of the new community will allow Newmarket to accommodate the projected growth while lessening its impact on the changing climate. The community design would incorporate Low Impact Development measures which ensure stormwater is returned to the ground instead of running to large stormwater ponds and through pipes and ultimately to Lake Simcoe.

Allowing for urban uses on the subject lands will also allow for the provision of new community uses. There will be new parks, trails and other public uses which will benefit all of Newmarket. This new development, if approved, will provide benefits to all Newmarket residents and not just the future residents that will live there.

Implementation

Should the Official Plan Amendment be approved, the land owner will be required to submit further official plan amendment(s) which will take the form of a Secondary Plan. This is a comprehensive exercise which will allow Council and the public the opportunity to delve into the details of the design of the new community. It will likely be one Secondary Plan/OPA which includes all the lands; however, the land owner may choose to redevelop in stages and come forward with separate Secondary Plans/OPAs for different phases.

The Secondary Plan will set the detailed policy framework for the development. The land owner will then be required to apply for Plans of Subdivision and zoning by-law amendments. Depending on the form and nature of the development, Draft Plan of Condominium and Site Plan applications may also be required. All of these processes (except Site Plan applications) are public processes with statutory requirements for public meetings and public input.

Agency Comments

Lake Simcoe Region Conservation Authority

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in terms of Section 3.1 of the PPS relating to Natural Hazards. The LSRCA reports that the development is generally outside the floodplain and that the detailed development limits will be refined through the future secondary plan.

The subject lands are partially within floodplain of tributaries of the East Holland River and there are evaluated and unevaluated wetlands on the subject lands. The presence of these two natural hazards/features require that any future development will require a permit from the LSRCA. This is a further check and balance on future development to ensure it is safe from flooding and that it does not negatively impact natural features.

⁶ Council declared a Council Emergency on January 20, 2020.

The LSRCA is supportive of the buffers proposed in the Environmental Conditions Report. The proposed 10m buffer to woodlands and 30m buffer to watercourses and wetlands will be applied to the staked boundaries of these features. These limits can be enshrined in the refined designation locations of the future secondary plan.

Overall, the LSRCA has found that the information provided in the application is sufficient to establish the general concept of Principle of Development, to re-designate the lands to a designation permissive of urban uses, and to implement measures to conserve and enhance the key natural heritage features with additional work to be required.

Region of York

York Region relies on the Lake Simcoe Region Conservation Authority (LSRCA) to review and provide comment on natural heritage matters related to the Regional Greenlands System and associated applicable provincial plans and defer to the LSRCA and their review of these matters. The LSRCA indicated they have no objections to the proposed Official Plan Amendment.

The Region does not object to the change in land uses for the lands that are currently within the lands within the Urban Areas. A decision on the Rural lands will need wait until the MCR is complete. The Region did not raise any objections to the principle of urban land uses on the subject lands. They would continue to comment and review any further Planning Act applications that are required to redevelop the lands, should the permission to change the land uses be approved. It is staff's understanding that Regional staff will recommend the portion of the subject land in the whitebelt will move from Rural to Urban as a technical amendment and will be shown as such in the mapping with the new ROP.

The Region is the approval authority for this Official Plan Amendment.

Conclusion

In conclusion, this proposal is consistent with the Provincial, Regional and local planning context. The ORMCP, the Growth Plan and Region Official Plan designate this area as settlement allowing for urban uses. The proposed official plan amendment policies ensure reasonable development to create a complete community which will add to the overall Newmarket community. The more restrictive policies of OPA 28 were successful in allowing intensification efforts in the Urban Centres to get started. Now it is time to look ahead to the next 20 years and while the Urban Centres will continue to intensify they only provide for a few built forms. New lands are required to expand the offering of housing types available to future residents. Expanding the offering of housing options not only increases consumer choice but also provides for more affordability, more entry level housing as well as 'specialty' housing for a diversity of interests – housing choices suited to seniors, multi-generational family living, special needs, etc.

This official plan amendment is supported as it can achieve the above mentioned housing diversification while still maintaining and protecting the natural features on the subject lands. Change can be accommodated benefiting current and future Newmarket residents.

The official plan amendment is found to be considered good planning, in the public interest and of benefit to current and future Newmarket residents.

Business Plan and Strategic Plan Linkages

- Extraordinary Places and Spaces
- Mix and range of housing that is affordable to all

Consultation

The public has been consulted on a variety of occasions and methods:

- Two developer lead PICs were held: May and June 2021.
- Statutory Public Meeting was held January 18th 2021.
- Information was provided on the Town's website.
- The public was invited to provide comment via the Town's online engagement platform HeyNewmarket.

This resulted in staff receiving many emails and phone calls, over 180 emails were received. The majority of emails and public comments are not in favour of developing the lands, primarily citing environmental concerns. Some respondents made comments about increasing the availability of affordable housing. Some comments reflected if the lands are to be re-designated for development that all efforts should be made to ensure the new community is sustainable, and mitigates and adapts to climate change.

Many comments were submitted that residents need green space and as such these lands should not be developed. However, the lands are currently in private ownership and do not contribute to Newmarket residents accessing green space.

Many public comments are focused on the natural heritage and hydrogeologic aspect of the application. The Town, Region and the LSRCA will ensure through the future planning applications and subsequent development reviews that the environmental features (groundwater recharge, wetlands and woodlands) will be preserved and protected.

The public comments have been heard and it is felt that the proposed OP policies will ensure these concerns are understood while also allowing for the urban uses and community benefits.

Human Resource Considerations

None.

Budget Impact

None at this time.

Attachments

Appendix 1 – Area of deferred decision (lands not subject to OPA 32, at this time)

Appendix 2 - Draft Official Plan Amendment text

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