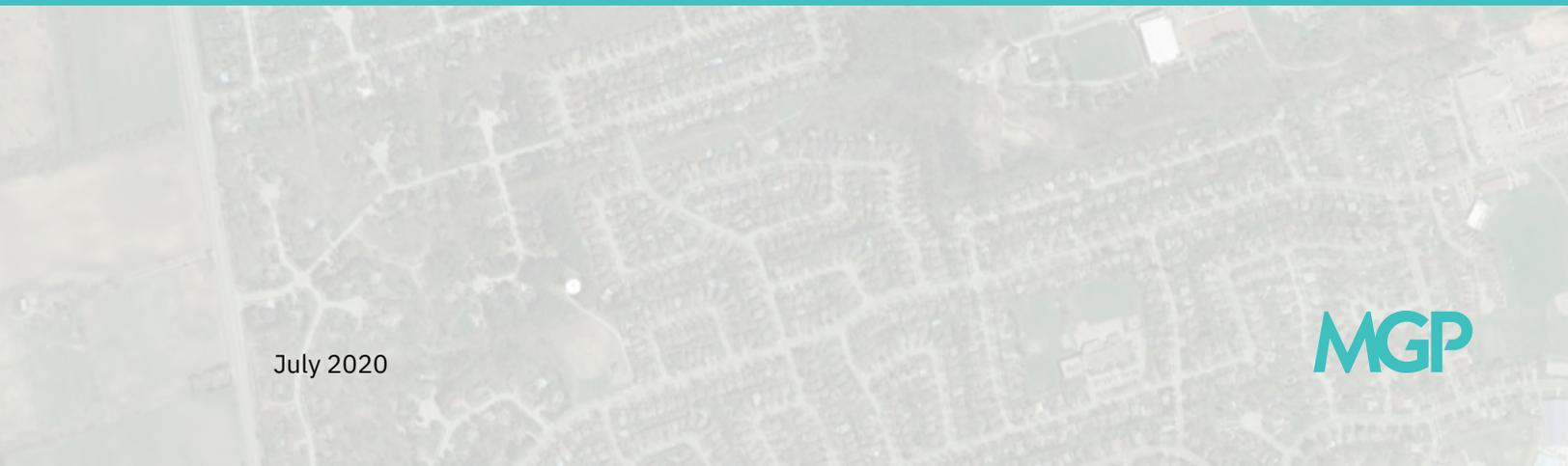




# PLANNING OPINION REPORT

Shining Hill  
16250, 16356 & 16450 Yonge Street, Newmarket

Prepared For:  
Shining Hill Estates Collection Inc.



July 2020

**MGP**



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**Official Plan Amendment**

## **Planning Opinion Report**

**Shining Hill Estates Collection Inc.  
Newmarket, ON**

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**Prepared by:**

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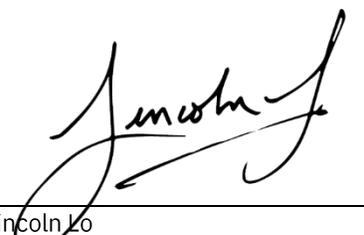


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# Executive Summary

Shining Hill Estates Collection Inc. (“Shining Hill”) is seeking to develop 155 hectares (~385 acres) of consolidated lands into a complete community consisting of a diverse range of land uses where people can live, work and shop. These lands, owned entirely by Shining Hill, are located at the northwest corner of Yonge Street and St. John’s Sideroad straddling the Town of Aurora and Town of Newmarket municipal boundary (“Shining Hill Lands”). The development concept at full build-out is proposed to have 3,300+ residential units in a range of low, medium and high-density built forms, parks and open space, institutional uses, stormwater management facilities, and service commercial uses.

This proposal represents a unique community building opportunity. It is rare for such a large contiguous area of land, under singular ownership, to be available for comprehensive planning and development within the built-up urban area. The assembly of lands will allow for the creation of a complete community that locates development in appropriate areas while protecting identified natural heritage features.

Shining Hill is developing its lands in multiple phases. This report supports the Shining Hill Central Newmarket portion of the development, consisting of 83 hectares in the Town of Newmarket (“Subject Lands”). Shining Hill Central Newmarket is of key importance to the larger development concept, both in terms of location and significance, accounting for almost half (54%) of its landholdings.

The purpose of this application is to re-designate the remaining Newmarket Shining Hill landholdings to a designation permissive of urban uses to establish the principle of development (where applicable). This re-designation will feed into the Land Needs Assessment prepared as part of the Region’s Municipal Comprehensive Review (“MCR”). At a Regional level, the goal of the application is to indicate that the developable portions of the Subject Lands currently in the Oak Ridges Moraine should be brought into the Urban Area. It is our understanding that should this application be adopted by local Council; the final approval will occur when the Region approves their Regional Official Plan Amendment (ROPA) as part of their MCR process.

This application is Step 1 in a two-step process. It is our intention to submit a privately initiated Secondary Plan that sets out the detailed policy framework, land use designations, road network, and parks and trail system for the Shining Hill Central Newmarket lands. It is anticipated that the application will be an iterative process with the Town of Newmarket, Town of Aurora, York Region, and LSRCA to ensure that development is proceeding in a manner as envisioned by all agencies. Similar to Step 1, the final approval of the Secondary Plan will occur when the Region approves their ROPA as part of the MCR process.

We anticipate that the Secondary Plan process will include a comprehensive set of studies that may include (but not limited to):

Planning Opinion Report	Landscape Plan
Natural Heritage Evaluation	Archaeological Assessment
Functional Servicing/Stormwater Report	Noise Study
Transportation Mobility Plan	Hydrogeological Analysis
Urban Design Brief	Geotechnical Investigation Report
Conceptual Elevations	Communication Implementation Plan
Arborist Report / Tree Preservation Plan	Phase 1 (and 2) ESA
Master Environmental Servicing Plan	Community Energy Plan and Solar Design Strategy
Greenlands System Plan	Phasing and Detailed Sequencing Plans
Cultural Heritage/ Resource Identification	Affordable Housing Implementation Strategy

Figure ES-1: Subject Lands

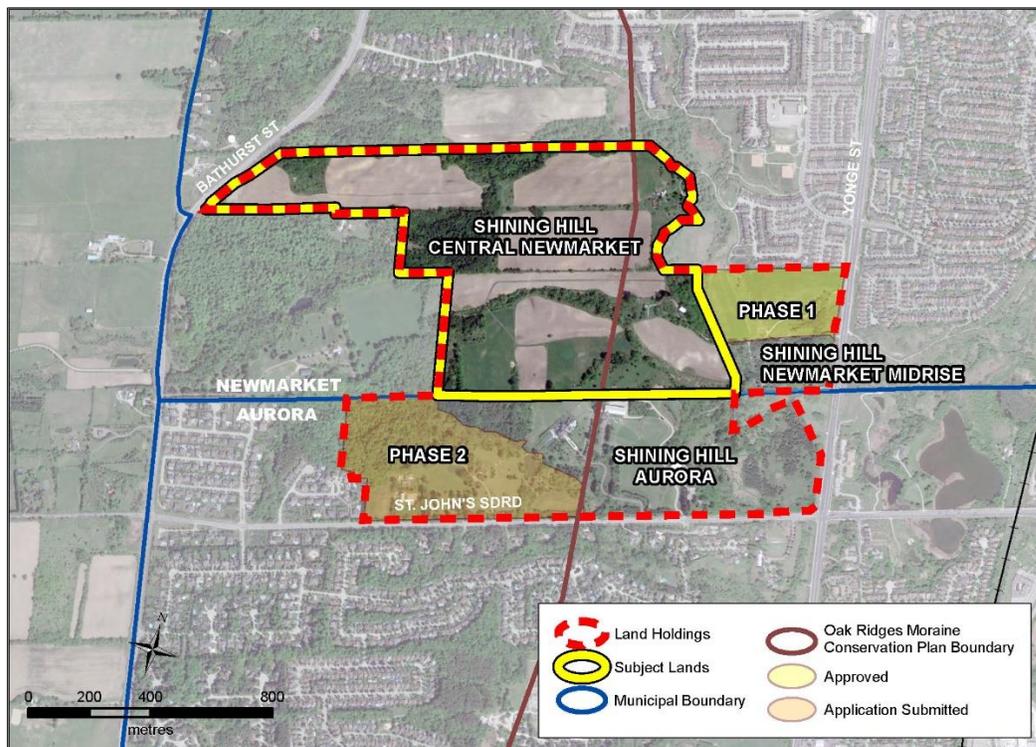
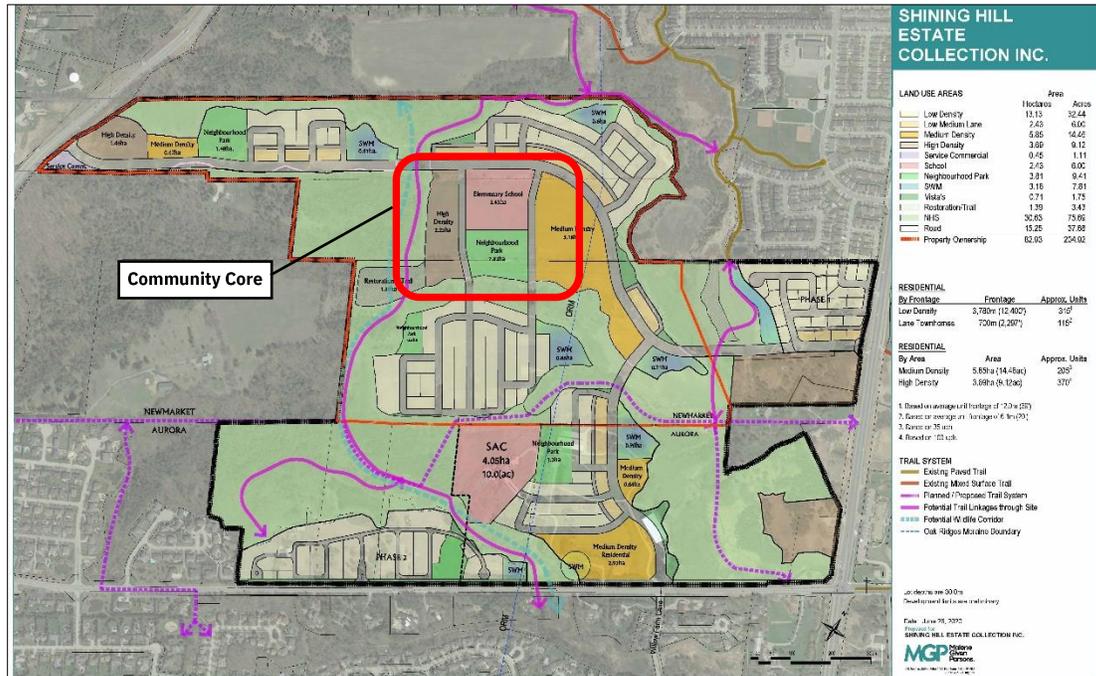


Figure ES-2: Shining Hill Development Concept



Development of the Subject Lands will provide an east-west collector road between Yonge Street and Bathurst Street, as well as a significant portion of the proposed open space and parks. It is anticipated that approximately 1,000 residential units of the proposed 3,300+ will be accommodated on the Subject Lands in a variety of low, medium and high-density built forms. Through the approvals process, approximately 31 hectares of natural heritage lands will also be transferred to the Town of Newmarket and made publicly accessible.

The majority of the Subject Lands are undeveloped and are either actively being farmed or contain natural heritage features. The proposed urban uses are will be located exclusively on the farmed acreage.

The Town of Newmarket Official Plan designates the western portion of the Subject Lands as *Environmental Protection – Oak Ridges Moraine*, which restricts any form of urban land uses. The eastern portion of the Subject Lands are designated Stable Residential, Parks and Open Space and Natural Heritage System. An Official Plan Amendment is required to re-designate the Subject Lands to permit development as proposed. This Report has been prepared in support of the required application.

**OFFICIAL PLAN LAND USE DESIGNATION (ON THE ORM)**

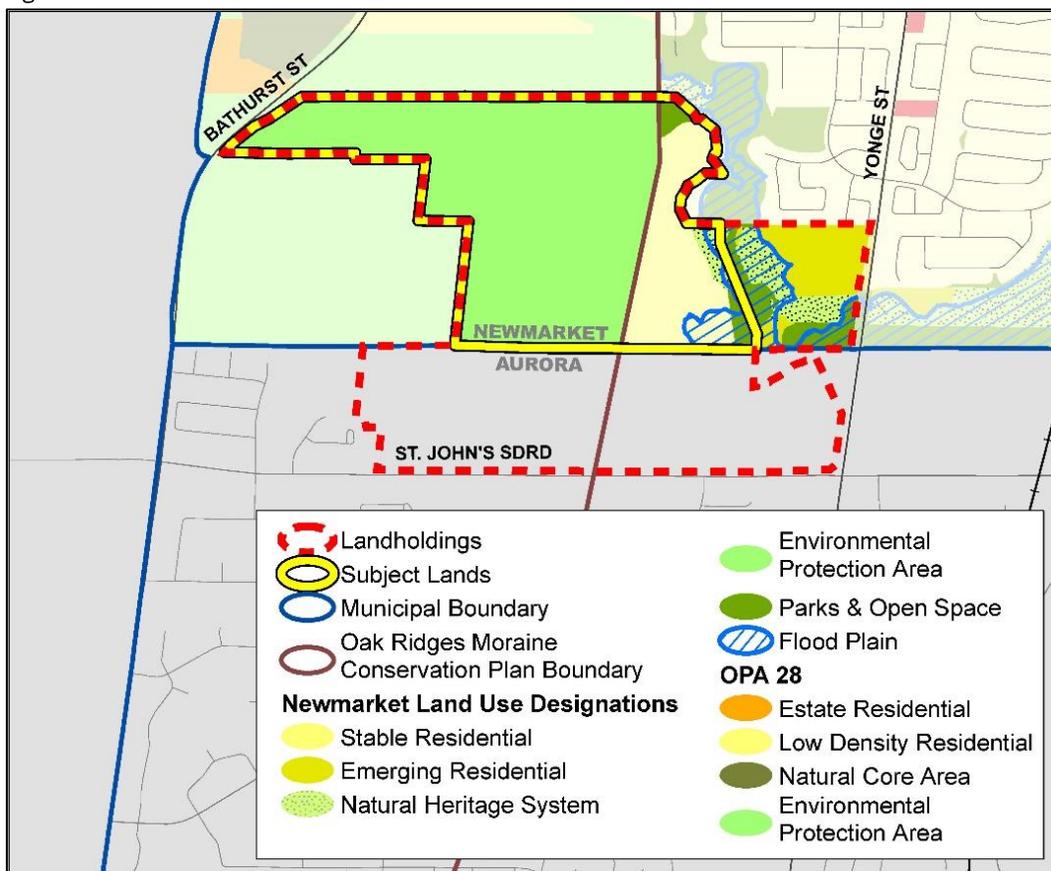
The western portion of the Subject Lands are located within the Oak Ridges Moraine Plan Area and are designated *Settlement Area* in the Oak Ridges Moraine Conservation Plan. *Settlement Areas* are areas designated for development of an urban type including those proposed by Shining Hill.

Most municipalities with lands designated *Settlement Area* permit urban uses of these lands while ensuring that protections are in place for identified natural heritage features.

In York Region, King City, Stouffville, and portions of Vaughan, Richmond Hill, and Aurora are designated *Settlement Area* in the Oak Ridges Moraine Conservation Plan. Each of these communities adopted Official Plan Amendments that allowed urban development within the *Settlement Area* designation.

