

D. J. K. Land Use Planning

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May 17, 2022

Attn: Chair Wayne Emmerson and Members of Regional Council

17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Re: Draft York Region Official Plan

Special Committee of the Whole, May 19, 2022

Statutory Public Meeting

D.J.K. Land Use Planning represents Fifth Avenue Group. We had previously provided comments with regard to the Draft Official Plan released on November 25, 2021 (*letter dated February 10, 2022, attached*).

Unfortunately, our policy request was dismissed with no communication from staff to allow for a clear understanding of the policy request.

In fact, the summary response from staff is misleading and does provide Regional Council with a true explanation of the policy request.

The excerpt from the staff response chart report is as follows:

Attachment 1 of the Staff Report – **ID #805**

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ID	Chapter	Policy/Section Number	ROP Page #	Comment Source	Comment	Response
805	6	6.4	124	D.J.K. Land Use Planning	Suggestion to add a modified policy exception to Section 6.4 Water and Waste Water Servicing, of the draft ROP to allow a municipal water and/or sanitary sewer connection outside of urban service boundaries.	No change – policy or mapping is consistent with Council direction

Our February 10, 2022, letter clearly requests that a policy exception should be considered for **ONLY** those properties that are **“legally existing uses within the Built Boundary”**. To leave out this important fact in the staff response does not allow the Regional Councillors to understand the

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actual request. Further, the staff response that this is “consistent with Council direction” seems to indicate that this Official Plan process is perfunctory, and no changes can be applied. The purpose of the Official Plan review is to improve the policies.

Our request is to simply recognize that exceptions to policies must exist to ensure fairness, and recognise historic zoning and legally existing uses, and most importantly reflect the spirit of fair and good planning.

We would respectfully request that this policy change be reviewed again and would be pleased to discuss it further with staff or Council.

We request that we be given notice of all future considerations of these matters by Council, including the adoption of the new Official Plan.

Respectfully submitted,

Dan Kraszewski

Dan Kraszewski, R.P.P. M.C.I.P., OALA
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cc. Fifth Avenue Group

Attached: February 10, 2022, letter

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February 10, 2022

Attn: Chair Wayne Emmerson and Members of Regional Council

17250 Yonge Street
Newmarket, Ontario
L3Y 6Z1

Re: **Draft York Region Official Plan**

D.J.K. Land Use Planning represents Fifth Avenue Group, who are interested in land in York Region. I have been asked to comment with regard to the Draft Official Plan released on November 25, 2021.

We would respectfully request that you consider some minor policy wording be included in the Official Plan with regard to *infrastructure*.

We refer you to the Region of Durham Official Plan (Consolidated May 26, 2020) which has correctly recognized that exceptions to policies must exist to ensure good planning, fairness, and historic zoning precedent. The Region of Durham Official Plan, under **Section 5, Cultural, Health and Community Facilities and Infrastructure**, under 5.4, Policy Exceptions, is Policy 5.4.8, which states:

5.4.8 Notwithstanding Section 5.3, or any other policy of this Plan to the contrary, a municipal water and/or sanitary sewer connection may be permitted outside the Urban Area Boundary:

- a) to a legally existing use;*
- b) for a vacant lot of record that meets the requirements of applicable law for a building permit;*
- c) within the Greenbelt Plan area, for a vacant lot of record that meets the requirements of applicable law for a building permit for a single dwelling only; or*
- d) where lot creation is permitted by this Plan, subject to conforming to the applicable Regional lot sizing policies related to private services.*

For a property to be considered under this policy, it shall directly abut a municipal watermain or sanitary sewer service within a public right-of-way or easement, and the connection shall be technically feasible, to the satisfaction of the Region.

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With regard to the Draft York Regional Official Plan, we would offer the following modified policy exception be added to **Section 6.4 Water and Wastewater Servicing** of the Draft Official Plan, that is in the spirit of fair and good planning:

Notwithstanding any Policy of this Plan to the contrary, a municipal water and/or sanitary sewer connection may be permitted outside the Urban Service Boundary:

- a) to a legally existing use within the Built Boundary.***
- b) to a legally existing use within an established Secondary Plan.***
- c) for a vacant lot of record that meets the requirements of applicable law for a building permit***

For a property to be considered under this policy, it shall directly abut a municipal watermain or sanitary sewer system within a public right-of-way or easement, and the connection shall be technically feasible, to the satisfaction of the Region.

We respectfully request that we be given notice of all future considerations of these matters by Council, including the adoption of the new Official Plan.

Thank you for your consideration.

Respectfully submitted,

Dan Kraszewski

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cc. Fifth Avenue Group