



PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

September 26, 2016

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-38

TO: Committee of the Whole

SUBJECT: Coordinated Provincial Plans Review – Oak Ridges Moraine Background
NP-16-38

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2016-38 dated September 26, 2016 regarding the Coordinated Provincial Plans Review – Oak Ridges Moraine Background be received for information purposes.

PURPOSE OF THIS REPORT

Staff Report 2016-28 was deferred at the August 28 Committee of the Whole meeting in response to a request for deferral submitted to the Town. This Report supports an earlier report's (Staff Report 2016-28) recommendation that staff submit the Town's comments on the coordinated Provincial Plan Review to the Region of York and the Province. This Report also provides background information regarding the existing Official Plan designations that are in place in the area of the Town that overlaps with the Oak Ridges Moraine.

COMMENTS

A large portion of the southwest quadrant of the Town is located within the Oak Ridges Moraine area, and is therefore governed by the Oak Ridges Moraine Protection Plan (2002).

The following comments are set out in Report 2016-28 as part of staff's comments on the Oak Ridges Moraine Protection Plan review:

- *"It is recommended that the portion of the Oak Ridges Moraine lands within the southwest area of the Town, which are shown as "Settlement Area" in the Oak Ridges Moraine Conservation Plan but have been designated as Environmental Protection lands in Newmarket's Planning documents, be re-designated from "Settlement Area" to be consistent with the Town's Planning documents. These lands are outside of the urban boundary as defined through the Town's Planning documents and are*

not needed to support growth. This position is consistent with the Town's previous position and a previous OMB Order.

- *It is understood that Provincial staff will be meeting with municipalities to discuss such mapping revisions, **Town staff formally request such a meeting.***
- *If the mapping revision described above is not implemented, it is recommended that a policy be included in the new ORMCP that provides a clear framework for amendments initiated by municipalities in these instances."*

As background for these comments, these lands have been protected by various Town and Regional Planning documents, as well as an Ontario Municipal Board (OMB) decision, for approximately 20 years. The summary below provides a chronology of how the current ORM designations on the lands came to fruition over this time period.

In the mid 1990's, the Province began discussions about creating legislation intended to preserve the Oak Ridges Moraine. At the time, the Town was undertaking an Official Plan review, and although no formal Oak Ridges Moraine legislation was in place, the lands in the Town that were within the Oak Ridges Moraine area were designated "Oak Ridges Moraine". Section 6.7.1.2 of the 1996 Official Plan stated that lands within this designation were being studied by the Province to determine the impact of development to the moraine and examine measures to ensure its long term protection. Moreover, this Policy stated that the Province had expressed an interest in land uses on the moraine as a means of ensuring that development applications submitted prior to the release of a Provincial strategy would not conflict with such a Provincial strategy.

This Provincial strategy came out as the "Oak Ridges Moraine Conservation Plan" (ORMCP) in 2002. This Plan contained four land use designations - Natural Core Areas, Natural Linkage Areas, Countryside Areas and Settlement Areas. The moraine area within the Town was designated "Settlement Area", aside from the area west of Bathurst Street which was designated "Natural Core Area".

During the following year, 2003, the Town passed Official Plan Amendment 28, which amended the 1996 Official Plan to bring it into conformity with the ORMCP. Rather than simply inserting the ORMCP designations, Council at the time sought to provide the greatest amount of protection to these lands as provided by the implementation sections of the ORMCP. Council made this decision based largely on the findings of the "Natural Heritage Pilot Project" which was being undertaken the same year by the Town. This Project found that there is a significant concentration of sensitive, significant and high functioning ecological features within the Town's moraine area which would qualify for additional levels of protection.

This additional protection was expressed through an amendment to the Town's Official Plan (OPA 28) which implemented a range of designations over the moraine area, all of which provided greater levels of protection than the ORMCP's "Settlement Area" designation.