The approach taken by the Town of Newmarket with the Subject Lands are an exception. As part of its Oak Ridges Moraine Conservation Plan conformity exercise in 2003, the Town passed Official Plan Amendment 28 (“OPA 28”) designating the western portion of the Subject Lands as *Environmental Protection – Oak Ridges Moraine*. This designation prohibits any form of urban development. The Town decided to restrict urban development largely based on the findings of the Town’s draft 2003 Natural Heritage Pilot Project.

Figure ES-4: Schedule 1 – Newmarket Land Use Plan



The draft 2003 Natural Heritage Pilot Project identified natural heritage features on the portions of the Subject Lands that Shining Hill is proposing should remain protected. The areas identified in the Pilot Project that did not have any natural features generally correspond to the presently farmed acreage. It is these farmed areas that Shining Hill is proposing for urban uses.

In support of the Shining Hill application, an Environmental Conditions Report has been prepared based on current field work. It characterizes and inventories the natural heritage features and wildlife activity on the Subject Lands and establishes principles to protect these

features.

### **THE PROPOSED DEVELOPMENT IS GOOD PLANNING**

Given the scale of the proposed application and complexity of the planning policy framework, the purpose of this Planning Opinion Report is to establish that urban uses on the Subject Lands are appropriate, supportable, and represent good planning. It should be noted that the principle of development has already been established on the portion northeastern portion of the Subject Lands, which is outside of the ORM.

The Subject Lands represent the last remaining vacant property of this size that is surrounded by development that can accommodate this scale of ground-oriented housing while also providing an opportunity to deliver density along rapid transit corridors and primary arteries.

Development of the Subject Lands minimizes land consumption and servicing costs by making efficient use of vacant land in an area where servicing can be provided with minimal extensions to infrastructure. This is especially important considering the constraints posed by the delayed Upper York Wastewater Treatment Plant. Shining Hill is conducting its own Inflow and Infiltration investigation to locate potential capacity for the development of the Subject Lands and other parts of Newmarket.

The Subject Lands, and the greater Shining Hill Lands, remain privately owned. The overall development concept proposes to transfer approximately 78 hectares of natural heritage green space to public ownership, of which approximately 31 hectares are located in the Subject Lands. This will allow the Town to extend its existing trail and path system and connect to systems that currently terminate at the privately-owned lands (a conceptual trail network is shown in the Concept Plan).

Development of the Subject Lands will also assist the Town in meeting its growth targets. Presently, the Town of Newmarket is mostly built-out. Any future growth will have to be accommodated through intensification. Newmarket is prioritizing intensification in its Urban Centres Secondary Plan Area, however growth to date has not met forecasted expectations.

Development of the Subject Lands, in combination with the Town's intensification efforts in its corridors and centres, will allow the Town to provide a broad complement of housing options that will serve all sizes, incomes, and ages of households in accordance with provincial and regional policies.

The reality is that easily developable land is growing increasingly scarce and housing affordability is eroding. The Shining Hill development represents an opportunity to create a complete community that provides a mixture of ground-oriented and high-density dwellings while protecting identified natural heritage features.

This Planning Opinion Report demonstrates that the proposal implements the policies of the Growth Plan, the York Region Official Plan and the Town of Newmarket Official Plan. It is consistent with the Provincial Policy Statement (2020), Oak Ridges Moraine Conservation Plan and Lake Simcoe Protection Plan.



# 1.0

## Background

*Malone Given Parsons Ltd. has been retained by Shining Hill Estates Collection Inc. to assist in obtaining planning approvals for a development comprised of a mix of residential and commercial uses.*

*This report supports the following development applications:*

- *Official Plan Amendment (OPA) to the Town of Newmarket Official Plan to re-designate the Subject Lands to Emerging Residential with site-specific policies, Natural Heritage System, Parks and Open Space and Environmental Protection Area – Oak Ridges Moraine.*

### 1.1 Overview

Malone Given Parsons Ltd. (MGP) are the planning consultants for Shining Hill Estates Collection Inc. (Shining Hill) owners of 155 hectares (~385 acres) at the northwest quadrant of Yonge Street and St. John's Sideroad straddling the Town of Aurora and Town of Newmarket municipal boundary ("Shining Hill Lands").

Shining Hill is proposing to develop its large consolidation of land into a complete community consisting of a diverse range of land uses where people can live, work and shop. Development of the Shining Hill Lands represent a unique community building opportunity. It is rare for such a large contiguous area of land, under singular ownership, to be available for comprehensive planning and development that is surrounded by urban development.

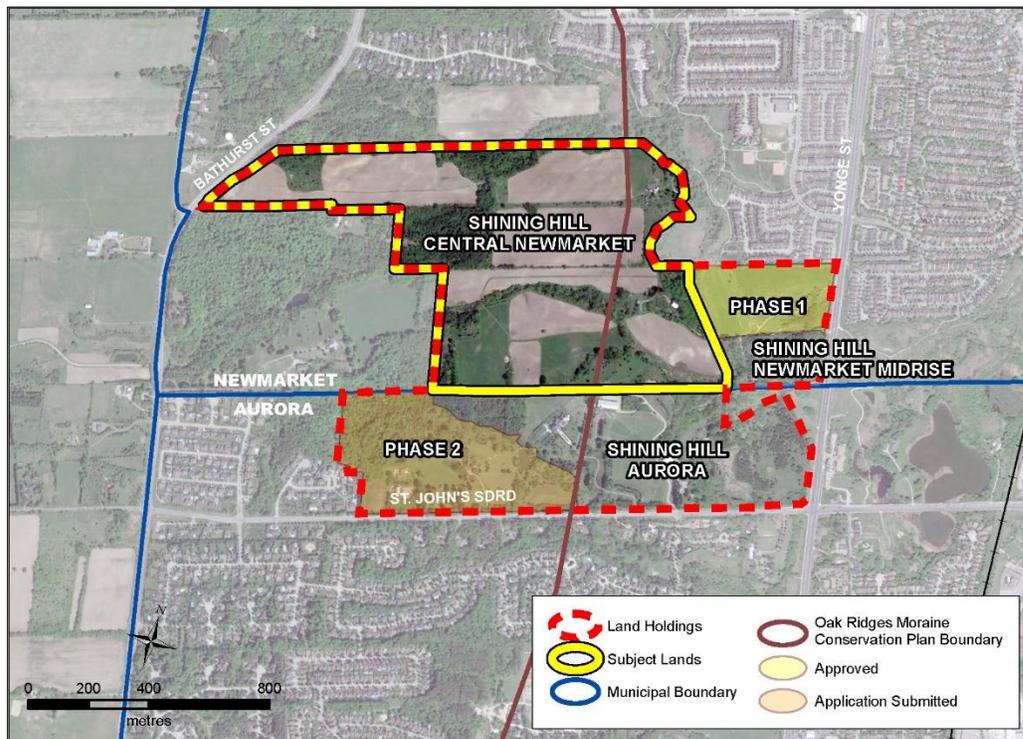
The Shining Hill Lands are proposed to be developed in phases, with parts of its landholdings already in varying stages of development. The proposed overall development is composed of the following:

- **Phase 1 (Approved):** A 14-hectare (34 acre) portion of the Shining Hill landholdings along Yonge Street, north of St. John's Sideroad in the Town of Newmarket was recently approved. It consists of 179 residential units with a mix of singles, semis and townhomes. (OPA 21/ZBA 2018-17/19TN-2018-01)

**Phase 2 (Ongoing):** An Official Plan Amendment application to allow a residential subdivision consisting of 90 single-detached dwellings have been submitted to the Town of Aurora and is currently under review. (OPA-2081-01/ZBA-2018-02/SUB-2018-02). The lands are within Aurora's Built-Boundary and have been previously designated for large estate lots. A public meeting was held on June 26, 2019.

- **Shining Hill Central Newmarket (this phase):** Consists of the majority of the remaining area in the Shining Hill Lands within the Town of Newmarket. A range of urban uses are proposed on the lands currently used for farming. The existing significant natural features and their associated buffers (31 hectares - non-farmed lands) are to be protected. The proposed development concept includes a mix of low, medium and high density residential units, parks, school, and commercial uses. An east-west collector road stretching from Yonge to Bathurst is also proposed.
- **Shining Hill Aurora:** Consists of the lands remaining within the Town of Aurora. The proposed development consists of a mix of low, medium and high density residential units and parks. The lands are designated Institutional and Commercial and will require an Official Plan Amendment to re-designate the lands for residential uses. The portion along Yonge Street, north of St. John’s Sideroad are proposed to accommodate a high-density residential development (~700 units in three mid-rise buildings) to take advantage of its Yonge Street frontage and proximity to planned higher-order transit.
- **Shining Hill Newmarket Midrise:** An 8 acre parcel located immediately south of the Phase 1 lands adjacent to Yonge Street. These lands are proposed for high-density residential uses to maximize the transit investment planned on Yonge Street. Approximately 1,000 units are contemplated in four mid-rise buildings.

Figure 1.1 Overall Shining Hill Development Concept



The purpose of this report is to provide a planning opinion in support of the Shining Hill Central Newmarket lands (herein referred to as the “Subject Lands”) of the development. This component of the development will require an Official Plan Amendment (OPA) application to re-designate the farmed lands into an appropriate designation to permit urban uses (where applicable).

## 1.2 Subject Lands and OPA Request

The Subject Lands are largely within the Oak Ridges Moraine and are municipally known as 16250, 16356, and 16450 Yonge Street.

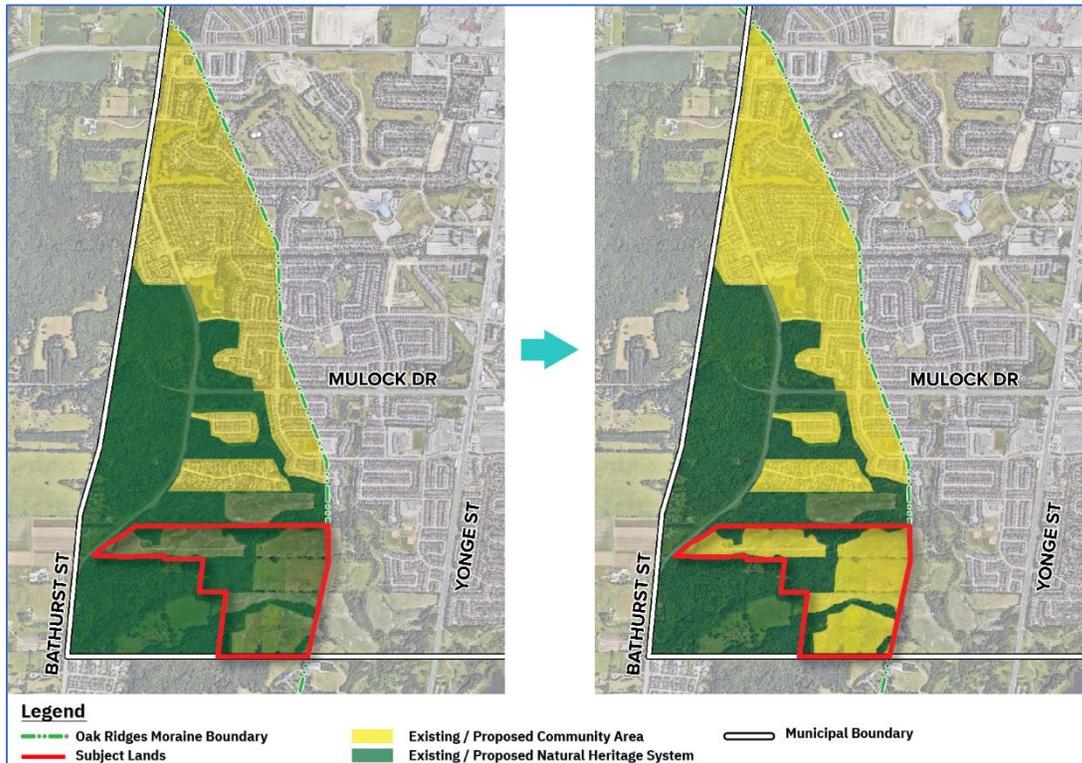
The western portion of the Subject Lands are designated *Settlement Area* in the Oak Ridges Moraine Conservation Plan (“ORMCP”) and are designated *Environmental Protection - Oak Ridges Moraine* (“EPA-ORM”) in the Newmarket Official Plan. The eastern portion of the Subject Lands are located outside of the ORMCP and are designated Stable Residential, Parks and Open Space and Natural Heritage System in the Newmarket Official Plan. An amendment is required for the proposed development as the *EPA-ORM* designation does not permit urban development and the Stable Residential designation does not permit medium density residential uses.

The OPA application will seek to:

- Re-designate the portion of the Subject Lands currently being farmed to a designation that permits a range of uses including residential (of varying densities), neighbourhood commercial, institutional, and parks and open space. Using the designations currently present in the Newmarket Official Plan, this would require a re-designation from *EPA-ORM* and *Stable Residential* to *Emerging Residential* with site-specific provisions.
- Maintain the *EPA-ORM* designation for approximately 31 hectares of woodlands, streams and wetland, in addition to maintaining and expanding the *Natural Heritage System* and *Parks and Open Space* designations.

Figure 1.2 below illustrates how the Newmarket ORM lands are currently designated (left), and generally that portion of the OPA being proposed (right).

Figure 1.2 Proposed Amendment to the Newmarket Official Plan (OPA 28)



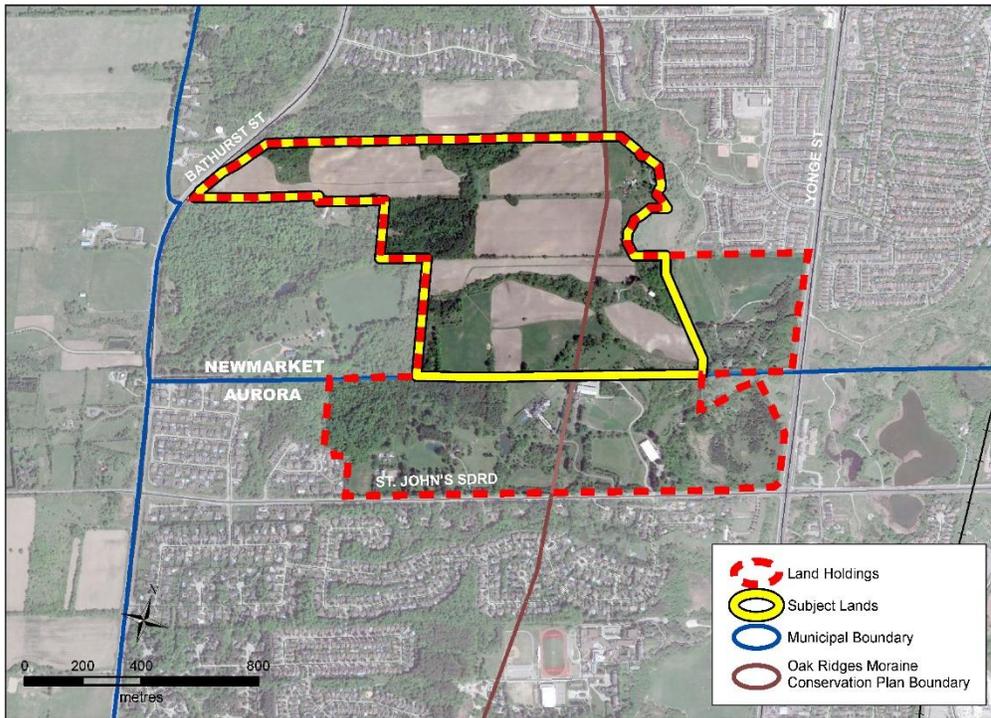
### 1.3 Location & Context

The Subject Lands are located north of St. John’s Sideroad, between Yonge Street and Bathurst Street in the Town of Newmarket. They are comprised of three parcels totalling 83 hectares (205 acres). The full legal description is provided in Table 1.1.

Table 1.1 Legal Description

#	Legal Description of Property	Municipal Address
1	PT LOT 87, CON 1 KING PT 2, 65R15065; NEWMARKET; S/T R709924	16250 Yonge Street
2	PT LT 88 CON 1 (KI), PT 3, 65R23137, SAVE & EXCEPT PT 1, 65R24368; NEWMARKET. T/W EASE OVER PT LT 88 CON 1, PT 1, 65R24368, AS IN YR273671; T/W EASE OVER PT LT 88 CON 1, PTS 2 TO 9 INCL. 65R25743 AS IN YR273639 (PARTIALLY RELEASED BY YR422823)	16356 Yonge Street
3	PT LT 88 & 89, CON 1 (K) PT 1 65R23138 EXCEPT PT 1, 6 & 7 65R23397 & EXCEPT D999, NEWMARKET. T/W TEMP ROW OVER PT LT 88 CON 1, PT 12 65R23397 AS IN LT1590192. SEE YR263891 FOR FULL & PARTIAL RELEASES OF EASEMENTS. T/W EASE OVER PT LTS 88 & 89 CON 1 (K) PTS 1, 2, 3, 4 & 5 65R25356 AS IN YR263890. SEE YR263892 FOR PARTIAL RELEASE OF EASEMENT, SEE YR293593 FOR PARTIAL RELEASE OF EASEMENT TOWN OF NEWMARKET	16450 Yonge Street

Figure 1.3 Subject Lands and Surrounding Context



## 1.4 Description of the Lands

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. The following summarizes the surrounding uses:

### To the North:

- Residential dwellings

### To the South

- Estate Residential Dwellings within Town of Aurora

### To the East:

- Vacant Lands, Residential Uses, Yonge Street

### To the West

- Bathurst Street, Vacant Lands, Estate Residential Dwellings

Figure 1.3 illustrates clearly the area within the Subject Lands that are currently being farmed where development is proposed to be focused. It also provides context of the surrounding area showing urban uses to the south, north and east. Development of the Shining Hill lands is a logical extension of the surrounding communities and can be serviced with minimal extensions to existing infrastructure.

## 1.5 Subject Lands History

The western portion of the Subject Lands are located within the Oak Ridges Moraine. The Oak Ridges Moraine Conservation Act, 2001 and the accompanying Oak Ridges Moraine Conservation Plan (“ORMCP”) established a policy framework for protecting the ecological and hydrological function of the Oak Ridges Moraine. The ORMCP divides the Moraine into four land use designations: *Natural Core*, *Natural Linkage*, *Countryside*, and *Settlement Areas*. Of the four designations, only *Settlement Areas* permit urban uses as the other three designations restrict the creation and development of new lots. The ORMCP designates that portion of the Subject Lands as *Settlement Area*.

Following the release of the ORMCP, the Province required municipalities to amend their respective Official Plans to bring them into conformity with the ORMCP. Most municipalities with lands designated *Settlement Area* allow for urban uses on these lands while ensuring that protections are in place for natural heritage features, as allowed in the *Settlement Area* designation of the ORMCP.

In York Region, King City, Stouffville, and portions of Vaughan, Richmond Hill, and Aurora and are designated as *Settlement Area* in the ORMCP. Each of these communities adopted Official Plan Amendments that allowed urban development in *Settlement Areas*.

The approach taken by the Town of Newmarket regarding the Subject Lands are an exception. In 2003, as part of its ORMCP conformity exercise, the Town passed Official Plan Amendment 28 (OPA 28), designating the entirety of the western portion of the Subject Lands as *Environmental Protection Area – Oak Ridges Moraine*. This designation prohibits urban development despite its *Settlement Area* designation (see Figure 1.4 below).

Figure 1.4 Schedule 1 – Official Plan Land Use

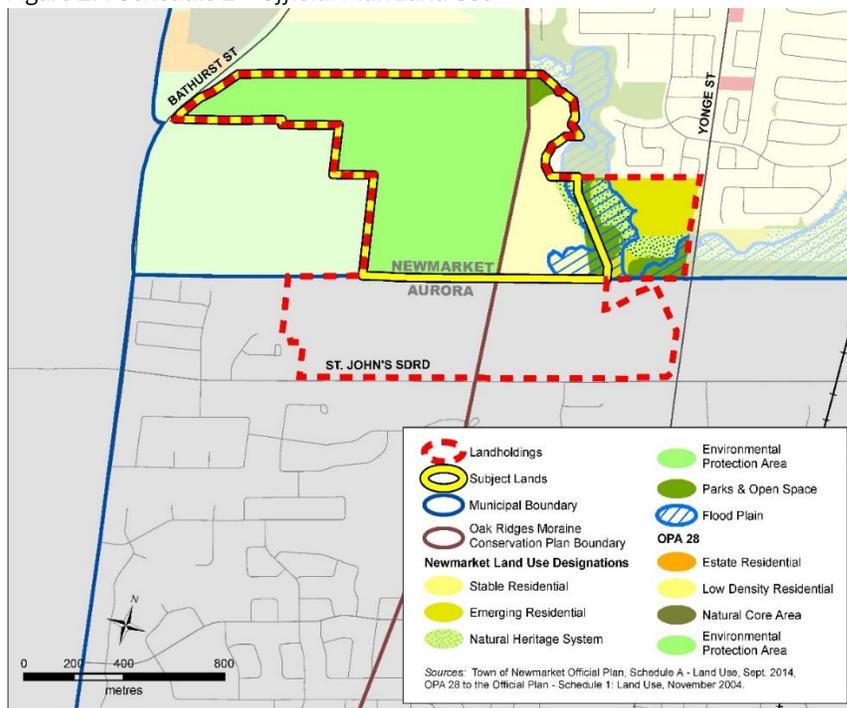
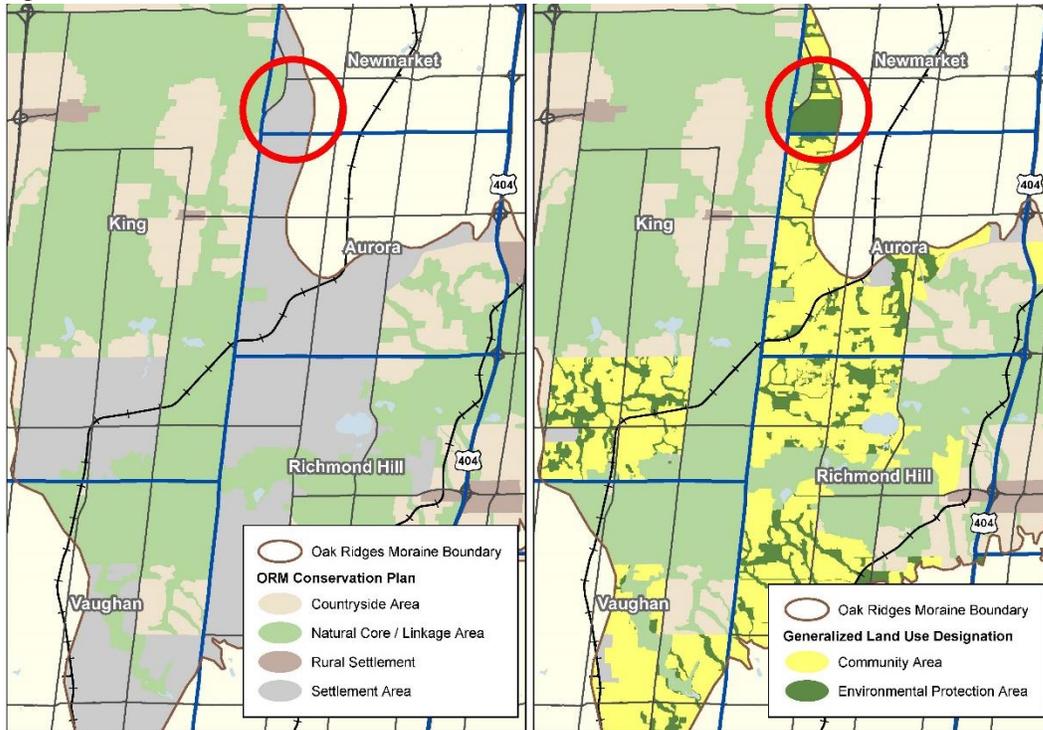


Figure 1.5 provides a generalized comparison of the land use designation of the Subject Lands relative to other lands designated *Settlement Area* in adjacent municipalities. See Appendix ‘A’ for a full-size version.

Figure 1.5 ORMCP Settlement Areas



The land use designations approved through OPA 28 was largely based on a draft “2003 Natural Heritage Pilot Project” prepared by the Lake Simcoe Region Conservation Agency (“LSRCA”) that was never finalized.

OPA 28 does not identify significant woodlands (Schedule 10) or hydrological features (Schedule 11) in the areas where urban development is being proposed on the Subject Lands. Nevertheless, it still designates the entire western portion of the Subject Lands as *Environmental Protection – Oak Ridges Moraine*, freezing any future development in appropriate areas.

In support of the Shining Hill application, an Environmental Conditions Report has been prepared by GeoProcess based on current field work. It characterizes and inventories the natural heritage features and wildlife activity on the Subject Lands and establishes principles to protect these features.

#### Mademont Application

In 2006, Mademont Investment Inc. submitted an application to the Town of Newmarket proposing a development consisting of 448 residential units and neighbourhood commercial uses abutting Bathurst Street (“Mademont Application”). The lands subject to the Mademont Application are within the Subject Lands (16450 Yonge Street), with approximately 28 hectares located in the ORM, subject to OPA 28.

In 2008, the Mademont application was appealed to the OMB (PL070821). During the hearing process, the Board would first determine whether the principle of development had been established on the Mademont lands. If so, they would proceed to evaluate the proposed Official Plan and Zoning Bylaw Amendment applications.

In its decision, the OMB concluded that the Town had established that urban development was to be restricted through OPA 28 (designating the lands *EPA-ORM*), and it did not support the development application that Mademont had proposed.

As the principle of urban development was not established on the Mademont lands, evaluation of the OPA and ZBA was not required. In its decision, the Board Member goes on to note that the Town has the right to impose a more restrictive land use, stating:

*“In the Board’s determination, so long as it is in conformity with the upper-tier planning instruments, which it is, the Town of Newmarket is uniquely placed and best suited to determine more restrictive designations for the lands found within its boundary in the Oak Ridges Moraine and the EPA designation is appropriate”*

The Board was persuaded by evidence indicating that the evaluation of environmental impacts on a site-by-site basis would have the effect of encouraging piecemeal development resulting in a decline of the Town’s ecological features and functions.

Since this OMB decision, Shining Hill has assembled 155 hectares (~385 acres) of land surrounding and including the Mademont Lands in one contiguous landholding. This consolidation represents the majority of remaining vacant lands in the southwestern quadrant of the Town of Newmarket. While the OMB determined the Mademont Application (~28 ha.) to potentially be a precursor to piecemeal development, the Shining Hill application represents an opportunity to comprehensively plan a significant area in the Town of Newmarket that will protect natural heritage features, while allowing development to proceed where appropriate.

In light of new provincial planning policy and updated environmental research via the Environmental Conditions Report prepared by GeoProcess, MGP believes that the Town will be able to determine that a balanced approach to development of the Subject Lands is appropriate today.

Since the adoption of OPA 28 in 2003 and the release of the Mademont decision in 2008, provincial policy has changed to place greater emphasis on development that efficiently uses land and resources in *Settlement Areas* prior to any boundary expansions. The Shining Hill application presents an opportunity to locate growth on the farmed acreage within the Subject Lands while providing adequate protection to the existing natural heritage features and functions.

## 1.6 Purpose of Application

Given the scale of the proposed application and complexity of the planning policy framework, the purpose of this Planning Opinion Report is to establish that urban uses on the Subject Lands are appropriate, supportable, and represent good planning.

The Report will support the Official Plan Amendment required to re-designate portions of the Subject Lands from *Environmental Protection – Oak Ridges Moraine* and *Stable Residential* to *Emerging Residential* with site-specific provisions.

This Planning Opinion Report is supported by:

- a Functional Servicing Brief to provide high-level analysis of expected servicing connection locations,
- An Environmental Conditions Report to establish principles for the protection of existing natural heritage features, and
- A Transportation Study that evaluates the surrounding road capacity to accommodate the proposed development.

This re-designation will feed into the Land Needs Assessment prepared as part of the Region’s Municipal Comprehensive Review (“MCR”). At a Regional level, the goal of the application is to indicate that the developable portions of the Subject Lands currently in the Oak Ridges Moraine should be brought into the Urban Area. It is our understanding that should this application be adopted by local Council; the final approval will occur when the Region approves their Regional Official Plan Amendment (ROPA) as part of their MCR process.

This application is Step 1 in a two-step process. It is our intention to submit a privately initiated Secondary Plan that sets out the detailed policy framework, land use designations, road network, and parks and trail system for the Shining Hill Central Newmarket lands. It is anticipated that the application will be an iterative process with the Town of Newmarket, Town of Aurora, York Region, and LSRCA to ensure that development is proceeding in a manner as envisioned by all agencies. Similar to Step 1, the final approval of the Secondary Plan will occur when the Region approves their ROPA as part of the MCR process.

We anticipate that the Secondary Plan process will include a comprehensive set of studies that may include (but not limited to):

Planning Opinion Report	Landscape Plan
Natural Heritage Evaluation	Archaeological Assessment
Functional Servicing/Stormwater Report	Noise Study
Transportation Mobility Plan	Hydrogeological Analysis
Urban Design Brief	Geotechnical Investigation Report
Conceptual Elevations	Communication Implementation Plan

Arborist Report / Tree Preservation Plan	Phase 1 (and 2) ESA
Master Environmental Servicing Plan	Community Energy Plan and Solar Design Strategy
Greenlands System Plan	Phasing and Detailed Sequencing Plans
Cultural Heritage/ Resource Identification	Affordable Housing Implementation Strategy

## 1.7 Public Consultation Strategy

As part of the public consultation process, the applicant and project team will provide project-related information to relevant stakeholders including the Town of Newmarket for the purpose of public viewing and accessibility. We will be seeking feedback related to the project submission from all interested parties to help inform future decisions.

We plan to convey key messages to the public during the consultation process as outlined in Section 2.1 of this report including an appropriate range and mix of housing, the road network, open space system, natural heritage system and maximizing infrastructure investment. .

The desired outcomes of the consultation process will be to provide interested parties with project-related information and satisfy the Town’s consultation requirements. We want to provide full, clear and accurate information to all stakeholders to ensure sufficient project information is available to them. Furthermore, we will strive to incorporate public feedback into the development plan as warranted.

The scope of the consultation process will include the area within a 120-metre radius from the boundary of the site. The distance determined is based on the prescribed notice area in the *Planning Act*. This will include stakeholders in the community that may be impacted from the proposed development. There are several uses in the immediate area and groups that will potentially take interest to this development may include:

- Neighbouring residents;
- Adjacent business owners;
- York Region District School Board; and,
- York Region Catholic District School Board.

The consultation strategy will be to engage stakeholders and other interested parties through the Town’s Public Consultation process as part of the development application process.

The primary method of consultation will include the statutory Public Meeting (date to be determined) required by the *Planning Act*. The impact area will be notified of the development application and public meeting date by the installation of the “Notice of Application” sign on the property by the applicant. The posted sign will be in accordance with the Town of Newmarket standards.

The Town Planner assigned to the application will be listed on the development application sign and available for communication with any interested parties. Stakeholders can express comments and questions about the project directly to the assigned Planner on the application.

As feedback from stakeholders is received, necessary updates to the application will be made through subsequent document submissions. We will ensure the process is transparent by providing stakeholders with responses to comments and questions brought up through the consultation process. Any changes to the project will be clearly noted and responses to comments will be provided along with updated submission materials.