As per its statutory review period, the Town's Official Plan was reviewed and updated in 2006. One of the elements brought into the 2006 Official Plan was OPA 28. Therefore, OPA 28 forms part of the current Official Plan for the Town.

Following approval of the 2006 Official Plan, in 2006 a development application was submitted on lands located within the ORM area of the Town, which was therefore subject to OPA 28. Known as the Mademont application, this submission proposed 448 residential units on approximately 29 ha of moraine lands. Staff did not support the application based on three fundamental areas of concern: (i) the ecological integrity of the Oak Ridges Moraine; (ii) required servicing connections across Armitage Creek; and (iii) growth management and conformity issues with the Provincial Growth Plan. The application was appealed by the applicant to the OMB and Council authorized staff to defend against the appeals.

The OMB's decision on the Mademont application supported the Town's position, agreeing that the area was not appropriate for development given its concentration of ecological features and proximity to Oak Ridges Moraine Natural Core Areas. Also significantly, the Decision confirmed that applying a more restrictive designation was within the rights of the municipality and implemented the ORMCP's stated goal of "maintaining, and where possible improving or restoring, the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and the related ecological functions."

The above chronology summarizes the key events that led to the existing land use designations in the Town's Official Plan, as well as their justification. However, in parallel to the environmental basis for preserving the lands, there is a growth management basis as well. In 2007, the Region of York undertook a growth management exercise as per the requirements of the Growth Plan. During this process, it was concluded that the Town's moraine area was not required to accommodate the Town's growth targets. Moreover, an increasing number of planning policies were emerging at the time that directed growth to areas more suitable for development in terms of walkability, access to transit and ensuring efficient use of servicing infrastructure, which ultimately led to the creation of the Urban Centres Secondary Plan.

Regarding the issue of an east/west mid-block collector running between Yonge Street and Bathurst Street connecting these two arterial roads and bisecting the moraine lands, staff are aware that discussions have taken place with senior staff within the Region's Transportation Department in support of implementing this connection. The basis for the connection can be drawn from the Region's recently adopted Transportation Master Plan, which includes an objective to "develop a road network fit for the future" and the corresponding policy principle of developing a "finer grid street network". Staff submit that such a collector road would not be required in the absence of the area being developed, however, future development of the Oak Ridges Moraine lands may result in the need for such a connection. Conversely, should a decision be made at the Regional level to introduce a mid-block collector in this location, it would no doubt encourage adjacent development.

Staff's comment regarding re-designating the lands (first bullet above) was provided as an effort to increase the consistency between the Town's ORM designation in the Official Plan and the designations in the Oak Ridges Moraine Protection Plan. Given Council's previous direction to provide the greatest

amount of protection to these lands as possible under the ORMCP, the Town's previous position at the OMB, and finally to be consistent with previous comments submitted to the Province regarding the land use designation in this area, staff feel that submitting a request to align the ORMCP with the Town's Official Plan designations in this area through the current Coordinated Provincial Plans Review process is a logical next step.

It is anticipated that this issue will be dealt with in greater detail through discussions with Provincial staff, as per the second bullet above. In the event that this mapping change is not implemented, it is recommended that a policy be included in the new ORMCP that provides a clear framework for amendments initiated by municipalities in these instances, as per the third bullet above.

It should be noted that any application that proposes development within the Oak Ridges Moraine lands would require an amendment to the Official Plan. Notwithstanding the above summary and staff's previous position at the OMB, any such application would be assessed on its own merits and planning context at the time of submission.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well-respected:

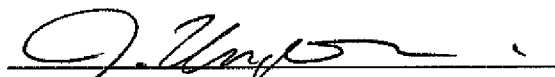
- Being an influential contributor to regional and provincial affairs.

CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca



Adrian Cammaert, MCIP, RPP, CNU-A
Senior Planner, Policy



Jason Unger, MCIP, RPP
Assistant Director of Planning



Rick Nethery, MCIP, RPP
Director of Planning & Building Services



Peter Noehammer, P. Eng.
Commissioner Development & Infrastructure
Services