# 2.0 Proposed Concept Plan

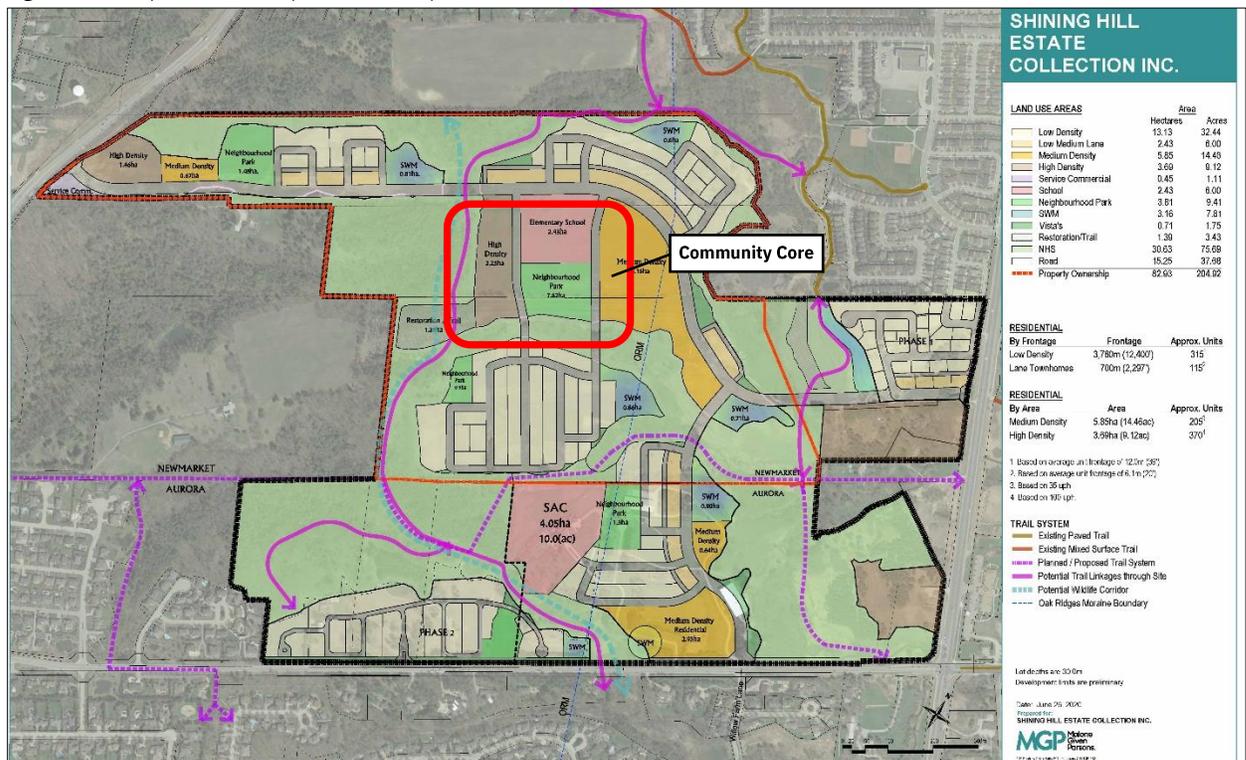
## 2.1 Development Summary

The proposed development of the Shining Hill Lands is illustrated in Figure 2.1 below.

The concept proposes a complete community that straddles the Town of Newmarket and Town of Aurora municipal boundary consisting of a mix of low, medium and high-density residential uses, parks and open spaces, an elementary school, stormwater management uses and service commercial uses. At full build-out, the development concept proposes approximately 3,300+ residential units at a density of over 70 residents and jobs per hectare, net of the proposed natural heritage areas.

The Subject Lands, outlined in the dashed yellow line, are a subset of the Shining Hill Lands.

Figure 2.1 Proposed Development Concept



Key aspects of the proposed development include:

### ***Range and Mix of Housing***

The proposed development consists of a wide-ranging mix of housing options to serve the needs of the Town of Aurora and Newmarket. The Shining Hill lands represent one of the few remaining vacant properties in both Towns within the settlement area that can accommodate this scale of ground-oriented housing while also providing an opportunity to deliver higher density housing in proximity to rapid transit corridors and primary collector roads.

### ***Central Hub***

A community core is envisioned at the centre of the development at the intersection of two new proposed primary collector roads. The core will consist of medium and higher density residential uses, community commercial uses, a potential school or institutional block, a neighbourhood park and multiple trail connections.

### ***Road Network***

A new east-west Primary Collector road (26.0 m right-of-way) will provide access from Yonge Street to Bathurst Street via the extension of Street 'A', which has been provided for in the approved Phase 1 development. This connection will provide an alternate east-west connection to St. John's Side Road between these Yonge and Bathurst and will act as a mid-block collector.

An additional north-south Primary Collector road is proposed to connect to the new east-west road and St. John's Sideroad, aligning with the existing Willow Farm Lane. The remainder of the road network consists of 18.0m ROW local roads and 9.0m ROW condominium roads, which will provide access to the rear-lane townhome dwellings,

### ***Open Space System***

The proposed development will provide a comprehensive approach to protecting the existing natural features while also providing an open space system composed of a hierarchy of parks, parkettes, trails and passive/active recreational uses. The assembled ownership will allow the Towns of Aurora and Newmarket to extend its existing trail system and connect systems that terminated at these lands prior to Shining Hill's consolidation.

### ***Natural Heritage System***

The development concept proposes that the natural heritage features and appropriate buffers will be transferred from private ownership to the Towns of Aurora and Newmarket. An estimated 76 hectares of natural heritage lands – representing just under half (49%) of the entire Shining Hill landholdings – will be conveyed and made publicly accessible. Newmarket and Aurora can protect or use the conveyed lands to meet the recreational space needs while protecting wildlife habitats.

Additionally, conveyance of these lands will allow the Town of Aurora and Newmarket to protect a wildlife corridor stretching south from Coventry Hill Trail to St. John's Sideroad, which the LSRCA strongly supports.

### ***Maximizing Existing and Future Infrastructure Investment***

York Region has led all Greater Toronto Area and Hamilton regions in recognizing the importance of upgrading transit to support growth.

The Shining Hill Lands are proximate to the YRT/VIVA lines, which are planned to be upgraded to a dedicated Bus Rapid Transit, and a GO Transit line (Route #69) along Yonge Street, VIVA Blue, and YRT Routes (#022A, 098, 099, 602). Development of these lands would provide additional growth near transit to optimize the Region's investment in the YRT/VIVA/GO infrastructure.

York Region's 2018 Capital Works Budget has confirmed that the proposed Upper York Waste Water Treatment Plant will not be in operation until beyond 2027 at the earliest to process sanitary sewage capacity. These servicing constraints impact the timing in which municipalities located in upper York Region can deliver units to accommodate growth.

Shining Hill is undertaking an Inflow and Infiltration investigation to identify if sewage conveyance capacity might become available through remediation and replacement to existing infrastructure. This study has the potential to create capacity for Shining Hill (and other parts of Newmarket) and could allow for development prior to the operation of the Upper York Plant. The determination of the ability to increase capacity of existing infrastructure through remediation aligns with the Region's priority to assign growth with available infrastructure.

#### ***Development of Subject Lands***

The Subject Lands are the central piece to the proposed development concept measuring ~83 hectares (205 acres) accounting for approximately 54% of the entire Shining Hill Lands.

Development of the Subject Lands will provide for the completion of an east-west collector road between Yonge Street and Bathurst Street. The central hub and the majority of the proposed park space is located entirely within the Subject Lands. Approximately 1,300 residential units of the proposed 3,300+ will be accommodated on the Subject Lands in a variety of low, medium, and high-density housing types. The development of the Subject Lands will also transfer approximately 31 hectares of natural heritage space to the Town of Newmarket and be made publicly accessible.



# 3.0

## Planning Policy Framework

*Provincial, regional and municipal policies and regulations provide a framework for the proposed conceptual development on the Subject Lands. The proposed conceptual development is consistent with the Provincial plans and compliant with the Region of York, and the Town of Newmarket Official Plan.*

This section of the report provides an analysis of the proposed development on the Subject Lands in the context of the following Provincial, Regional and Municipal documents:

- Provincial Policy Statement (2020);
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019);
- Oak Ridges Moraine Conservation Plan (2017);
- Lake Simcoe Protection Plan (2009);
- Region of York Official Plan (2010); and,
- Town of Newmarket Official Plan (2008).

### 3.1 Provincial Policy Statement

The Provincial Policy Statement 2020 (“PPS”) provides policy direction on matters of provincial interest related to land use planning and development. In particular, it provides long-term guidance for the development of healthy, liveable, and safe communities, a clean and healthy environment, and a strong economy. To achieve this, the PPS provides direction for focusing development in existing settlement areas, away from sensitive environments, and natural or human-made hazards. Planning decisions must be consistent with the policies of the PPS.

The proposed development is consistent with the PPS for the following reasons:

- Development of the Subject Lands minimizes land consumption and servicing costs by making efficient use of vacant land within an area where roads, sanitary, and municipal services can be provided with minimal extensions to existing infrastructure.

The Shining Hill development concept strives to achieve a cost-effective development pattern by proposing development at a density that efficiently uses the available developable land (*Section 1.0 – Building Strong Health Communities*).

- The proposed development is located within a *Settlement Area* where growth and development are to be focused.

*Settlement Areas* are generally defined as urban areas that are built-up with concentrated development and lands which have been designated in an official plan for development. The Subject Lands are within an active urban environment and are designated *Settlement Area* in the ORMCP and *Urban Area* in various maps of the York Region Official Plan 2010 (*Section 1.1.3 – Settlement Areas*).

- The PPS states that no settlement boundary expansion shall occur if there are sufficient opportunities to accommodate forecasted growth to the horizon of this Plan through intensification, redevelopment and in the Designated Growth Areas.

The Subject Lands are considered a Designated Growth Area and as such, priority should be given to the development of these lands before a settlement boundary expansion in York Region occurs. (*Section 1.1.3.8a*).

- The proposed development will provide a mix of housing types and densities to meet the needs of current and future residents. Approval of the Shining Hill application will assist the Town in maintaining its ability to provide land to accommodate a three-year minimum supply of residential units (*Section 1.4 – Housing*)
- The proposed development will rely on the extension of existing municipal sewer and water services, minimizing the need for new infrastructure. Given that servicing constraints in York Region are not likely to improve until beyond 2027, it is imperative to utilize lands which can be serviced immediately in a cost-effective manner, to maintain a healthy supply of housing in the Region. (*Section 1.6.1 – Infrastructure and Public Service Facilities*).
- The PPS provides direction on the protection and management of natural heritage resources. As mentioned, an Environmental Conditions Report has been prepared by GeoProcess in support of this application that characterizes and inventories the natural heritage features and wildlife activity on the Subject Lands and establishes principles to protect these features. (*Section 2.1 – Natural Heritage*)

For the reasons above, it is our opinion that the proposed development of the Subject Lands is consistent with the policies of the PPS.

### **3.2 Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”) provides policy guidance to managing growth and development in the Greater Golden Horseshoe. Through its policies, the Growth Plan guides decisions on a range of issues including land use planning, urban form, protection of natural heritage, and efficient use of infrastructure. Development must conform with the policies of the Growth Plan.

Under the Growth Plan, the Subject Lands are within a *Designated Greenfield Area* (DGA). DGAs are defined as lands within *Settlement Areas* but outside of *delineated built-up areas* that have been designated in an official plan for development.

In alignment with the PPS, the Growth Plan states that a settlement boundary expansion shall only occur if sufficient opportunities to accommodate forecasted growth to the horizon of the Growth Plan are not available through intensification and in the *designated greenfield* area (Section 2.2.8.2a).

The Town of Newmarket anticipates that the majority of intensification will occur within the Urban Centre Secondary Plan Area. Section 3.5 of this Report will discuss how intensification to date has not met forecasted expectations and the challenge for the Town to meet its growth targets. As such, priority should be given to development in the DGAs that can more readily provide residential units (such as what is proposed on the Subject Lands) to assist the Town in achieving its growth targets prior to any settlement area boundary expansions.

### ***Designated Greenfield Areas***

New development taking place in DGAs will be planned, designated, zoned and designed in a manner that:

- Supports the achievement of complete communities;
- Supports active transportation; and,
- Encourages the integration and sustained viability of transit services (Section 2.2.7.1).

DGAs will be planned to achieve a minimum density target that is no less than 50 residents and jobs combined per hectare for York Region. It should be noted that the density target does not apply to individual parcels of land and is measured across the entirety of the DGA.

It is anticipated that the projected population and jobs for the proposed development in the Subject Lands will aid the Town of Newmarket in achieving its density targets surpassing the required minimum density target.

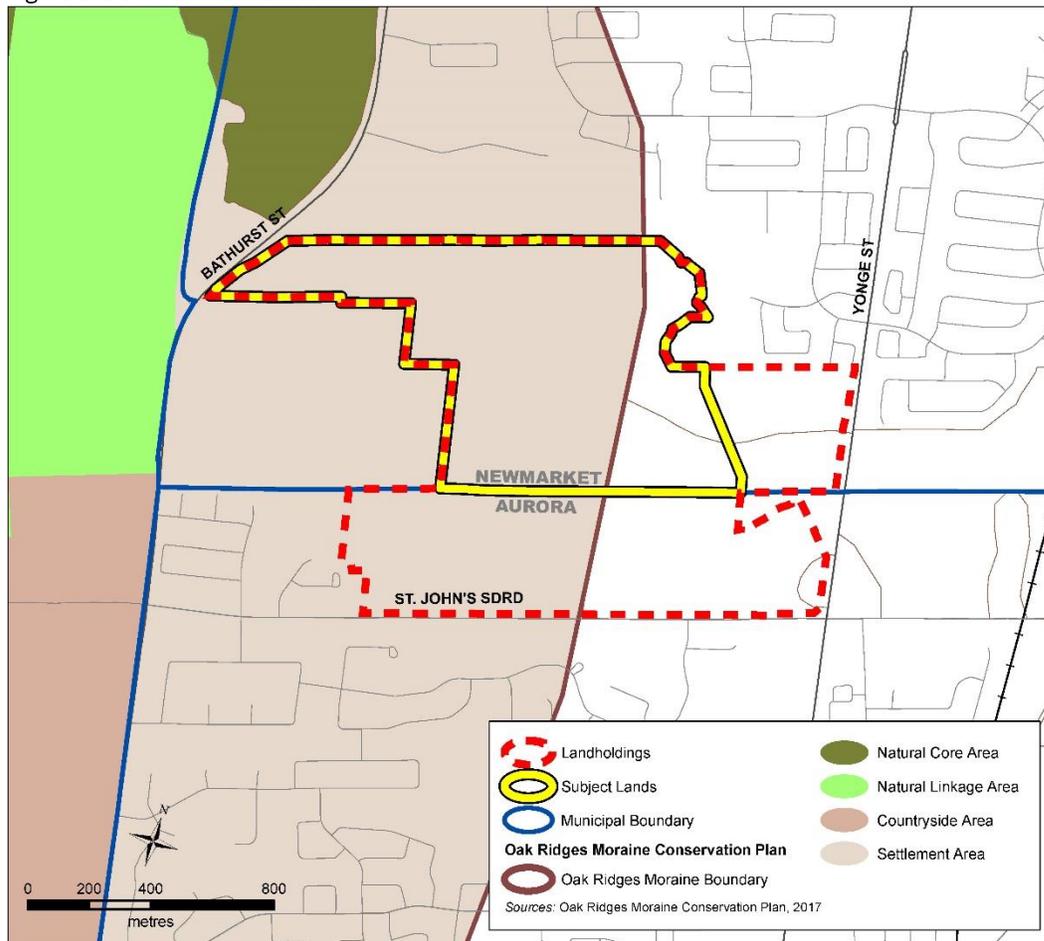
The proposed development conforms to the Growth Plan as it will contribute to the creation of a complete community within an existing settlement area by providing a range of housing types located within walking distance to existing transit services, walking trails and dedicated cycling paths. The proposed development provides residential and service commercial uses within the DGA that meets the long-term needs of the community.

It is our opinion that the proposed application conforms to the goals and objectives of the Growth Plan. It should be noted that the Province has released a proposed Amendment 1 to the Growth Plan which extends the planning horizon to 2051 and clarifies that the population targets are minimums. The proposed application conforms to the goals and objectives of the Growth Plan, as amended.

### **3.3 Oak Ridges Moraine Conservation Plan (2017)**

The Oak Ridges Moraine Conservation Plan, 2017 (“ORMCP”) provides a land use and resource management framework for lands located within the Oak Ridges Moraine. The purpose of the ORMCP is to provide the necessary land use policies to protect the Moraine’s ecological and hydrological features and functions. The ORMCP designates the western portion of the Subject Lands as *Settlement Area*.

Figure 3.1 ORMCP – Land Use Plan



*Settlement Areas* are designated for development of an urban type permitting a range of residential, commercial, industrial and institutional uses. Its purpose is to focus and contain urban growth by encouraging the following:

- development of mixed-use communities with a wide range of uses at transit supportive densities;
- mitigating the impact of development on the natural ecological functions and hydrological features; and
- providing for the continuation of urban land uses consistent with growth management strategies from official plans.

*Settlement Areas* have a broad list of objectives including maintaining the health of key natural heritage features, accommodating trail connections and promoting strong communities.

All uses allowed by the applicable official plan are permitted subject to the provisions of the ORMCP. While *Settlement Areas* are designated for urban development, an amendment to the Town of Newmarket Official Plan is required to permit the proposed development for the Subject Lands and to ensure conformity with the ORMCP.

As the principle of urban development is established through this application, the applicable tests for development within *Settlement Areas* as listed in Sections 21 – 26, 27(3), 28 – 29, 30(1)(12)(13), 41(1)(4)(5) and 42 – 47 will be evaluated in a subsequent block plan application.

### **3.4 Lake Simcoe Protection Plan (2009)**

The Lake Simcoe Protection Plan (“LSPP”) is a watershed-based plan approved under the authority of the Lake Simcoe Protection Act. It establishes policies aimed to improve water quality of Lake Simcoe, protect the watershed’s natural heritage services, and manage the effects of climate change and the impacts of invasive species.

The LSPP applies to all lands within the Lake Simcoe Watershed, in which the Subject Lands are located. Decisions under the Planning Act are required to conform to the designated policies of the Lake Simcoe Protection Plan.

As per the LSPP, the Appendix “Schedule of Applicable Policies” provides a table which lists the policies within the Plan that applications made under the Planning Act must either “have regard” for or “conform with”.

As the principle of urban development is established through this application, a full assessment of LSPP conformity and evaluation of the “Schedule of Applicable Policies” will be provided in a future block plan application.

### **3.5 York Region Official Plan (2010)**

The York Region Official Plan, 2010 (YROP), approved by the Ministry of Municipal Affairs and Housing on September 7, 2010, provides the requisite framework for guiding economic, environmental and community building decisions to manage growth within York Region. Development within the Region must conform with the policies of the YROP. York Region is currently undertaking a Municipal Comprehensive Review (“MCR”) that is expected to be complete in 2021.

The Subject Lands are designated *Urban Area* and *Rural Area* with a *Regional Greenlands System* overlay in the YROP. The designations are identified in a variety of maps in the YROP, specifically:

- Map 1 – Regional Structure (Figure 3.2);
- Map 4 – Key Hydrologic Features (Figure 3.3);
- Map 5 – Woodlands (Figure 3.4); and
- Map 8 – Agricultural and Rural Area (Figure 3.5).

There are portions of the Subject Lands located within the *Rural Area* of the York Region Official Plan. Maps, 4, 5 and 8 (see Figures 3.3 – 3.5) depicts these lands as a hole in the doughnut, surrounded on all sides by Urban Area. Mixed-use development such as those contemplated does not comply with the Rural Area policies of the YROP.

Through our discussions with York Region planning staff, it is our understanding that the

Subject Lands will be reviewed as part of the ongoing MCR and the portions within the *Rural Area* will be re-designated *Urban Area*. This report is provided in support of the process that would re-designate the *Rural Area* portions and refine the *Regional Greenlands System* overlay to permit development of the Subject Lands as proposed.

For the purpose of the policy analysis included in this report, it is assumed that the *Rural Area* portion of the Subject Lands will be designated *Urban Area* with a *Regional Greenlands System* overlay.

Figure 3.2 York Region Official Plan – Map 1: Regional Structure Excerpt

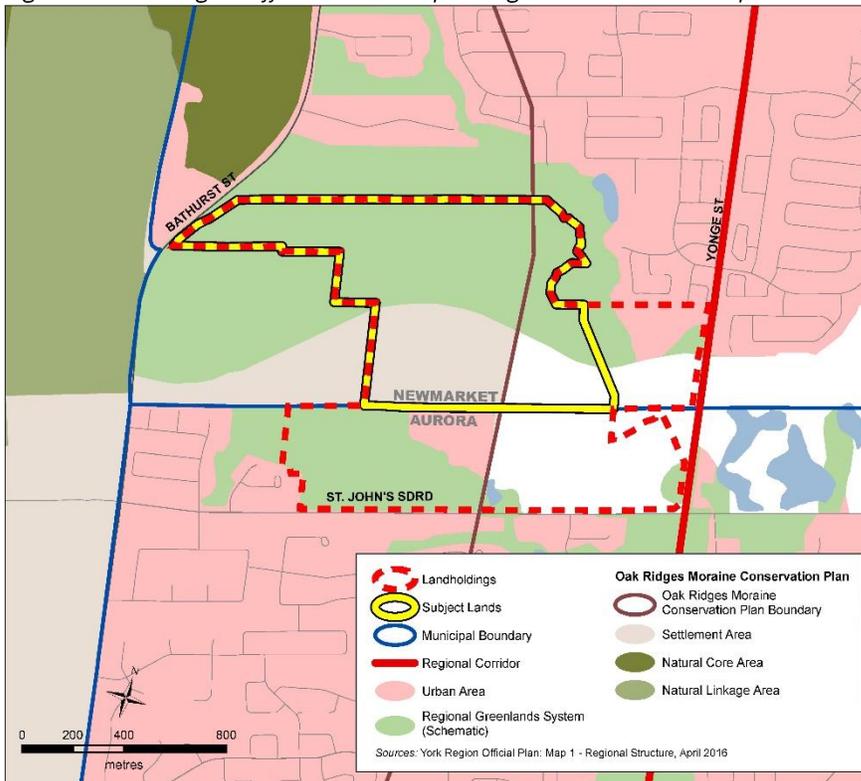


Figure 3.3 York Region Official Plan – Map 4: Key Hydrologic Features Excerpt

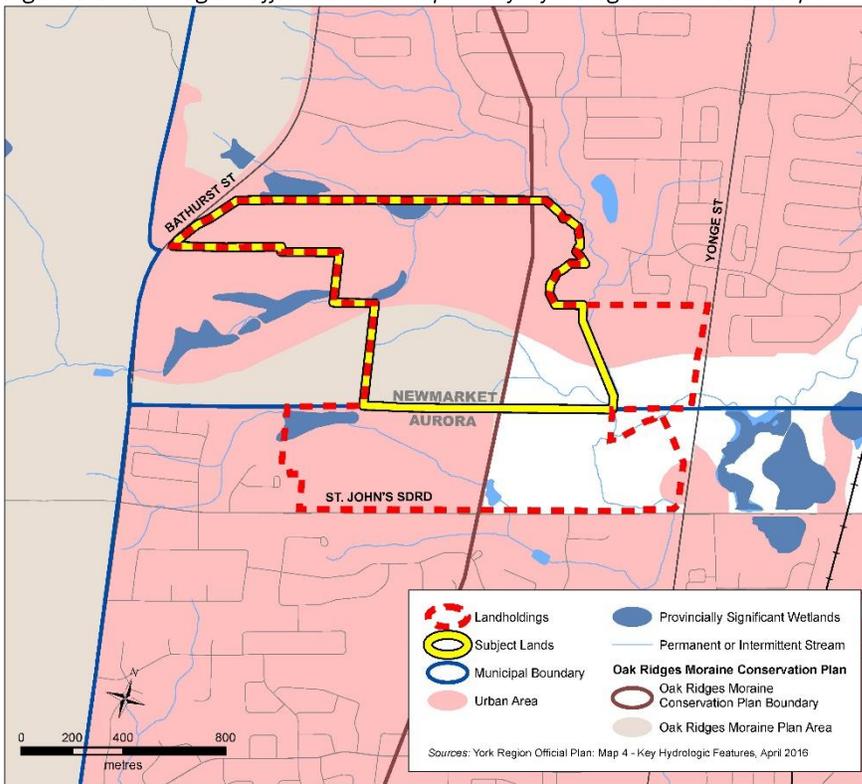


Figure 3.4 York Region Official Plan – Map 5: Woodlands Excerpt

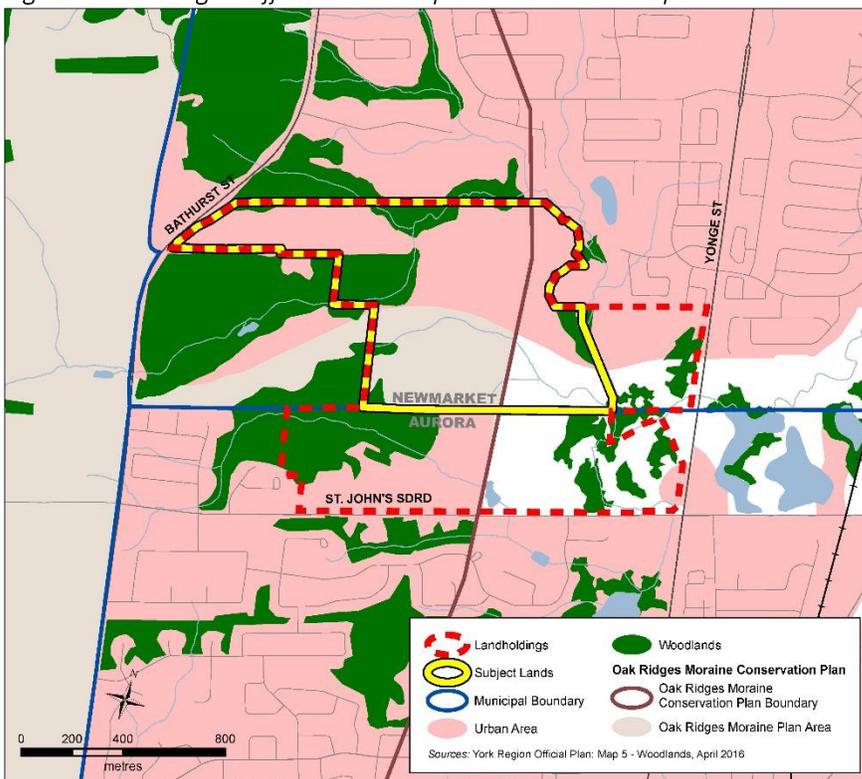
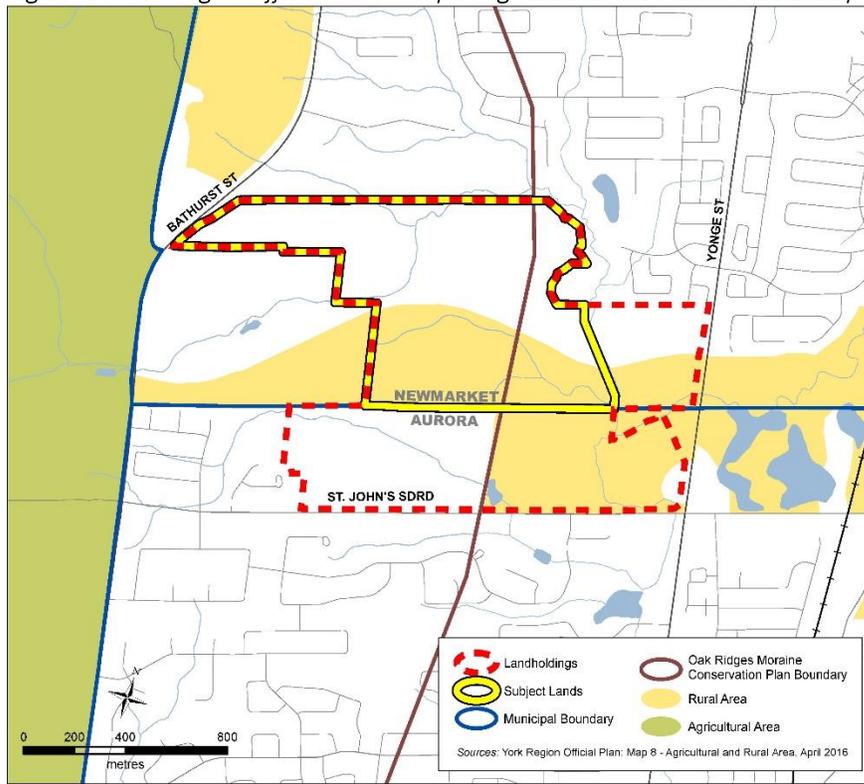


Figure 3.5 York Region Official Plan – Map 8: Agricultural and Rural Areas Excerpt



### Urban Area

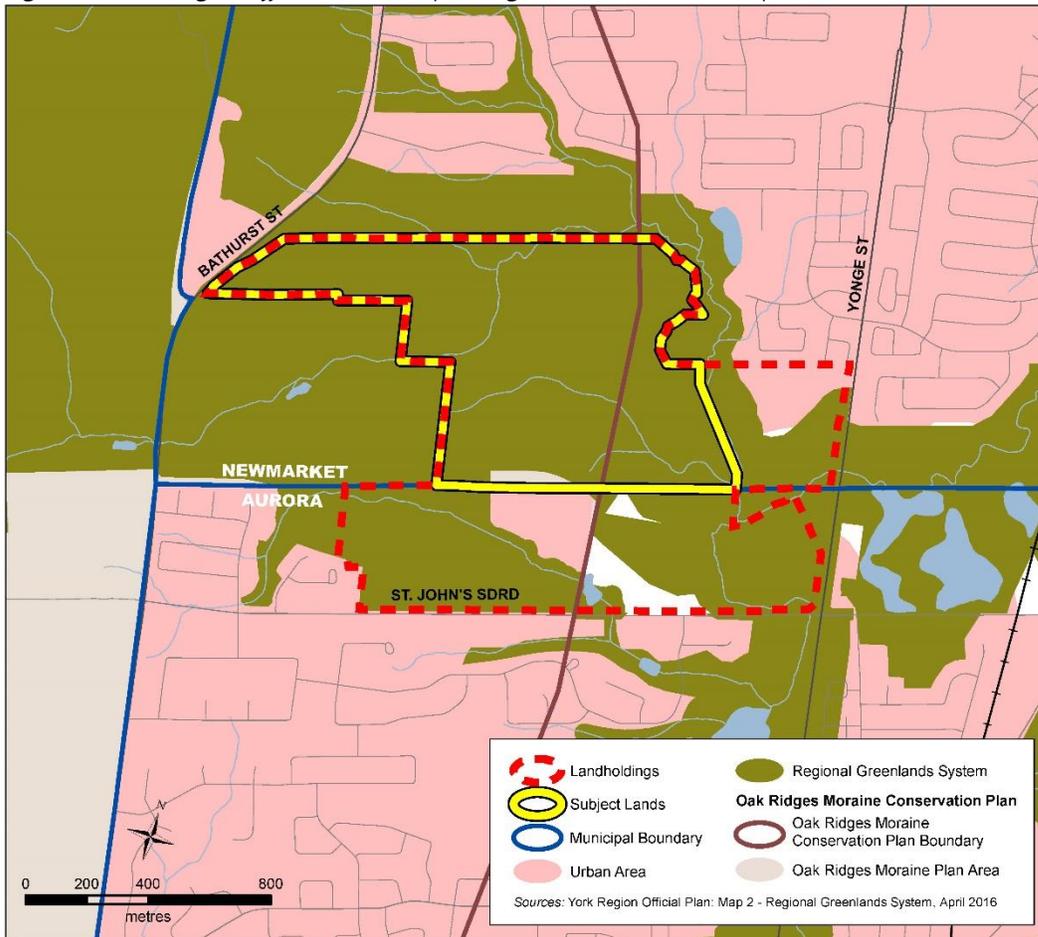
The intent of the *Urban Area* designation is to strategically focus growth to these areas to conserve resources and create sustainable and lively communities. A range of uses are permitted within the *Urban Area* including the residential and commercial uses, proposed in the development concept

The proposed development conforms to the *Urban Area* policies of the YROP.

### Regional Greenlands System

An objective of the YROP is to identify, protect and enhance the *Regional Greenlands System* and its functions. The *Regional Greenlands System* includes the *Oak Ridges Moraine Conservation Plan Natural Core Area* and *Natural Linkage Area* designations, the *Natural Heritage System* within the *Protected Countryside* of the Greenbelt Plan, key natural heritage features, key hydrologic features and functions, and the lands necessary to maintain these features within a system (Section 2.1.2).

Figure 3.6 York Region Official Plan – Map 2: Regional Greenlands Excerpt



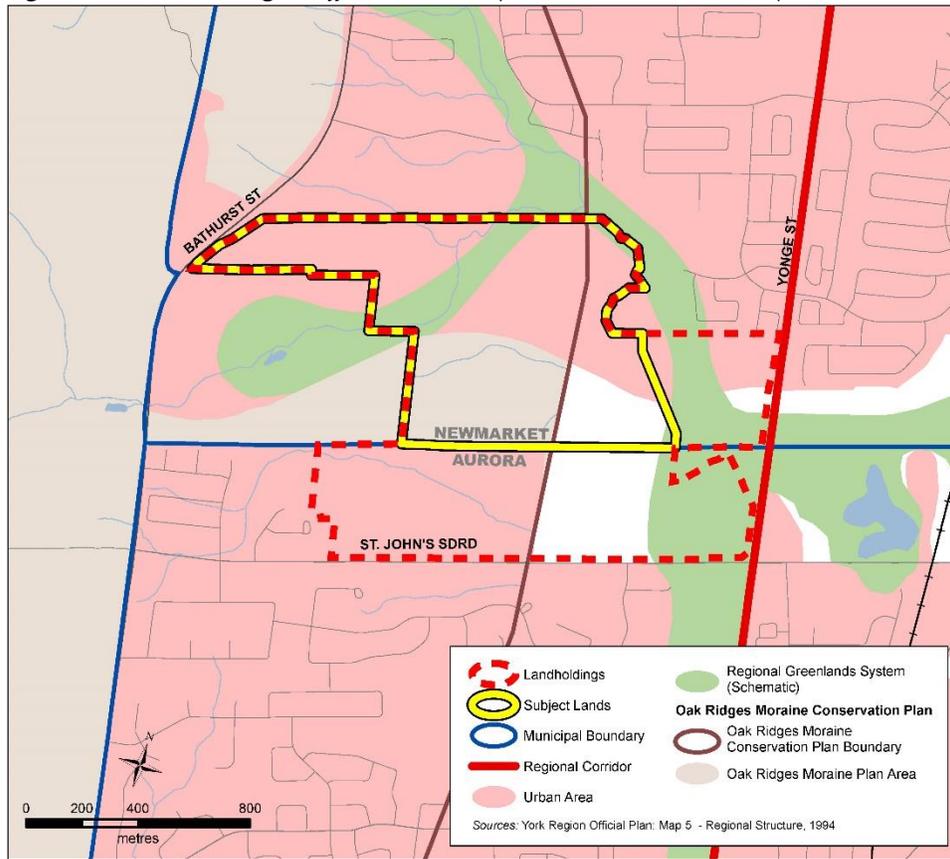
The YROP permits refinements to the boundaries of the *Regional Greenlands System* through approved planning applications supported by technical studies, including environmental impact studies. Any refinement will be incorporated into the YROP through periodic updates by the Region and will not require a regional amendment (Section 2.1.9). As mentioned in Section 1.5 of this Report, an Environmental Conditions Report has been prepared by GeoProcess in support of this application that identifies the key natural heritage and hydrologic features within the Subject Lands and proposes the required protections to maintain their function.

It should be noted that both Phase 1, approved in Newmarket, and Phase 2, (ongoing in Aurora, of the larger Shining Hill development concept propose urban uses on lands designated *Regional Greenlands System*. An environmental study was provided in both phases that supports the refinement of the *Regional Greenlands System* as permitted through Section 2.1.9 of the YROP. In the case of Phase 2 in Aurora, the lands are also within the ORMCP and predominantly designated *Regional Greenlands System*, the same as the Subject Lands.

### Chronology of Land Use Designations on Subject Lands

In the 1994 York Region Official Plan (1994 YROP), the Subject Lands were identified mainly as *Urban Area* intended for development with identified natural heritage features designated as *Regional Greenlands System* (see Figure 3.7 below).

Figure 3.7 1994 York Region Official Plan – Map 5: Urban Structure Excerpt



The Town of Newmarket decided to restrict urban development on the Subject Lands through OPA 28 in 2003, a change reflected in the YROP mapping when the Region updated its Official Plan in 2010. This resulted in the *Regional Greenlands System* overlay over the majority of the Subject Lands, as shown on Map 1 and Map 2 of the 2010 YROP (Figures 3.2 and 3.6, respectively).

However, Map 4 (Key Hydrological Area) and Map 5 (Woodland) of the 2010 YROP clearly indicate the underlying of the Subject Lands remains as *Urban Area* (Figures 3.3 and 3.4, respectively). The lands designated *Urban Areas* in Maps 4 and 5 generally correspond with the existing farm fields Shining Hill is proposing to develop for urban uses.

The history of the regional land use designations of the Subject Lands show that it was a Town decision that triggered the designation changes in the 2010 YROP. Accordingly, Shining Hill is seeking approval of an amendment to the Town of Newmarket Official Plan to permit urban uses on the Subject Lands. As the application is approved at the Town level, it will contribute to the Region's MCR process of updating its *Regional Greenlands System* mapping.

### Housing

The housing policies of the YROP promote a diverse range and mix of housing options and densities that support the achievement of the minimum intensification and density targets of the Plan and contribute to the creation of complete communities (Section 3.5.4). To date, intensification in Newmarket has fallen short of expectations.

The proposed conceptual development of the Subject Lands will provide for an appropriate range and mix of housing types required to meet the stated density targets. At the proposed density, the development of the site would provide a mixture of densities and housing forms within the Subject Lands, complimenting the immediately surrounding community that currently consists of a mixture of estate residential lots and larger single detached residences. The development concept is proposing a complete community that meets the daily needs of residents of all ages through an accessible mix of housing, local stores, parks, public and active transportation options, and public service facilities.

### York Region's Municipal Comprehensive Review and Preferred Growth Scenario

As part of the Region's ongoing Municipal Comprehensive Review (MCR), the Region developed a Preferred Growth Scenario to forecast population and employment growth to 2041 in conformity with the 2006 Growth Plan. The Region will need to update its review again to be in conformity with the 2019 Growth Plan (as proposed to be amended).

The Preferred Growth Scenario indicated that Newmarket had a population of 82,600 in 2016 (the closest forecast year to present day) and was allocated a 2041 population of 108,200, which requires growth of approximately 24,000 people from 2016 to 2041.

Through Geographic Information System (GIS) analysis and land budgeting prepared by MGP, it is estimated that Newmarket has a limited supply of remaining vacant *Designated Greenfields* (~10ha). Consequently, the majority of the remaining growth would need to be accommodated through intensification.

The majority of intensification in Newmarket is expected to occur within the Newmarket Urban Centres Secondary Plan Area. However, growth to-date within the Secondary Plan Area has not met forecasted expectations. According to the 2018 Development Activity Summary prepared by York Region, Newmarket has only approved 178 residential units in the past four years. This is likely an indication that intensification is more challenging than *Greenfield* development due to issues related to compatibility, immediate impact to the surrounding community, and market absorption.

The Region's 2041 Preferred Growth Scenario forecasts that Newmarket will accommodate 11,180 new residential units between 2011 and 2041, an average of approximately 370 units/year. Per the 2018 Development Activity Summary, the average number of dwellings approved in the past four years has been ~45 units/year. There is a clear challenge for the Town to meet its current growth forecasts. The development of the Subject Lands will assist Newmarket in providing residential units to achieve its mandated growth targets. This will be of even more importance if the Growth Plan is amended to extend the planning horizon to 2051.

Growth through intensification is generally limited to higher density units, such as mid- to high-rise units, due to the infill nature of intensification, economics and scarcity of land. The development of the subject lands will provide a variety of ground-oriented housing forms that are geared towards families, and will assist the Town in providing a range of housing that best serves the needs of Newmarket residents.

The Subject Lands represents the last remaining potential for significant development in the *Designated Greenfields*. Development of the Subject Lands, in combination with the Town's intensification efforts in its corridors and centres, will allow the Town to provide a broad complement of housing options that will serve all sizes, incomes, and ages of households in accordance with the policies of the 2019 Growth Plan and 2020 PPS.

### New Community Areas

The YROP contains policies that address the comprehensive planning of new community areas (Section 5.6). The proposed conceptual development of the Subject Lands will be designed to meet or exceed a minimum density of 20 units per hectare and 70 residents and jobs per hectare while containing a wide range and mix of housing types, sizes, and affordability. The proposed conceptual development contains a community core area within walking distance of the majority of the development, intended to be the focus of community services, educational and recreational facilities as well as provide connections to rapid transit. The street network is designed to provide continuous collector streets that run both north-south and east-west and connect to the existing regional street network. The proposed concept plan protects all of the key natural heritage features and key hydrologic features while delineating locations for an integrated trail system that connects to the community, including the proposed open space system. The proposed open space system that has the potential to support both active and passive recreation opportunities.

The new community area policies of the YROP are satisfied through the above-mentioned characteristics of the proposed development concept plan.

### Mapping and Figures

According to the mapping and figures provided in the 2010 YROP, the Subject Land is:

- Designated Urban Area, Rural Area and Regional Greenlands System (Map 1);
- Identified (portions) within the Regional Greenlands System (Map 2);
- Identified (portions) containing Environmentally Significant Areas and Areas of Natural and Scientific Interest (Map 3);
- Identified (portions) to contain Key Hydrologic Features (Map 4);
- Identified (portions) to contain Woodlands (Map 5);
- Located within a Wellhead Protection Area - WHPA-B, WHPA-C, WHPA-C1 and WHPA-D) (Map 6);
- Located within an area of Low or High Aquifer Vulnerability (Map 7);
- Identified (portions) as a Rural Area (Map 8) however, it is our understanding that this will be revised in the Region's MCR;
- Not identified to contain Mineral Aggregate Resources (Map 9);
- Not identified within a Significant Groundwater Recharge Area (Map 13);
- Identified within a Highly Vulnerable Aquifer (Map 14)

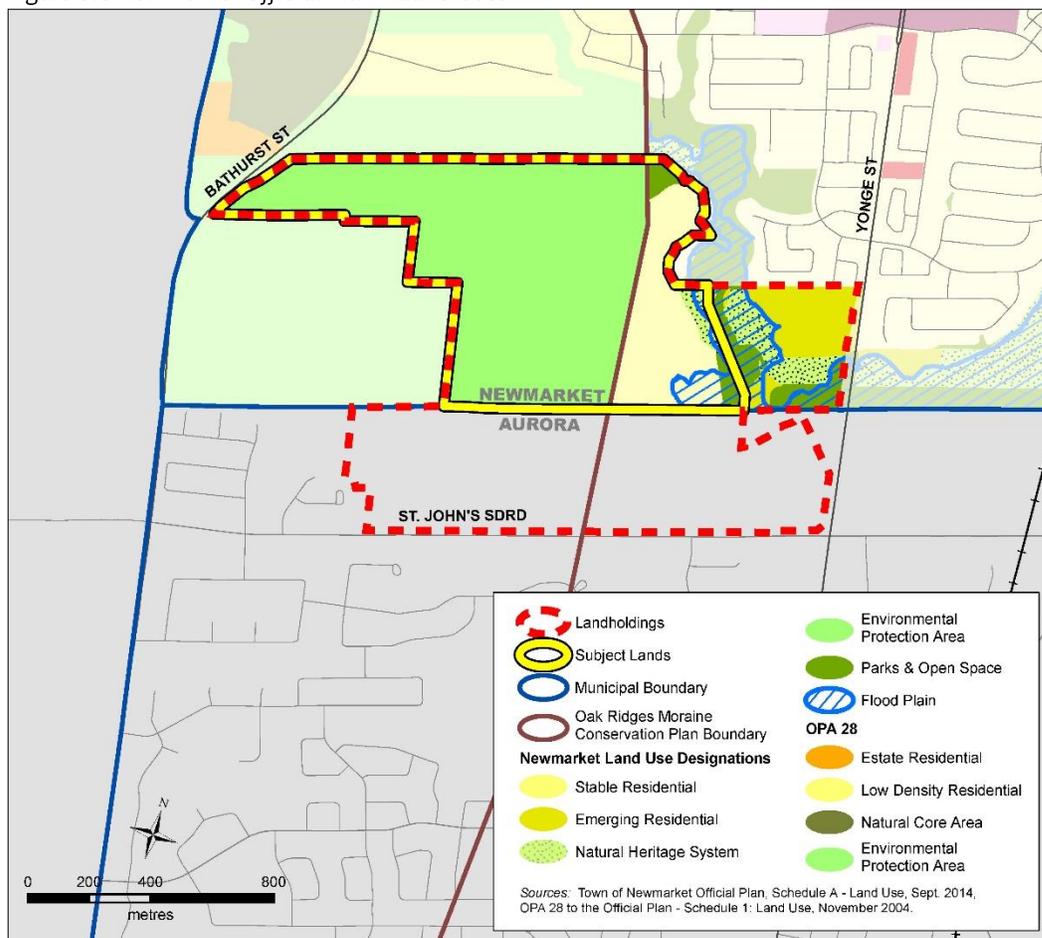
- Identified Within an Oak Ridges Moraine Landform Conservation Areas (Figure 1);
- Not identified as Strategic Employment Land (Figure 2)

The proposed Official Plan Amendment implements the general intent and objectives of the 2010 YROP. The proposed development of the Subject Lands will not negatively impact the character of the area or compromise the natural or ecological integrity of the *Regional Greenlands System*.

### 3.6 Town of Newmarket Official Plan

The Town of Newmarket Official Plan (“Newmarket OP”), approved in 2008, establishes the vision, corresponding principles, and supporting policies to guide the Town’s evolution and development to the year 2031. The Plan was written to direct change in accordance with Provincial and York Region policies, emphasizing change management within the existing developed areas. Development applications must conform to the policies of the Newmarket OP.

Figure 3.8 Newmarket Official Plan – Land Uses



### Land Use Designation

The Newmarket OP designates the Subject Lands as *Environmental Protection Area – Oak Ridges Moraine* (“EPA-ORM”), *Stable Residential, Parks & Open Space* and *Natural Heritage System*. To permit the development as proposed, an Official Plan Amendment is required to re-designate the Subject Lands (see Section 4.0 of this report).

### Environmental Protection Area – Oak Ridges Moraine

The Subject Lands are designated as *Environmental Protection Area – Oak Ridges Moraine* through OPA 28.

As per policy 6.7.7.1 of OPA 28:

*“...Certain lands within this designation contain key natural heritage features, hydrologically sensitive features, and associated minimum vegetation protection zones, and/or landform conservation areas, which require protection from development. These environmental areas have been designated as Environmental Protection Area Oak Ridges Moraine within this Plan, and notwithstanding their Provincial designation as "Settlement Area", these lands shall be subject to the following policies to ensure their protection...”*

The remaining policies within this designation generally reflect:

- The need to protect the key natural features.
- Development applications shall support connectivity that ensures no buildings impede the movement of plants among key natural features.
- Prohibition of all development within key natural features and their associated minimum vegetation protection zones in accordance with the ORMCP.
- Permitting uses that include:
  - o fish, wildlife and forest management;
  - o conservation projects and flood and erosion control projects;
  - o non-motorized trail uses;
  - o transportation, infrastructure and utilities uses, natural heritage appreciation and legally existing uses.
- Protecting the Oak Ridges Moraine’s ecological and hydrological features and functions.

GeoProcess has prepared an Environmental Conditions Report in support of this application that characterizes and inventories the natural heritage features and wildlife activity on the Subject Lands and establishes principles to protect these features.

The intent of this application is to allow development on the farmed acreage of the Subject Lands while implementing the protection measures suggested in the Environmental Conditions Report that reflect the above-listed objectives of the *EPA-ORM* designation.

### Stable Residential

The majority of the eastern portion of the Subject Lands are designated as *Stable Residential*. It is the intent of this designation encourage the preservation and maintenance of the Town's

existing housing stock, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units. The permitted uses include single and semi-detached dwellings. This portion of the Subject Lands does not contain residential development. As such, it is appropriate to consider the redesignation of these lands to Emerging Residential to permit a variety of residential forms more in line with Provincial policy.

#### Natural Heritage System

The *Natural Heritage System* designation is identified as a Woodlot on Schedule B of the Official Plan. As per policy 9.2.2 of the Official Plan, “Development and site alteration shall not be permitted within a Meadow, Woodlot or Wetland identified within the Natural Heritage System”. No development is proposed in this portion of the Subject Lands and the Official Plan Amendment will seek to increase the area designated *Natural Heritage System*.

#### Parks & Open Space

The *Parks & Open Space* designation consists of major parks, conservation areas, trail systems, and river corridors in Newmarket, which provides opportunities for active and passive recreational opportunities. Where the *Parks & Open Space* designation is applied to privately owned lands, it shall not imply that the lands are free and open to the general public. There shall be no obligation for the Town, or any other public agency, to purchase the lands.

Given that these are private lands, the proposed development contemplates the reuse of these areas for residential uses and in conjunction proposes a neighbourhood park in the southern portion of the Subject Lands.

#### LSRCA Draft Natural Heritage Pilot Project (2003)

As discussed, the western portion of the Subject Lands were designated *EPA-ORM* as part OPA 28. Despite the ORMCP designating the Subject Lands as *Settlement Area*, the Town sought to restrict urban development in a decision largely based on the findings of the Town’s draft Natural Heritage Pilot Project, 2003 (“Pilot Project”).

The draft Pilot Project prepared by the LSRCA included mapping that identified certain key natural heritage features on the Subject Lands as well as a substantial amount of land that contained no features at all.

The below map excerpts from the draft Pilot Project illustrate that the farmed areas proposed by Shining Hill for urban development generally do not contain any vegetative communities (Map 3- Figure 3.9), major habitats (Map 4- Figure 3.10), or forests (Map 5- Figure 3.11). There is some vegetation and meadow identified on the south-eastern portion of the Subject Lands in these figures, but recent site visits have confirmed that these lands are actively being farmed.

Figure 3.9 LSRCA 2003 Pilot Project Mapping – ELC Vegetation Communities (Map 3)

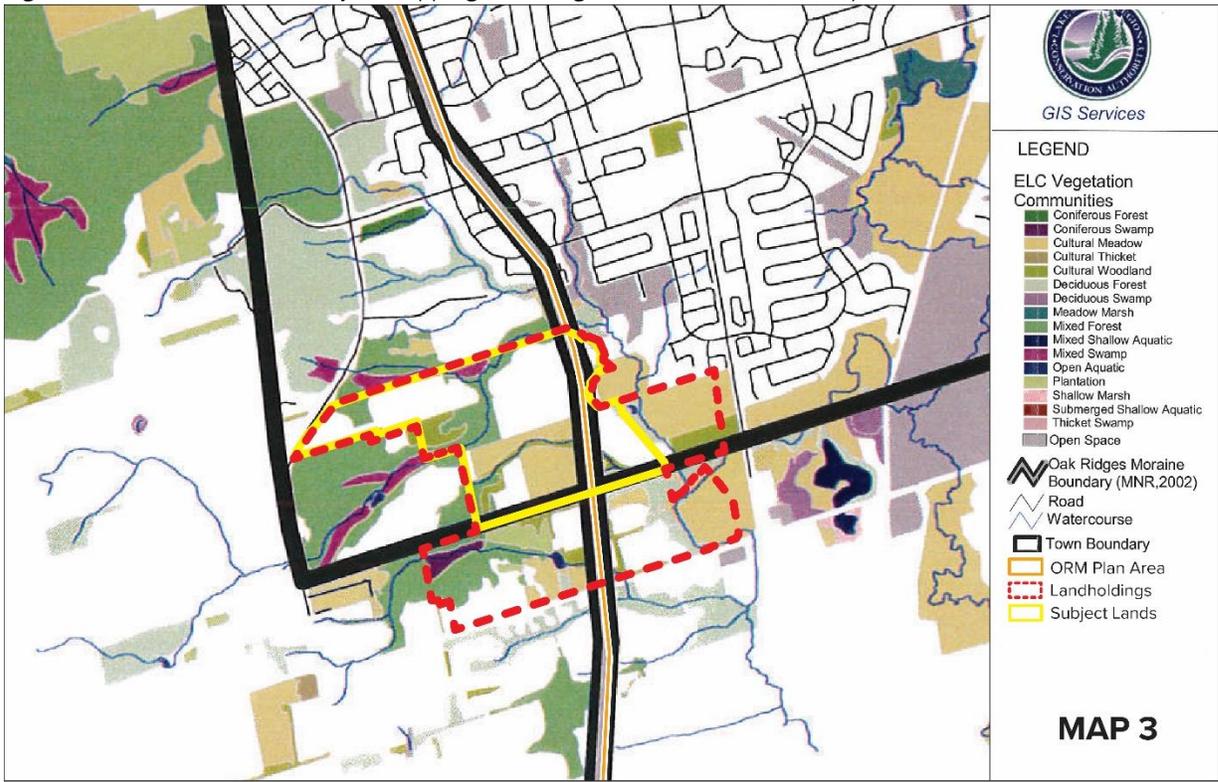
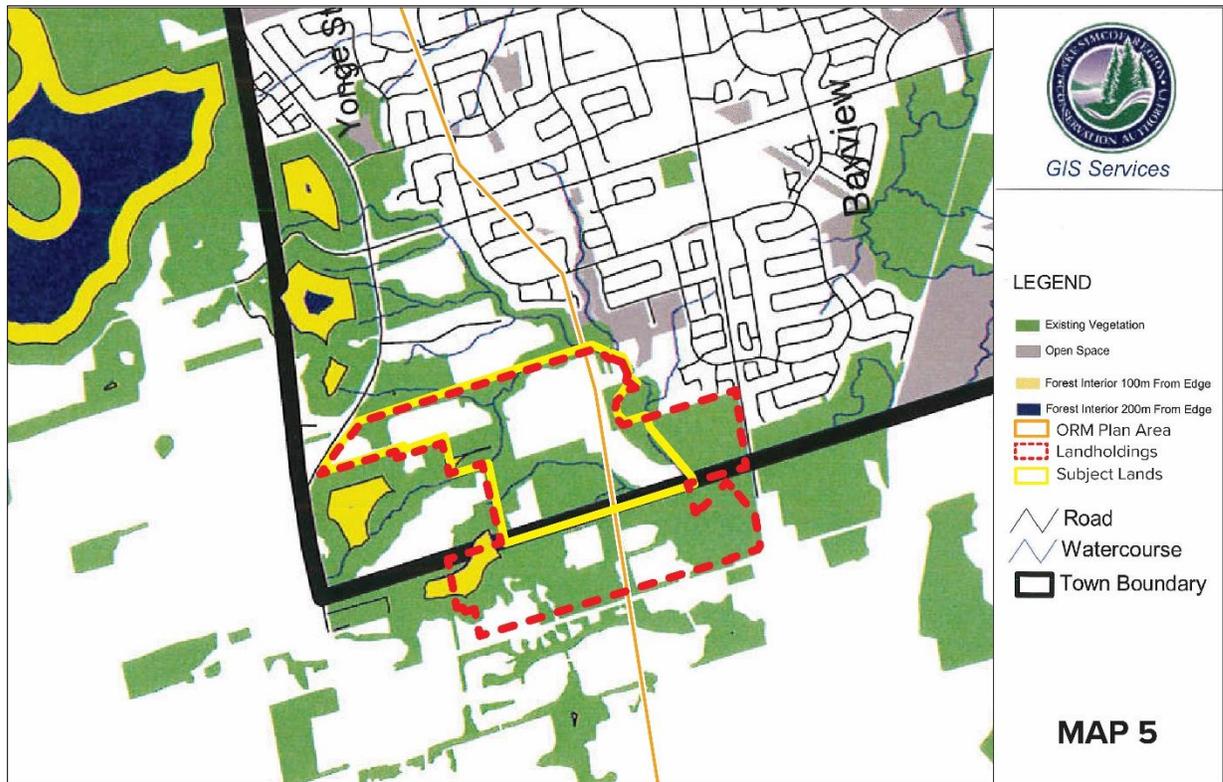


Figure 3.10 LSRCA 2003 Pilot Project Mapping – Major Habitats (Map 4)



Figure 3.11 LSRCA 2003 Pilot Project Mapping – Forest Interiors (Map 5)



The draft Pilot Project provided the basis used to develop the mapping included in OPA 28. Consequently, there are substantial parcels of the Subject Lands that are not identified as Significant Woodlands and/or Significant Wetlands (including their respective minimum vegetation zones) in OPA 28 as illustrated in the Figures 3.12 and 3.13 below.

The lands that have not been identified as key natural heritage features in OPA 28 generally correspond with the lands that are currently being farmed.

It remains our opinion that there is an opportunity to balance the need to protect environmentally features with the need to efficiently use of developable land where infrastructure is largely in place. As Newmarket continues to grow, it will need to provide a variety of housing forms to meet the diverse needs of its residents.

With increasing scarcity of developable land and erosion of housing affordability, the Subject Lands can be developed as a complete community that provides a range of housing forms and community uses while protecting identified natural heritage features. The Subject Lands represent the last remaining site of this scale to provide ground-oriented housing.

Designating these lands as EPA-ORM eliminates that opportunity and maintains these lands in private ownership, removing the opportunity for the Town to improve its trail and active transportation connections. The proposed development will transfer approximately 31 hectares of green space to the Town of Newmarket to be made publicly accessible, providing the opportunity to improve its trail and active transportation connections.

Figure 3.12 Newmarket Official Plan – Schedule ‘10’ Significant Woodland of OPA 28

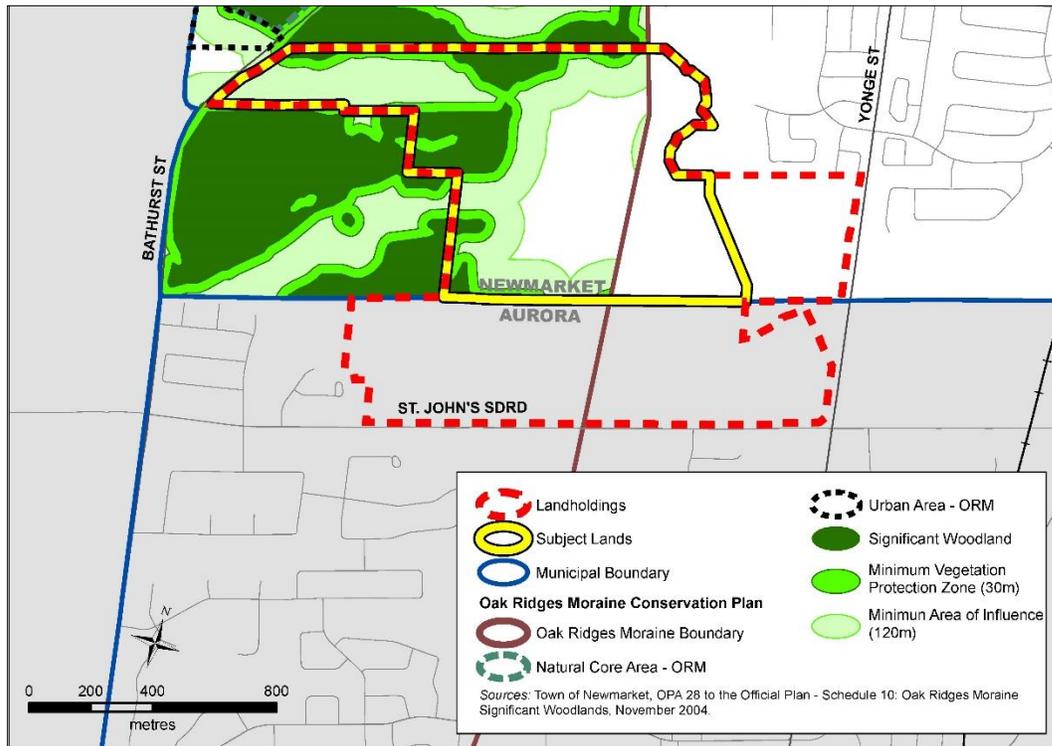
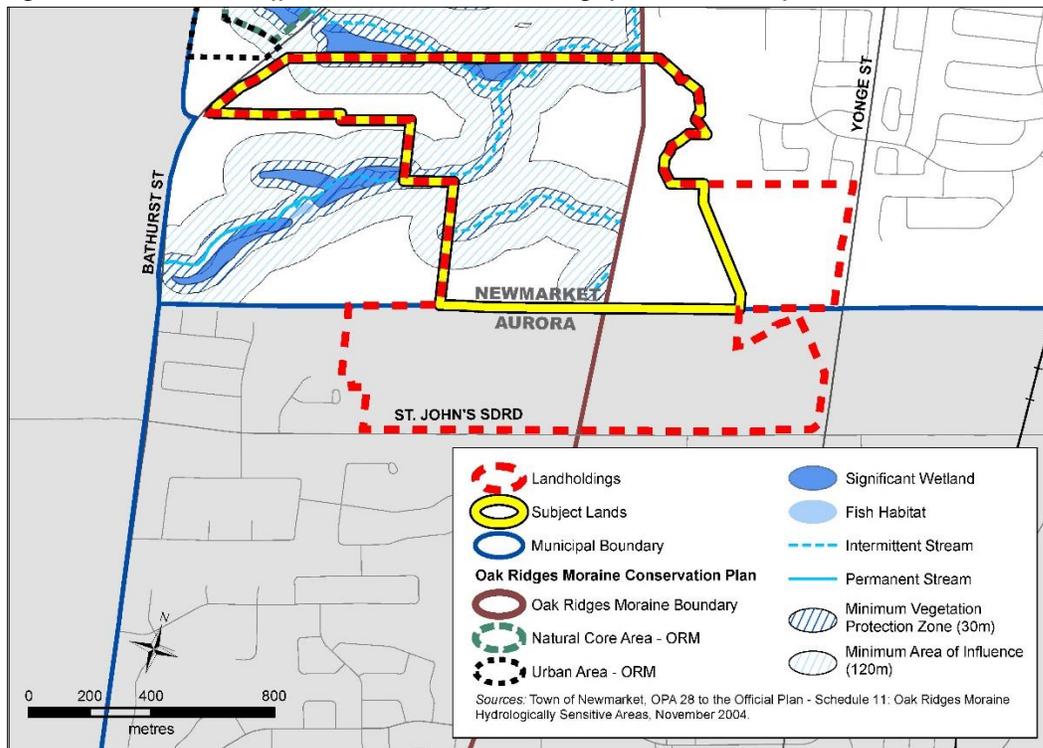


Figure 3.13 Newmarket Official Plan – Schedule ‘11’ Significant Wetland of OPA 28



### Natural Heritage System

As discussed above, Schedule 10 and Schedule 11 identifies portions of the Subject Lands as within the Town's Natural Heritage System. Specifically, portions of the Subject Lands are identified as *Significant Woodlands*, *Significant Wetlands*, streams and minimum vegetation protection zones.

All development and site alteration are prohibited within a key natural heritage feature and its related minimum vegetation protection zone.

As per Policy 6.7.10.2 of OPA 28:

*“The presence or absence of any key natural heritage feature, and the definition of its boundaries on lands subject to a development or site alteration application, and within 120 metres of the application, may be confirmed through environmental study.”*

The Environmental Conditions Report prepared by GeoProcess identifies the existing natural heritage features and establishes principles to protect these features. It is anticipated that as the principles of urban development are established for the Subject Lands, further study will be provided at the block plan application stage.

The proposed development does not conform to the *EPA-ORM* designation and will require an amendment to permit uses as proposed.



# 4.0

## Proposed Official Plan Amendment

The proposed development concept requires an Official Plan Amendment to re-designate the Subject Lands *Emerging Residential* with site-specific policies, *Environmental Protection Area – Oak Ridges Moraine, Natural Heritage System* and *Parks & Open Space*. A draft of the amendment is submitted in support of this application. The proposed amendment seeks to re-designate the lands on Schedule ‘A’ of the Official Plan and Schedule 1 of OPA 28 to permit the proposed development.

The Newmarket OP identifies *Emerging Residential Areas* as future residential areas that are in the process of being, or are anticipated to be, developed with the expectation that they eventually become Stable Residential Areas. Limited intensification is permitted in *Emerging Residential Areas* to maintain the residential character and amenities of the surrounding community (Section 3.0). The immediate community surrounding the Subject Land is currently vacant, portions of which are proposed for residential uses and are buffered by environmental lands.

Residential uses, including those proposed, are permitted in the *Emerging Residential Area* designation. Townhouses are permitted subject to the completion of a density analysis as part of a Planning Opinion Report. A density analysis will be provided in a subsequent application as the principle of urban development is approved.

It is anticipated that the proposed conceptual development of the Subject Lands will be designed to meet or exceed a minimum density of 20 units per hectare and 70 residents and jobs per hectare with a mix of housing types, sizes, and affordability. It is consistent with the Town’s and York’s policies by proposing appropriately sized townhouses and high-density dwellings in appropriate locations within *Emerging Residential Areas*

Section 3.3.1 of the OP states that the objective of Emerging Residential Areas is to:

*“provide for a range of residential accommodation by housing type, tenure, size, location and price ranges to help satisfy the Town’s housing needs” (3.3.1.a); and*

*“encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision designs” (3.3.1.b).*

Although the policies do not specifically permit apartment buildings, the intent of the *Emerging Residential* designation is to provide a range of residential forms by type, tenure, size, location, and price that assist in meeting the needs of the Town.

Higher density housing along primary collector roads and a potential future bus transit line will increase the diversity of the housing stock, provide relatively affordable options for residents, and is an appropriate residential use in this context because it meets the intent of the *Emerging Residential* designation.

Overall, the proposed conceptual development meets the intent of the *Emerging Residential* policies of the Newmarket OP as it proposes a range of residential accommodation that will increase diversity the Town's housing stock. The proposed development represents the logical completion of the remaining *Designated Greenfields* in the Town of Newmarket

# 5.0

## Conclusion

*Through the planning analysis detailed in this Report, it is our opinion that the proposed development of the Subject Lands represents good planning and is consistent with, conforms to and complies with the objectives of all Provincial, Regional and Municipal planning documents.*

Shining Hill Estates Collection Inc. owns 155 hectares (~385 acres) at the northwest quadrant of Yonge Street and St. John's Sideroad, straddling the Town of Aurora and Town of Newmarket municipal boundary (Shining Hill Lands). It proposes to develop its large consolidation of land into a complete community consisting of a diverse range of land uses where people can live, work and shop. At full build-out, the development concept proposes 3,300+ residential units in a range of low-, medium-, and high-density residential uses, parks and open space, institutional uses, stormwater management facilities, and service commercial uses.

This proposal represents a unique community building opportunity. It is rare for such a large contiguous area of land, under singular ownership, to be available for comprehensive planning and development that is surrounded by urban development. The assembled ownership of lands will allow for the creation of a complete community that locates development in appropriate areas while protecting identified natural heritage features.

This Report is submitted in support of the Official Plan Amendment application required to re-designate a portion of the Shining Hill Lands in the Town of Newmarket (Subject Lands) to permit the development as proposed.

The Subject Lands measure 83 hectares (205 acres) and account for 54% of the entire Shining Hill lands. The Subject Lands are the central piece of the proposed development concept. Its development will provide for a complete east-west collector road proposed between Yonge Street and Bathurst Street, residential uses at varying densities, and the creation of a community core consisting of parks and open space, institutional/school facilities and higher density residential uses.

Development of the Subject Lands represents good planning by:

- Minimizing land consumption and servicing costs through efficient use of vacant land within an area that allows for roads, sanitary and municipal services to be provided with minimal extension of existing infrastructure.

- Providing a wide variety of housing options to serve the needs of residents. The Subject Lands represent the last remaining vacant property of this size within the settlement area that can accommodate this scale of ground-oriented housing while also providing an opportunity to deliver higher density housing in proximity to potential transit corridors and primary collector roads.
- Concentrating development on the farmed acreage while protecting the natural heritage features identified in the Environmental Conditions Report.
- Transferring a significant amount of green space (~31 ha.) to the Town of Newmarket to be made publicly accessible. These conveyed lands in combination with the proposed open space system for the Subject Lands will allow the Town of Newmarket to extend its existing trail and path system and connect systems that may have terminated had these lands remained in private ownership.
- Recognizing the servicing constraints posed by the delayed completion Upper York Wastewater Treatment Plant and proposing an Inflow and Infiltration Study to locate alternative potential capacity for the development of the Subject Lands and other parts of Newmarket.
- Assisting the Town in meeting provincial growth targets by providing development that can come to market sooner than infill intensification. Intensification in Newmarket's Urban Centres Secondary Plan Area to date has not met forecasted expectations likely due to the challenges of infill development related to compatibility and market absorption. Development of the Subject Lands in combination with the Town's intensification efforts will allow the Town to provide a wide variety of housing options that will serve all sizes, incomes, and ages of households.
- Providing a new east-west Primary Collector road (26.0m right-of-way) that will connect Yonge Street to Bathurst Street. This new connection will, serve as an alternate east-west route to St. John's Sideroad, and act as a mid-block collector.
- Providing family- and ground-oriented housing to a municipality with dwindling supply of *designated greenfield areas*. The Growth Plan is clear that prior to any *Settlement Area* expansion, opportunities to accommodate growth through intensification and in the *Designated Greenfield Area* must be explored first

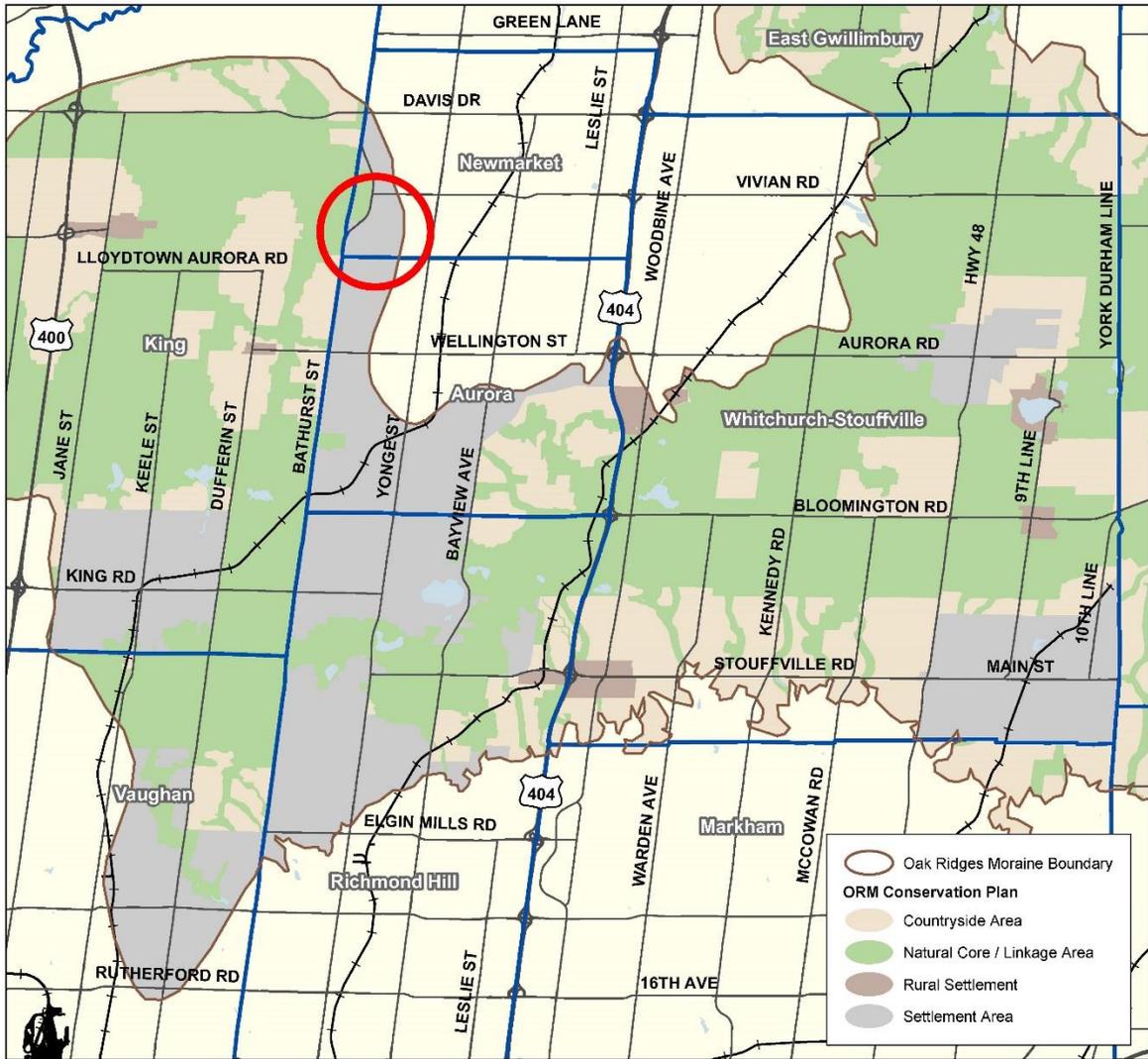
With increasing scarcity of developable land and the erosion of housing affordability, there is an opportunity to develop the Subject Lands as a complete community that meets the daily needs of residents of all ages through an accessible mix of housing, local stores, parks, public and active transportation options, and public service facilities. Development of the Subject Lands allows the Town of Newmarket to provide a large scale of ground-oriented housing, which is increasingly hard to come by, while protecting identified natural heritage features.

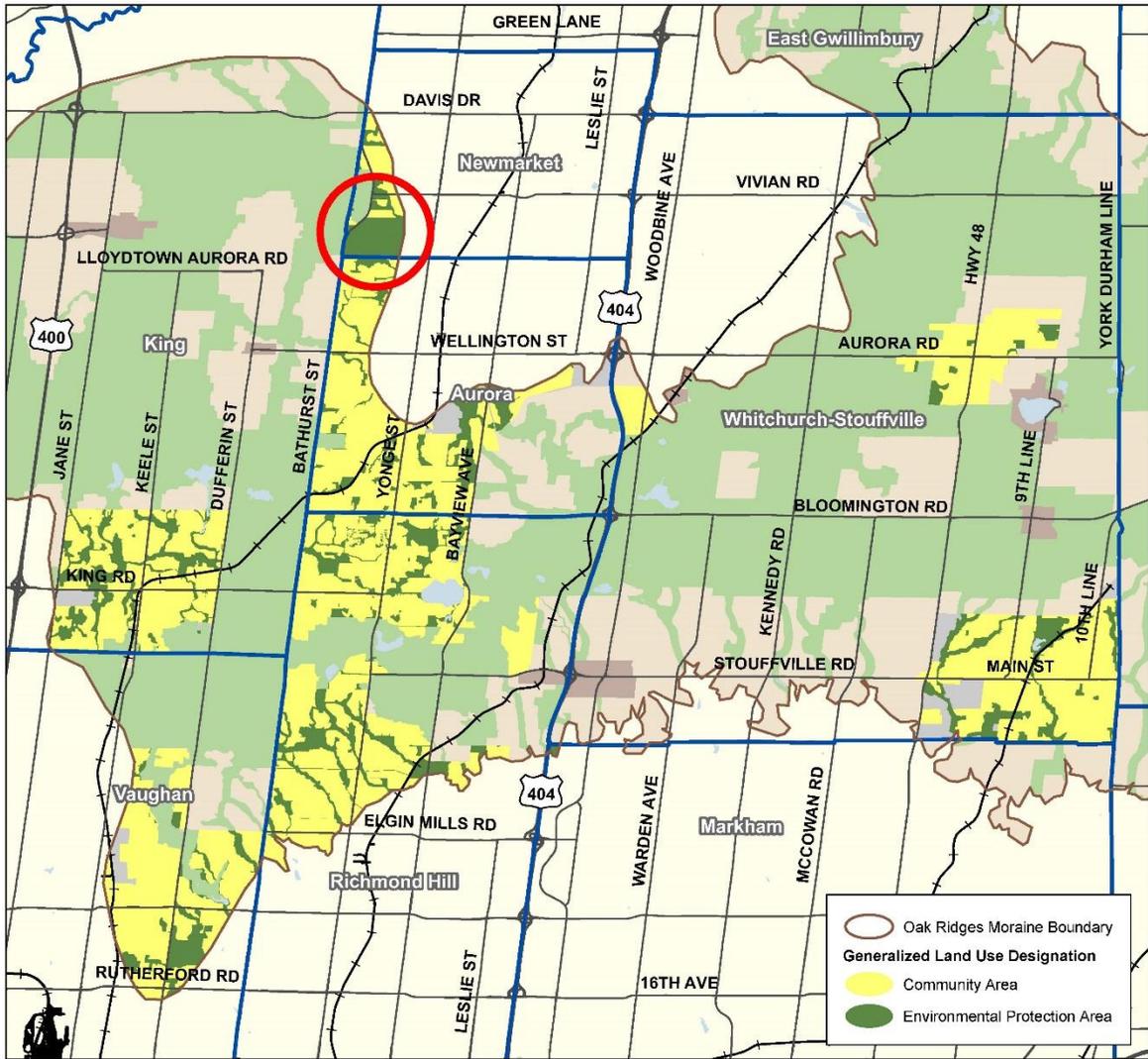
The proposed development is consistent with the Provincial Policy Statement, 2020 and implements the policies of the Growth Plan, the York Region Official Plan, as well as the Town of Newmarket Official Plan. It is our opinion that the proposed urban uses on the Subject Lands are appropriate, supportable, and represent good planning

# **Appendix A**

**ORM Settlement Areas**











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